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**SUPPLEMENTARY REPORT: DCOF VISIT TO SRI LANKA**

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**John Williamson**

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## Acronyms

DCOF	Displaced Children and Orphans Fund
DPCCS	Department of Probation and Child Care Services
EMDH	Enfants du Monde - Droits de l'Homme
IDP	internally displaced person
LTTE	Liberation Tigers of Tamil Eelam
NDDCB	National Dangerous Drugs Control Board
NGO	nongovernmental organization
OVC	orphans and vulnerable children
SCiSL	Save the Children in Sri Lanka
UK	United Kingdom
USAID	U.S. Agency for International Development

## **Introduction**

The security situation in Sri Lanka has deteriorated badly since March 2006, when a technical team for the Displaced Children and Orphans Fund (DCOF) last visited Sri Lanka to review implementation of the New Beginnings Project. At the time of that visit, the 2003 cease-fire was holding, although there was no clear process toward resolution of the issues underlying the conflict. Movement to and within Jaffna was fairly routine. By November 2006, the cease-fire existed in name only, open conflict had resumed, movement to and from Jaffna and within the district was (and remains) very limited, and throughout the country an additional 200,000 people had been displaced. The newly displaced are in addition to the 312,000 long-term displaced. There are also some 700,000 people in Jaffna and Killinochi whose access to food has become more restricted.

### ***DCOF Support in Sri Lanka***

Since 1995, DCOF has provided a total of \$2,221,899 of funding in Sri Lanka, including \$1,135,000 for the current cooperative agreement (386-A-00-05-00007-00) with Save the Children UK for New Beginnings for Children Affected by Violence and Conflict, which is implemented by Save the Children in Sri Lanka (SCiSL). The three-year funding period for New Beginnings extends from November 29, 2004 to November 30, 2007. However, an extension of the project period is anticipated because its start was delayed by the December 2004 tsunami disaster. Within USAID, the project is managed by USAID/Sri Lanka.

In Southern and Western Provinces and in Jaffna, the project is working to prevent family separation; reunite children with their families; develop alternative family-based care for children; and increase awareness among parents, community members, and relevant government personnel of the devastating effects that institutionalization can have on children. More than 15,000 children live in residential institutions in the country.

A DCOF review of the project was carried out from March 12 to 24, 2006, the findings of which are presented in "Review of Save the Children's New Beginnings for Children Affected by Conflict and Violence Program in Sri Lanka."<sup>1</sup> The current report updates that earlier document, describing changes in New Beginnings and the context in which it works.

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<sup>1</sup> Available at [http://www.usaid.gov/our\\_work/humanitarian\\_assistance/the\\_funds/pubs/report1st.html](http://www.usaid.gov/our_work/humanitarian_assistance/the_funds/pubs/report1st.html).

## **Program Developments and the Evolving Situation**

Despite the resumption of open conflict since the March 2006 DCOF visit, New Beginnings has made some significant progress. There have also been significant personnel and management changes relevant to the program.

### **Management Changes**

The New Beginnings Program Manager, Javier Aguilar Molina, resigned and left the project to take another position. This was a significant loss, but there was time for SCiSL to make some staffing adjustments and begin the search for a replacement before he left. SCiSL has redistributed within its staff the responsibilities previously assigned to the program manager. The child protection team leader and grants manager have been assigned some responsibilities, and a new position of technical advisor for children without family care is to be filled soon. In addition, some of the responsibilities for supervision of New Beginnings field personnel have been assigned to the SCiSL district managers responsible for its various activities in the three parts of the country where the project is being implemented.

### **The Situation in Jaffna**

#### ***Conflict-Related Operational Constraints and Responses***

Due to the escalation of conflict, travel in and out of Jaffna by project personnel has become much more difficult and movement within Jaffna to carry out project activities has become more difficult and uncertain. Beginning in August, the security situation became precarious. Movement by project personnel was restricted significantly by a curfew imposed by local authorities, which allowed movement for only five hours per day. A somewhat less restrictive curfew remains in place. Travel is also constrained by the limited availability of fuel for vehicles.

