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# Social exclusion and the crisis of children's rights in Bhutanese refugee camps in Nepal

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## Abstract

The paper sought to demonstrate the plight of the children separated from their parents in the refugee camps. Using qualitative data from various groups in four Bhutanese refugee camps, the study found that separated children are more prone to exploitation and to missing out on opportunities which are vital to develop substantive capabilities for proper functionings in the society. Stringent patriarchy rules which do not allow a woman to be accompanied by her children when she remarries were the main impediment for the observed child separation. The implementation of Best Interest Determination guideline by UNHCR has some success but it has not addressed the nature and source of separated children. Ensuring protection to separated children is paramount in order to respond to their physical, mental, moral and social development. This calls for affirmative actions against norms that perpetuate various forms of discrimination – whether on the basis of ethnicity, gender, religion, or sexual orientation.

**Keywords:** Best Interest Determination; Social Exclusion; Separated Children; Patriarchy

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## **1. Introduction**

The United Nations High Commissioner for Refugees (UNHCR) estimates that half of the population of its concern (meaning people whom UNHCR has mandate to protect, including refugees, asylum seekers whom have been internally displaced, and stateless) is comprised of children, approximately 15 million (UNHCR, 2008). A number of challenges are increasingly making children and women vulnerable which threatens the achievement of Millennium Development Goals (MDGs) and other internationally agreed development goals, particularly in humanitarian and post-crisis contexts. These include the spread of HIV and AIDS, climate change, global economic unpredictability, increasing conflicts and displacement of families, and increasing prevalence of sexual violence against children and women (Chirwa, 2002; Davies and McGregor, 2009; UNICEF, 2010). As a result of humanitarian crisis, vulnerable children are growing up parentless, separated or unaccompanied in refugee camps around the world. Many of these children are denied access to their basic rights such as education, health care and protection from abuse, harassment, neglect and exploitation (UNHCR, 2008).

During the war or fallout of natural disaster, many children may become separated from their families and have to face survival on their own. Unaccompanied minors and separated children are more prone to illness, to death, to exploitation and to missing out on opportunities which are vital to their health development (Hepburn et al., 2004). They may be exploited as forced labourers or sexual objects. Both girls and boys may be forced to join armed groups or face arranged marriages or unwanted sexual relationships (UNICEF, 1996; Brett, 2003).

There are two categories of most vulnerable children in refugees operations: separated children and unaccompanied minors. According to UNHCR (2008, p. 8) "separated children are those separated from both parents, or from their legal or customary care-giver, but not necessarily from other relatives. These may, therefore, include children accompanied by other adult family members. Unaccompanied minors are children who have been separated from parents and other relatives and are not being cared for by an adult who by law or custom is responsible for doing so."

In order to improve and enhance the protection and care of refugee children, especially the separated and unaccompanied children, UNHCR adopted a policy on refugee children endorsed by the UNHCR Executive Committee in October 1993 (UNHCR, 2002). In its priority to protect and promote children rights, UNHCR produced the guideline on determining the best interest of the child that strategically employs a principle of the United Nations Convention on the Rights of the Children (CRC Article 3) adopted in 1989 which states that the best interest of the child shall be a primary consideration in all actions affecting children (United Nations, 1989).

"In refugee emergencies around the world, children are increasingly becoming not only accidental victims of refugee movements, but deliberately targets"(UNHCR, 1999, p.58). Therefore, their status places them at high risk in terms of abuse, exploitation, forced labour, abduction or recruitment into armed forces (UNHCR and Save the Children, 2002; Brett, 2003). Refugee children especially the separated children need additional protection in terms of ensuring that they get proper care, guardianship, health care, and education hence

grow as human being who will be responsible to their families, society and their countries when they are adult.

As UNICEF (2000, v) puts it, "investment in children is the best guarantee for achieving equitable and sustainable human development." Protection of children is important for their survival and development. Thus, adequate resources must be deployed to protect children from any physical and emotional harm (Marcus and Moore, 2003). Child protection is also considered as one pillar of reducing child poverty (Ben-Arieh, 2000; White et al., 2003; UNICEF et al., 2009).

