



## **Guiding Principle 17:**

1. Every human being has the right to respect of his/her family life.
2. To give effect to this right for internally displaced persons, family members who wish to remain together shall be allowed to do so.

## Introduction

Families are frequently torn apart as a result of forced displacement pushing them to flee their homes on short notice which affects the most vulnerable family members including children who could become separated or unaccompanied.

The family represents an important source of protection in itself as it unites individuals and provides physical, social, legal, material and emotional stability and support to its members, in particular for children. The unity of the family can prevent exposure to various risks and help minimize the effects of displacement on individuals and communities.

**A separated child is any child that has been separated from both parents or from other legal or customary primary caregiver/s but not necessarily from other relatives.**

The conflict which erupted in Syria in March 2011 has caused more than six million people to be displaced across the country of which some 50% are children. This situation has triggered a worrisome human rights situation. Although there is no comprehensive needs assessment of the situation on the ground in Syria, it is estimated that there is a significant number of separated and unaccompanied children resulting from mass displacement. While some of the unaccompanied and separated children have left to neighboring countries, others are living in institutions or on their own without proper care and follow up. There is also a number of child-headed families without support by any adult relative or caretaker.

**An unaccompanied child is any child who has been separated from both parents and other relatives and who is not being cared for by an adult who, by law or custom, is responsible for doing so.**

Children without parental care in Syria prior to the crisis tended to be cared for on an informal basis, by grandparents or other members of the extended family, or by persons or families in the wider community, and this has continued during the crisis. This spontaneous fostering may mean that the incidence of separated children has been under-reported. 74% of respondents to the Child Protection Remote Assessment conducted by the Global Child Protection Cluster reported that there were separated children as a result of the conflict, 40% of respondents reported there were unaccompanied children.

**As a result of separation from their families due to forced displacement, children in Syria face a wide range of protection risks including neglect, abuse and exploitation, forced labor, trafficking, limited access to education, and forcible recruitment into armed forces or armed groups.**

## The Syrian context

At this time, Syria does not have a comprehensive law that addresses the issue of alternative care system with a focus on separated/unaccompanied children. Provisions were scattered in various other laws to address other related issues, whose policy and practice were largely influenced by religious ideologies with the focus on orphans and institutional care. Although currently, a law on alternative care in Syria has been drafted and submitted to the parliament.

### ✓ Ratified

Syria has also ratified the **Geneva Convention (IV)**\* which states that parties to a conflict shall take the necessary measures to ensure that children under fifteen, who are orphaned or are separated from their families as a result of the war, are not left to their own resources, and that their maintenance, the exercise of their religion

\* Relative to the Protection of Civilian Persons in Time of War, 1949

and their education are facilitated in all circumstances. Their education shall, as far as possible, be entrusted to persons of a similar cultural tradition\*\*. Moreover, the Convention indicates that each Party to the conflict shall facilitate enquiries made by members of families dispersed owing to the war, with the object of renewing contact with one another and of meeting, if possible\*\*\*.

## ✓ Ratified

In addition, the Syrian Government ratified the **Convention on the Rights of the Child** which urges the States Parties to ensure that a child shall not be separated from his or her parents against their will, except when competent authorities subject to judicial review determine. Where such separation results from any action initiated by a State Party, the State Party shall, upon request, provide the parents, the child or another member of the family with the essential information concerning the whereabouts of the absent member(s) of the family unless the provision of the information would be detrimental to the well-being of the child\*\*\*\*.

States Parties shall also provide according to the Convention, as they consider appropriate, cooperation in any efforts to protect and assist such a child and to trace the parents or other members of the family of any child in order to obtain information necessary for reunification with his or her family. In cases where no parents or other members of the family can be found, the child shall be accorded the same protection as any other child permanently or temporarily deprived of his or her family environment for any reason\*\*\*\*\*.

\*\* Article 24 of Geneva Convention (IV), 1949

\*\*\* Article 26 of Geneva Convention (IV), 1949

\*\*\*\* Article No.9 of Convention on the Rights of the Child, 1989

\*\*\*\*\* Article No.22 of Convention on the Rights of the Child, 1989

## The international legal framework

International human rights law guarantees the right to respect for the family, including the freedom from any unlawful or arbitrary interference. As a fundamental unit of society, the family is also entitled to special protection and assistance. Children and their mothers, both before and after childbirth, should be provided with special protection and assistance.

Apart from Conventions already ratified by the Syrian Government, the International Humanitarian Law also requires that the family rights of protected persons be respected in times of armed conflict. In the case of evacuation or other transfers of people, all possible measures must be taken to ensure that the members of the same family are not separated. In case separation occurs, family members should be able to receive news from each other and be provided with information about the fate and whereabouts of missing relatives. All appropriate steps should be taken to facilitate the reunion of dispersed families. Separated children should be identified, registered and provided with special protection and assistance at all times\*\*\*\*\*.