When the conflict resumed in Jaffna, SCiSL played a leading role in convening child-focused agencies in the district to consult and adjust operational activities to focus on the most urgent priorities for children. This involved New Beginnings personnel, the District Child Protection Committee, UNICEF, and other child protection actors in Jaffna, who developed an emergency workplan. With the resumption of active conflict, the availability of food for children in private residential care facilities in Jaffna became precarious. The multi-agency group carried out a rapid assessment of the situation of children in thirty-nine residential institutions. SCiSL personnel provided emergency food assistance for 189 children in eight institutions then negotiated with the government agent to provide ongoing food assistance.

## **Children's Security Issues**

The bombing by government forces of a residential facility for girls in Sencholai was likely a main factor that led to a large number of children being withdrawn from institutions in Jaffna. A total of 626 children in private institutions in the district were reclaimed by their parents or otherwise left residential institutions in the weeks following that attack. Concerned about the current circumstances of these children, New Beginnings and other child protection actors reviewed these cases and identified 203 of these children to be visited by the inter-agency group to assess their situation. The aim of these monitoring visits has been to ensure that the children who left institutions are being well-treated and, so far as possible, have access to essential services. In addition, SCiSL believes that such monitoring visits may reduce the vulnerability of these children to recruitment by the Liberation Tigers of Tamil Eelam (LTTE). Family reunification and the strengthening of the capacities of vulnerable households to care for and protect their children is an important part of improving child protection in conflict-affected areas. The report, *Fighting Back*, by Save the Children UK includes many examples of ways that families have taken action to protect their children from recruitment.<sup>1</sup>

In the context of renewed armed conflict in the country, the efforts of New Beginnings to preserve family connections by preventing separation and to reunite children and families take on even more significance. Family care can be an important protective factor against psychosocial distress. Writing about the importance of family care for children during the World War II, Anna Freud and Dorothy Burlingham wrote:

The war acquires comparatively little significance for children so long as it only threatens their lives, disturbs their material comfort or cuts their food rations. It becomes enormously significant the moment it breaks up family life and uproots the first emotional attachments of the child within the family group.<sup>2</sup>

Their point was not to downplay the importance of adequate food and material conditions, but to stress that children need care by their own families.

UNICEF made a related point in a discussion during the DCOF visit, noting that children in institutional care in Jaffna may be at increased risk of recruitment by the LTTE. Essentially, such children represent a target of opportunity, and the personnel of these “orphanages” (where most of the children in fact have one or both parents) can do little to protect them. In UNICEF’s view, reuniting children with their families coupled with community-level monitoring might reduce their risk of recruitment.

## **Other Changes by New Beginnings in Jaffna**

In keeping with DCOF recommendations made in March, New Beginnings has ended its skills training and economic development activities in the Kayts Islands and begun some work with children in some internally displaced persons (IDP) camps. During the March DCOF visit, displaced children in Jaffna appeared to be more vulnerable than those living in the Kayts Islands and responding to their situation seemed a more appropriate use of

DCOF funds than development programming in the Kayts. The new activities among displaced children include enabling them to identify and convey their shared concerns to camp residents and local authorities through short, issue-oriented dramas that they develop. These are followed by a public discussion of the children's concerns.

With the changed situation in the North, ending New Beginnings' involvement in development programming in the Kayts still makes sense, but LTTE attacks in these islands has caused some families to flee and left others quite vulnerable. It may be appropriate for New Beginnings personnel, who have established a relationship with authorities in the Kayts, to help channel some targeted relief assistance to affected families.

Not only in the Kayts but elsewhere in Jaffna, SCiSL personnel may face fewer constraints in responding to conflict-affected children than those of other international NGOs because through the program, New Beginnings is working closely with government structures, and because they are also doing so in Western and Southern Provinces. New Beginnings was designed from the outset to maintain a regional balance among its activities in the country to reflect the nonpartisan orientation of the agency and this program.