The world has witnessed UNHCR and resettlement countries intensifying their actions for widening the space for protection of children especially the separated and unaccompanied children. The focus has primarily been separated children identification, registration and undertaking Best Interests Determination (BID) especially during identification of durable solutions such as voluntary repatriation, local integration and resettlement. A disturbing fact is that about 90% of the children in Bhutanese refugee setting who undergo BID are called separated children while they have one or both parents in the camps (UNHCR, 2011). More seriously, some have gone on resettlement countries without their biological parents. However, little is known on why children are separated from their parents while in the refugee camps. This paper explores the reasons for emergency of separated children in the camps. It also applies the concept of social exclusion in identifying the vulnerability context facing the separated children in Bhutanese refugee camps and which makes them prone to poverty.

Social exclusion is the concept that emanated from the explanation of marginalization and deprivation in developed countries. The concept has been gradually extended to developing countries through the activities of various UN and other development agencies. Historically, social exclusion is a term whose roots may be traced to the concerns of post-industrial society (Gore et al., 1994 in Kaijage and Tibaijuka, 1996). Initially coined in the 1960s by Gaullist politicians in France to refer to socially stigmatized and marginalized minority groups, the term has, in time, acquired new meanings. In political paradigm "social exclusion is seen as a consequence of the formation of group monopoly; powerful groups, often with distinctive cultural identities and institutions restrict the access of outsiders to valued resources through a process of social closure" (Holzmann and Jorgensen, 1999, p. 1022).

In poverty context, exclusion of the poor from participation in and access to opportunities and activities has been a major non-material dimension of poverty that also needs to be recognized and addressed because social exclusion is both a cause and a consequence of poverty (Sen, 2000; Chirwa, 2002; Laderchi, et al., 2003). Social exclusion can also be seen as a part of the Sen's capability approach, and it can be defined as a process leading to a state of functioning deprivations meaning impossibility to reach a certain level of well-being (Sen, 2000). Therefore, the "process" of social exclusion produces a "state" of exclusion that can be interpreted as a combination of some relevant deprivations.

Poggi (2003) discusses the main problems in the choice of a particular measure of social exclusion; first, is the identification of those who are socially excluded. How do we count them and ascertain their degree of deprivation?. Second, the choice of a particular measure of social exclusion can be subjective, which will result to subjective conclusions as well. The subjectivity can however be reduced by choosing all measures

that fulfill a set of reasonable assumptions. Brandolini and D'Alessio (1998) operationalize the social exclusion measure through the capabilities approach. They defined a small number of indicators classified in six categories (health, education, employment, housing, social relationship, and economic resources).

Who is socially excluded and excluded from what has also been a concern in academic debates. Key features as discussed by Laderchi et al. (2003) include; Firstly, social exclusion is relative to a particular society, that it involves relative approach to the definition of poverty, that it is an approach that is applicable to the majority of population. For example in European context process of social exclusion include unemployment, access to housing and democratic rights to mention the few. Secondly, social exclusion as a dynamic approach, is not static rather dynamic in nature in sense that disadvantage can lead to exclusion, which in turn may propel further disadvantage that leads to permanent impoverishment. Thirdly, social exclusion is multidimensional, that is, deprivation in more than one and perhaps many dimensions which raises aggregation and that lead to causal connection between different dimensions of exclusion.

The conception of social exclusion and its measurement is critical in the context of this paper. The paper seeks to demonstrate how separated children experience social exclusion from childhood and how it affects their entire development life. The separated children (deliberately separated from their parents) are deprived their first line of protection – parents and this leads to various other disadvantages as discussed in this paper. The social exclusion concept help us in identifying causes of poverty that may be otherwise neglected and it also enrich thinking on policy and social action in alleviating the consequences of social exclusion. Thus, separated children are deprived the conducive environment for growth and they are denied accessibility to basics necessities needed for building their capabilities, for example, education and health which are important for their future wellbeing.