\*\*\*\*\* Rules 105, 117 and 131 of the Customary International Humanitarian Law and Articles 25, 26, 27 and 50 of the Fourth Geneva Convention

## Protection Sector response to family separation

To address the mentioned concerns, the Protection Sector in cooperation with the Ministry of Social Affairs and various local implementing partners, has been working on:

- 1** The development/endorsement of Minimum Standards and Operating Procedures by the Protection Sector. These procedures are a good tool to guide interventions on Unaccompanied and Separated Children through:
  - Prevention of family separation;
  - Identification of separated and unaccompanied children;
  - Registration and documentation of separated and unaccompanied children;
  - Interim care for separated and unaccompanied children;
  - Family Tracing
  - Follow up with reunified children and families.
- 2** The Launching of a Family Tracing and Reunification Pilot Project in Homs Governorate by the Ministry of Social Affairs on 1 July 2014.
- 3** Capacity building on Family Tracing and Reunification of 34 protection actors in Homs including social workers, international and national NGOs and community volunteers.
- 4** Outlining the types of interventions, roles and responsibilities at the national level and governorate levels in order to ensure ownership of the entire process by the Ministry of Social Affairs which is responsible for the overall coordination mechanism of the Family Tracing and Reunification activities in the country.

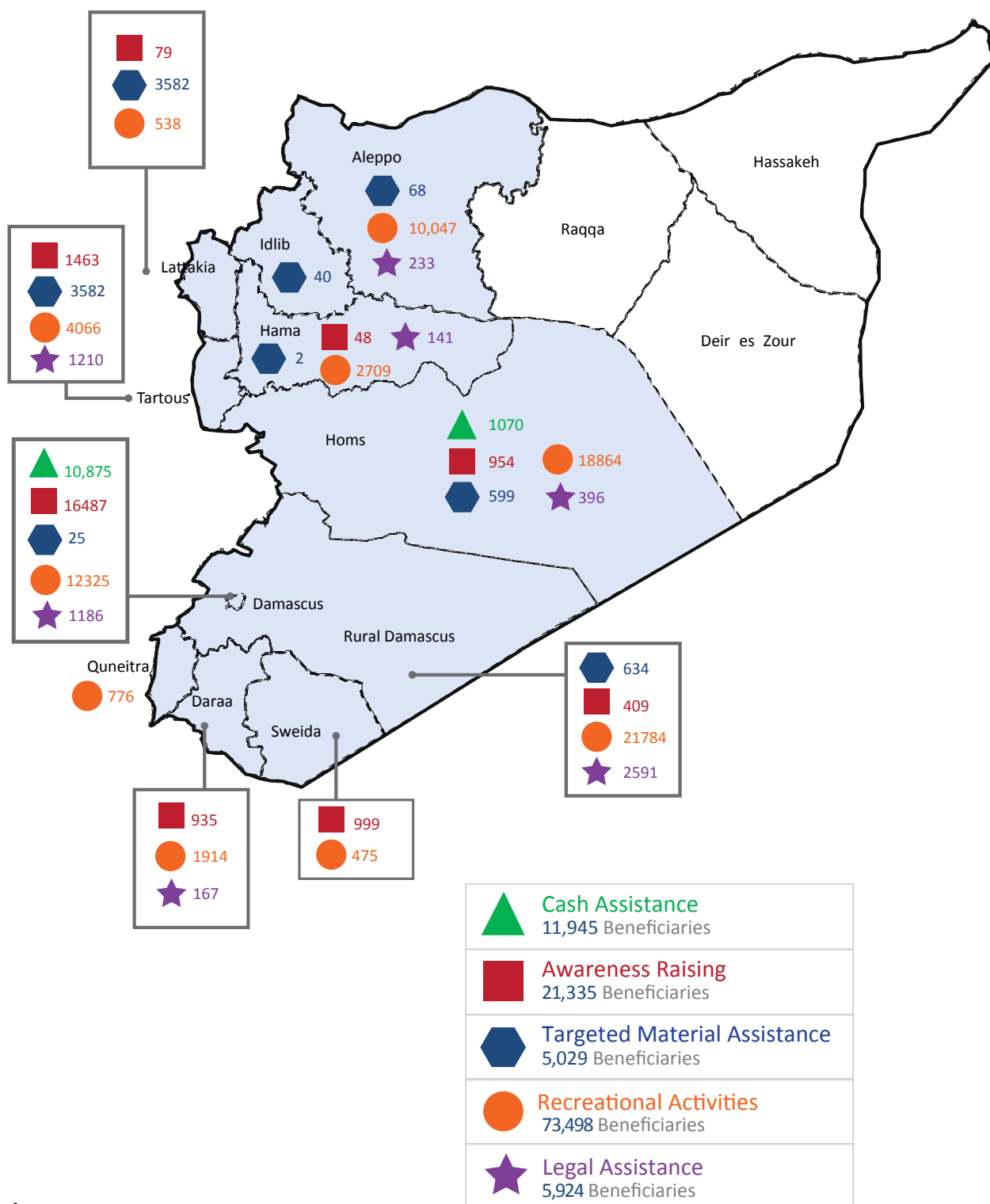


- 5** Practical assistance in the form of Legal Assistance on Documentation and birth registration which acts as a preventative measure to family separation. Recreational Activities in shelters also act as key to the identification of separated children where some partners through their connections in the local community have developed informal tracing mechanisms. Individual counseling is also provided to victims of family separation, whilst cash and assistance and material assistance in the form of, amongst other things, clothes are provided to host families who are looking after unaccompanied and separated children.

## Protection sector Activities

Preventing, responding and mitigating the effects of family separation

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