## **Other “Better Care” Issues**

### ***Structurally Imposed Punishment of Sexually Abused Children***

Among the changes that New Beginnings seeks to bring about is a more appropriate and humane way of protecting children (most frequently girls) who have been sexually abused. Currently, at least if they are poor, such children are sent to a remand home then transferred to a certified school. The rationale is that this is for their protection. Their stay in a remand home, where they are confined together with offenders, can be protracted if there is a glitch in the bureaucratic system and the necessary report is not provided to the court. They may remain for years in remand then in a certified school pending their case coming to court. Such extended stays in remand were reported to happen frequently. Meanwhile, the accused perpetrator typically remains free on bail until a trial is held, which can a matter of years, if ever.

In addition to the obvious unfairness of this situation, it can have serious negative effects on the children concerned. They are deprived of life in a family and community environment, and they face the potentially negative influences of forced, institutional residence, often for two or three years, with at least a portion of that time spent in proximity to child offenders. Research has repeatedly found that residential care tends to fail at meeting children's developmental needs.

In addition, sending abused children away to live in institutions likely undermines their recovery from the damaging psychosocial impacts of sexual abuse. One of the barriers to recovery faced by survivors of sexual abuse is the sense that they were somehow responsible. Sending a child away for a protracted, enforced stay in a government

residential institution may well reinforce her (or his) sense of guilt and responsibility, and thus impeding recovery.

The project is working to develop an alternative approach in which a child may remain in her family (if she can do so safely) or be placed with a relative or other “fit person” where she can live safely in a family environment. In Western Province since September 2006, SCiSL together with probation officers of the Department of Probation and Child Care Services have intervened in four cases involving suspected sexual abuse. In each case, action was taken to improve the safety of the children concerned, and none of the twelve children in the households concerned was institutionalized.<sup>2</sup>

When SCiSL receives information about a potentially relevant case, a joint home visit is made with a probation officer. Based on the visit, they (and, as appropriate, in consultation with the police) identify what type of responses are needed to provide for the protection and care of the children concerned. In some cases, this has included providing or arranging for economic support (e.g., through Samurdhi).

### ***Consultancy on Alternative Care and Diversion***

The DCOF visit in March 2006 identified the need for an expert in the reform of national systems of alternative care to review the complex situation in Sri Lanka and identify possible changes in the country’s current system, which is oriented toward institutional placements. With the support of New Beginnings, the Ministry of Child Development and Women’s Empowerment sponsored a consultancy by John Parry-Williams, who is very highly regarded in this area of programming. He reviewed the types of alternative care available in Sri Lanka and recommend operational and policy changes to improve approaches to care and to diversion from state institutions.

The consultancy was a highly interactive process that involved a series of workshops with officials of the Department of Probation and Child Care Services (DPCCS) at national and provincial levels, as well as a cross-section of child-oriented agencies and donors. As a result of workshops held during his visit, probation officers have started using alternatives to institutionalization for some children and Southern Province agreed to carry out a pilot project to initiate foster care. The report on the consultancy provides a comprehensive assessment of current systems of care for children and identifies areas where action is needed. It recommends that the department and other actors concerned with better care issues address first changes that are possible in the short term without changes in existing law. The report recommends that the department, as a first step, define its policies and priorities concerning child care and juvenile justice, including overall goals and the directions in which the department intends to move. The report proposes five initial strategies to build on such a basis:

1. Improving the practice and technical capacity of probation officers and child rights promoting officers in assessment and case management

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<sup>2</sup> Shanali Athukorala, “Report on Prevention Initiatives,” SCiSL, December 2006.

2. The development of a fit person/foster carer (not a member of the family) scheme
3. The establishment of an admission policy ('gate-keeping') to all homes voluntary & state
4. The speeding up of domestic adoption
5. The diversion of child offenders from the courts using police discretion.<sup>3</sup>

John Parry-Williams' report has been posted by SCiSL on the Website of the Better Care Network at <http://www.crin.org/BCN/details.asp?id=11212&themeID=1001&topicID=1006>.

### ***Addressing Family Problems Related to Alcohol Abuse***

One of the concerns raised in DCOF's March report was that in all parts of the country alcohol-related problems within families were identified as a major cause of domestic violence and children separation from their families. Since that time, New Beginnings has established a working relationship with the National Dangerous Drugs Control Board (NDDCB) in Southern Province and draws on its support as needed to address problems of alcohol abuse.