As evidenced by Hepbury et al. (2004), more than 45 million people have been forced to flee their homes due to conflict around the world and about half of these are children. Many of these children become separated from their families and have to survive on their own. While in other refugee operations in the world most separated children have resulted due to flight, in refugee camps setting in Nepal, separated children have emerged in the camps. Nevertheless, they have been invisible and some treated as if they emerged during the flight. Lack of studies on the nature and causes of such occurrences have led to ineffective protection of these children as well as design of protection programmes. Also, given that resettlement is the only durable solution for the Bhutanese refugees, if the causes of separated children are not critically looked into it, UNHCR and International Organization for Migration (IOM) may end up resettling children who have parents in the camps hence become separated completely from their biological parents and thus lose their major protection pillar.

## **2. Methodology**

The study was conducted in the four refugee's camps among seven camps in Damak, Jhapa districts in Nepal. These camps are Timai, Khudunabari, Goldaph, Beldangi 1, Beldangi 2, Beldangi 2 Extension and Sanischare. Camps selected were Khudunabari, Beldangi 1, Beldangi 2 Extension as well as Sanischare because they have

more separated children compared to other three camps as shown in Table 1. Bhutanese refugee camps which comprise seven camps have a total of 24,309 children which comprises a total of 487 separated children (UNHCR, 2011).

**Table 1.** Total number of separated children, by camp

<b>Camp</b>	<b>Girls</b>	<b>Boys</b>	<b>Total</b>
Beldangi-1	43	50	93
Beldangi-2	39	41	80
Beldangi-2 Extension	17	35	52
Goldhap	18	20	38
Khudunabari	54	41	95
Sanischare	42	39	81
Timai	24	24	48
<b>Total</b>	<b>237</b>	<b>250</b>	<b>487</b>

Source: UNHCR (2011)

The research's primary target population was children, especially separated children, women and men who have been separated from their children and children's caregivers. Separated children aged 9 years old to 17 were interviewed because they can express themselves and they understand their circumstances. Also the study considered youth aged out (18 years) who were separated children during one time in their life course in order to get their experiences too.

The study employed mainly qualitative data collection methods such as In Depth Interviews (IDPs) as well as participatory methods such as Focused Group Discussions (FGDs). Triangulation of data collection methods and involvement of various types of respondents was used as a data validity measure (Table 2). Qualitative data collection methods were employed in order to effectively get the insights of the causes of their separation and the experienced vulnerability. Testimonies that were given by women, men, separated children and caregivers have been analyzed and used to support argumentation and conclusions derived from the study.

Given the nature of the study and the type of respondents, ethical issues were considered. Informed verbal consent was sought from all respondents. Allmark (2002) and Kijo-Bisimba (2010) noted that research with children must be ethically sound, and undertaken with proper respect for the children's safety, integrity, confidentiality and privacy. Therefore, children were interviewed and participated in FGDs in

absence of their caregivers to minimize risk of manipulation and fear to express their views as well as to ensure confidentiality of information they provided.

**Table 2.** Types of respondents

<b>Participants</b>	<b>IDPs</b>	<b>FGDs</b>
Separated Children	25	2 FGDs with four and five participants respectively
Women	25	2 FGDs with five participants each.
Men	20	2 FGDs with four participants each.
Youths aged out (18 years)	0	1 FGD with five participants
<b>Total</b>	<b>70</b>	<b>32</b>

All participants were informed of the purpose of the study, that it is voluntary and that they are not obliged to answer what they do not feel too. The UNHCR Tool for Participatory Assessment in Operations explicitly states that “the rights and well-being of refugees and other persons of concern who share their experiences must be safeguarded.” It directs that refugees must be informed of the purpose and process of the assessment, limitations, so that false expectations are not raised (UNHCR, 2006). In this regard the researcher informed the participants especially refugees that the research was not related to UNHCR operations rather it was an academic exercise. In presenting the findings, codes starting with SC, F, M, YAO for separated children, women, men and youth aged out respectively were purposely used to ensure confidentiality of information provided by respondents.