### ***Need for Government Commitment***

The results being achieved by New Beginnings in preventing of separation, improving conditions in particular residential institutions, and reintegrating children into families depend significantly on the work being done by social workers hired by the program. The program's goal, however, is not simply to make improvements in the care of the children that it can assist directly, but to catalyze system changes that will eventually result in long-term improvements in care systems in the country. To achieve the goal of system change, it will be necessary for the Government of Sri Lanka to assume responsibility for implementing the social work functions now being carried out by New Beginnings social workers. It is possible that the government's child rights promoting officers or its probations officers may be able to do this, but at this relatively early stage of hoped-for system change there is no government commitment to assume these functions, and it is probably too early in the process to expect this. The program needs first to show the government that better approaches are possible and that they are cost-effective. It is important, however, even at this stage, for New Beginnings to address the issue of the government eventually assuming responsibility for the essential social work activities.

Part of making this case with the government will involve showing that better care options are less costly than institutional care, as well as better developmentally for children. After the visit, DCOF sent to SCiSL documents from other countries showing how the costs of alternative approaches to care were measured and compared.

## ***The Core Group on Deinstitutionalization***

UNICEF and SCiSL have organized a Core Group on Deinstitutionalization that serves as a mechanism for information exchange and collaboration. Other organizations that participate include Christian Children's Fund, Amici di Bambini, Sarvodaya, Malteser, and Enfants du Monde - Droits de l'Homme (EMDH). The Core Group could become the core of a Sri Lankan Network for Better Care. Such a network could broaden its scope beyond deinstitutionalization and give attention to the prevention of separation of children from their families and the development of family-based care for children whose parents cannot provide adequate care. It could also include relevant Sri Lankan government offices and organizations.

## **Conclusions**

The Sri Lankan Government uses institutional care for children extensively and has allowed private residential facilities to proliferate, although it has been established that such care generally fails to meet children's developmental needs and can be quite harmful. Such care is essentially a legacy of colonial rule and has largely been abandoned in developed countries. From the beginning of the project through the end of 2006, New Beginnings has enabled 393 children to reintegrate into families. In Western Province, through collaboration with DPCCS, it is demonstrating that alternatives to institutionalization are possible for children affected by sexual abuse. It is enabling DPCCS in Southern Province to initiate a pilot foster care program.

With the initiatives of New Beginnings and the policy work supported by UNICEF, a critical mass of awareness of and commitment to change appears to be developing. There is growing awareness within the government and among child-focused agencies of the need for family-based care options for children who lack adequate family care and for diversion of children involved in minor offenses away from the criminal justice system. Through its support for the New Beginnings, USAID/Sri Lanka has become a significant actor in the gathering movement for change; however, the resurgent conflict risks pushing the issue off USAID's agenda.

In Sri Lanka, no legal reforms have been made regarding residential care for children for 25 years, but several factors have contributed to the Department of Probation and Child Care giving now giving serious attention to the need for reforms. Save the Children's study report, *Home Truths: Children's Rights in Institutional Care in Sri Lanka* has described and quantified problems with the current system. In response, several amendments to the Children and Young Persons and Orphanage ordinance have been proposed by the Department of Probation and Child Care and are waiting approval. Beyond these changes, the New Beginnings Project is demonstrating that better approaches are possible, and the consultancy by John Parry-Williams engaged the main government actors in identifying key issues and a way forward.

It is difficult, however, for USAID/Sri Lanka to give serious attention to supporting the development of alternative care systems, when the immediate survival of so many people, many of whom are children, are put at risk by the conflict. If possible, however, it is important for the mission to continue its support so the ground that has been gained will not be lost.