One major limitation of the study was the fact that information on separated children’s vulnerability and exclusion they face, may be limited by the fact that children, women and other participants are part and parcel of the patriarchy system which they are obedient to. This limitation was partly addressed by interviewing respondents from Community Based Organizations that advocate for children rights and various groups within the camps such as Bhutanese Children Forum (BCRF) and Bhutanese Refugee Women Forum (BRWF) and triangulate the information. In addition some data were gathered from implementing partners such as Trans-cultural Psychosocial Organization (TPO) and CARITAS; the former deals with psychological counseling and the later coordinate education in Bhutanese Refugee Community (BRC). These were selected areas because it is where advocacy on children’s rights takes place and it is assumed that they know some issues around separated children.

### 3. Results

#### 3.1. Social exclusion and vulnerability

Living arrangements of separated children evolved around grandparents and other relatives from their father side. Although the findings are not generalisable given the small sample size, separated children were found to be exposed to multiple vulnerabilities because they have lost their primary fundamental care from parents. Greater social exclusion which was evident in the testimonies of women particularly widow, separated or divorced from their former husbands indicated how patriarchy system explains the existence of separated children in Bhutanese refugee camps. Some women and children bitterly expressed this by explicitly sharing how they were separated from each other just because of father's death, remarriage or separation of couples. Women spoke with sympathy and sadness on how the patriarchy system has excluded them from taking care of their children as well as how children were denied their parental care as testified in the story by F1 and F10.

*"After my husband's death in 2007 I requested my mother in law to join her family so that my three children and I stay together with my in laws, but she refused. I requested my biological mother to talk to my mother in law to find out if she can agree, but she refused too. I was frustrated after the refusal and then my children and I had to join my natal family. However, two months later after we joined my natal family the children's paternal grandmother came to pick all children including one child who was two years old. I became sad, cried out, I became frustrated and I could not eat. I became a poor woman, without my children I used to care for; even my youngest child was taken. Worse enough I could not even see my children, the child who was studying stopped using the same way she used when going to school which could make me meet and talk to her easily. Children were denied to visit me. "I loved my children but I had nothing to do, you know our culture!" Frustration! "I thought no need to remain at home because children I could take care of were no longer there, I decided to remarry"(F1).*

*"My sister in law and my parents in law decided forcefully to take care of my daughter when I remarried. As that was not enough the child's paternal aunt have been telling my daughter not to visit me. I am even not allowed to go to their home so that I meet my child. This has disturbed me so much, I do not know what mistake I have done to the extent that my child have become poor....., "Yes my daughter is poor and me too because without taking care of your child and the child without mother's care, always there are important things the child miss" (F10).*

Separated children have also been excluded from getting basic education and leisure time and they are overworked. These categories of children face stress and discrimination, as SC2 pointed out,

*"I had to move from one paternal uncle to another because my cousins were beating me and telling me to go home, while I do not have."*

Most separated children and other participants who were interviewed raised these issues. These categories of children drop out from school because they had to do home chores especially girls while caregiver's children attends school. Also, separated children have to become labourers by working in construction sites, restaurants and bars so that they earn income to supplement food ration and non food items they receive from World Food Programme (WFP) and take care of their young ones or manage to buy clothes. This was vividly illustrated in one child's testimony:

*"I do all home chores while my paternal uncle's children go to school, leaving me behind and sometimes I arrive at school very late if luckily I am allowed to go to school at that day. Even after school I had to support my aunt to do home chores while my uncle's children are studying or playing. Just imagine....., I feel discriminated and poor because I lack parents to treat me like the way other children are treated by their parents. Sometimes my cousins tell me to go to my home, they do ask me don't you have home? Go to your home" (SC2).*

*"My grandmother gives me too much work, I had to cook, fetch water, and clean the house, utensils and our clothes. Due to their alcoholic behaviour they do argue to each other and all these affect me in my studies; sometimes I cannot concentrate well when I am in the class. But I do not have where to go my father is deceased and my mother is remarried" (SC4).*

Separated children are not only involved in household chores but child labour was also evident from the study. Child labour can be an important aspect of poor household's coping strategy, particularly in relation to ganyu (casual labour which is often seasonal and usually undertaken on piece rate basis in rural areas and street vending in urban areas). This research has found out that child labour is crucial in ensuring household income generation as exemplified by the following testimony;