DCOF has funded programs in Azerbaijan, Georgia, Ukraine, Belarus, and Russia (St. Petersburg) which, like New Beginnings are working to prevent family separation, develop alternative forms of care, and influence decision-makers to use better care options. While these contexts are varied and differ from Sri Lanka in many respects, there are also many similarities in the care issues in all these countries. DCOF can help New Beginnings' incoming technical advisor to exchange information and experience with counterparts addressing similar issues in other DCOF-funded programs. Also, through the Better Care Network, it can facilitate information exchange with other programs in Asia.

## **Recommendations**

1. The New Beginnings presence in Jaffna has demonstrated that it is a potential platform for responding to acute problems among children in emergencies. SCiSL should explore with USAID Sri Lanka how its presence and capacity in Jaffna can best be used to help protect especially vulnerable children, including those in institutions and those who are displaced.
2. USAID Sri Lanka should explore the possibility of extending USAID support for New Beginnings beyond the period covered under the program's current budget.<sup>3</sup>
3. The Core Group on Deinstitutionalization should consider transforming itself into a Sri Lankan Network on Better Care. The Core Group could productively broaden its scope beyond deinstitutionalization to include:
  - Identification of the most effective approaches to strengthen vulnerable households to prevent unnecessary separation of children from families and to enable households to reintegrate deinstitutionalized children;
  - Implementation of improved gate-keeping policies and procedures to ensure that only children without adequate family care are admitted into residential care;
  - Application of essential standards of care to all residential care facilities; and

Members of the Core Group on Deinstitutionalization could seek technical support from the global Better Care Network regarding such a transition.

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<sup>3</sup> Any change in the scope of work, duration, or funding level would have to be requested in writing by SCiSL to the cognizant technical officer for New Beginnings for consideration by USAID/Sri Lanka.



## **Appendix A: Purpose of Visit**

The purpose of this visit as related to DCOF was to explore with the mission the situation of vulnerable children, in relation to the changed political and security environment and the current FY 06 OVC (orphans and vulnerable children) process and possible FY 2007 DCOF support.

## **Appendix B: List of Key Contacts**

### **United States Embassy**

James R Moore, Deputy Chief of Mission  
Pittman Orr, Regional Security Officer

### **Department of Probation & Child Care Services, Western Province**

W.A.D. Chandrika Rupasinghe, Commissioner of Probation & Child Care

### **USAID/Sri Lanka**

Ben Kauffeld, Health & Humanitarian Assistance Program Manager  
Mark Silva, Democracy and Governance Program Manager  
Saman M. Kalupahana, Project Management Specialist

### **UNICEF/Colombo**

Andy Brooks, Child Protection Officer  
Cristina Roccella, Social Policies Advisor, assigned to the Department of Probation and Child Care Services

### **Office of the United Nations High Commissioner for Refugees**

Elizabeth Tan, Senior Protection officer

### **Save the Children in Sri Lanka**

Richard Mawer, Country Programme Director  
Catherine Noble, Grants and Compliance Officer  
Geoffrey Oyat, Child Protection Team Leader  
Vimala Periyannapillai, Program Specialist  
Shamana Rajabdeen, Partnership Development Manager  
Jeganathan Thatparan, Program Specialist – Social and legal protection  
Shanali Athukorala, Consultant, Social and Legal Protection

### **Christian Children's Fund**

Marc Nosbach, Program Director

### **Other**

Ananda Galappatti, Independent psychosocial practitioner and consultant

## NOTES

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<sup>1</sup> *Fighting Back: Child and community-led strategies to avoid children's recruitment into armed forces and groups in West Africa*, 2005.

<sup>2</sup> *War and Children*, New York: Medical War Books, 1943, p. 67, as quoted in Everett Ressler, Joanne Marie Tortorici and Alex Marcelino, *Children in War: A Guide to the Provision of Services: A study for UNICEF*, New York, 1993, p. 181.

<sup>3</sup> John Parry-Williams, "Suggestions for a Strategy to Develop Alternative Care and Diversion Systems through Government Structures in Sri Lanka," August, 2006.

**U.S. Agency for International Development**

1300 Pennsylvania Avenue, NW, Suite 700

Washington, DC 20523

Tel: (202) 789-1500

Fax: (202) 789-1601

[www.usaid.gov](http://www.usaid.gov)