*"I was withdrawn from school; you know I do not work for benefiting myself only. I go to look for construction work in Dingris (anonymous name) and far from Dingris; 100NRs earned daily is used to buy vegetables at home and other additional requirements to supplement our food ration that is not adequate" (SC7). His caregiver added that, "this child supports us even than my husband by going out to work, my husband is sick, he cannot do tough job. He (boy) is a bread winner; the money he earns buys his own requirements such as clothes but also buys vegetables and other requirements for the family" (F5)*

In addition, two school counselors who were interviewed mentioned that early marriage is also featuring in their community because fathers have been arranging marriages for their children before they go on resettlement as they fear that they will not be able to exercise such traditional marriage in resettlement countries. This has abused children rights as they are discontinued from studying and separated from their parents. One school counselor at Community Based Psychosocial Intervention (CBI) mentioned another challenge to be children abuse due to alcoholic parents. This leads to poor care and children get separate from parents or live in abuse situation. Despite relatives care, some separated children drop out of school and engage in commercial sex or work in construction sites.



Increased denial of girl's voice and decision making on their lives was echoed throughout the interviews. Although early marriage was practiced for children who were going for resettlement because of cultural rites, the study further found out that early marriage among the separated children was also attributed to caregiver's discrimination and maltreatment. Although both girls and boys faced maltreatment, girls suffered more and some have resorted to early marriage as a mechanism to run away from harsh life which affected not only their health but also led them to further risks. The story by F9 drives the point home (Box 1).

#### **Box 1: Child exploitation**

F9 was aged 19 years at the time of this research. She married at the age of 14 to young man aged 19 after she dropped out of school. "I had to quit school because, it was difficult to get school uniform, pocket money to buy biscuits or chocolate and house work made me tired," she narrated. She has remarried because her first early marriages were not successful.

Her former husband divorced her after three years because he was claiming that she did not satisfy him, "I was young I did not know what it means by satisfying men and playing with them, but now I can. I was humiliated because sometimes I could not do as he wished. Sadly I left my child who was two years old because I was denied to go with my child." F9 also faced the same mistreatment she was facing at her caregivers home such as doing a lot of home chores because she was living with in-laws.

F9 said she was very frustrated and stressed to the extent that she had to return to her natal home where she used to cry every day. After two months, F9 had to remarry because there was fire at home, "I was asked why I came back home and forced to go back." She further said that "during the stay I was engaging in stones breaking at river banks, the job which was difficult too and I chose to sleep with men to get money like 100NRs." The solution was to remarry to a man she found while breaking stones, although already they had sexual relationship which earned her little money like 200 NRs.

The story by F9 provides evidence on multiplicity of child abuse and exploitation. She was in a minor marriage and the man (husband) had power over her to the extent that she was sexually exploited; the man required her to do sex in his will not her will being a child. F9 was also sexually assaulted by men out of matrimonial relationship by sleeping with different men just to satisfy their desires while exploiting her by giving 100Nrs. Exploitation through child labour is also evident in her testimony. At her young age she was been exploited by those who employed her to break stones and she was also lowly paid that culminated to engagement in commercial sex for survival.

Running away from the camps has caused terrible predicaments to the separated children. This is as exemplified by the testimony of SC12.

*"Because of hardship at my caregiver's home, I was convinced by a woman aged 25-27 to go to a place called Gatamu (anonymous name) where jobs are available in restaurants and in bars. I was told that I will continue going to school but when I started working, I had to work all day in restaurant, sometimes beaten and in the night worked in bar but not only selling beer; I was forced to entertain men sexually but my boss was paid for this dirty thing I used to do and nothing was given to me because she told me that the 300Nrs I received per month includes this extra work." Crying -----Every man directing you how to do sex was hurting me, I cried during sex and after sex because of pain and shame. I used to think of why I left the camp because at home it was better than this place. Although it was difficult to leave because I was threatened, one day I cheated that I am going to collect water. Since that day I never went back! It is better to die here instead of facing mistreatments that I faced in front of men and women who were forcing me do to shameful things," SC12.*

Food rationing has a moral hazard effect on the recipients and which contributes to the abuse of the separated children by the caretaker. Most refugees highly depend on distributed food and nonfood items. Therefore, when the adult family member of a family that is taking care of a separated child fall sick or due to small amount of food they receive, separated children are subjected to dropping out of school, work in harmful environment or engage in commercial sex in order to provide for the family.

Therefore, despite the attention given by UNHCR to primary education in refugee camps particularly in Bhutanese refugee camps, some separated children have not fully benefited to it because of poverty among their caregivers and other family members.

### 3.2. Social exclusion and patriarchy system

The patrilineal community in Bhutanese illustrates gender as a factor in social exclusion in terms of who has the right to take care of the child (ren) when parents remarry or if unfortunately father dies. Widows and remarried women have been denied taking care of their children which has led children to emerge as separated children in presence of one or both parents. Thus, the incidence of separated children in refugees and host community in Nepal is a result of stringent exclusive traditional and cultural practices that are rooted in the patriarch society. Women are respected if they are in matrimonial home and they are despised when otherwise. This has resulted to high frequency of remarriages which have cultural implication on parent and children separation. Further, when a woman remarries she has to follow the cultural ties of not to resettle with her children in her new matrimonial home. In-laws from both sides will reinforce this and children are socialized to understand it that way as noted in the testimonies below. The social exclusion of children is also exacerbated by the poverty situation of the care takers.

*"Before I remarried the child was under my care, my daughter and I would visit my in-laws but now.....not easy. I cannot visit my child since she is under her paternal relative's care; especially her maternal aunt denies her to visit me. I am poor, without my child, your child is everything although, we also need money. It is worse! My daughter is also manipulated not to rejoin me for*

*stay despite of having capacity to do so. What to do! I will allow the child to go on resettlement with her paternal relatives; I do not want them to accuse my child that she is holding their resettlement case" (F15)*

*"I need to live with my mother or at least visit my mother but I do not, my aunt tells me not to visit my mother. I do not know why? She just mentions, 'your mother is remarried" (SC10).*

*"Life is difficult.....especially after the death of my father and when our mother remarried, my elderly grandparents denied us to go with our mother. For 6 years we are living with our grandparents but I had to drop out from school to find any work to do so that my three siblings get enough food as well as they continue with school but my young sister (SC4) has to do almost all home chores. Also, money earned supports my grandparents because I buy vegetables and rice as substitute to food ration. This life is tough, you know; I am 16 years old.... Haaa, I had to go with my fellows to Jambu, Kashmir, at the boarder of India and Pakistan to work in road construction because here in Nepal we were paid very little per day. The work was very tough due to weather because it was extremely freezing in Kargil as well as we were paid very little contrary to what I expected. Therefore, I decided to come back but at least with little money to support my young siblings and grandparents. Now I am hanging around the camp with my friends because no work to do. Life is very tough, I had to smoke, you know why? When you smoke you get relief from bad things around you. I do not have education / skills so even if I go on resettlement, I may remain poor because I will not get the same work as here" (SC9).*

*We (F14 & M17) are the caregiver of separated children. Parents of these children are alive. Their mother is remarried and their father is living outside of the camp. We are trying to take care of the children because their father abandoned them and he is under alcoholic influence and they cannot join their mother because we are not sure if their step-father will take care of them as in our society it is not usual for step-parents to take care of their step-children. However, they at least get chance to visit their mother but we have seen other SC being denied to join their mother or visit her after remarriage.*

The F15 testimony above also reveals that some parents may have released custody to in laws when they are going on resettlement, not because they are willing to but because they fear of mistreatment to their children and blames from in-laws. Indeed this leads to the conclusion that separation of children from their parents does not end in the camps but also is extended in the resettlement countries.

Men also feel that children should grow in their homes and not in the home of the stepfather and not vice versa. However, some women would not be willing to take care of step children.

*"What is wrong with you researcher? I have told you these are my children why are you saying they can also live with their remarried mother? Where do you think I will keep the shame my children being under care of their step-father? It is our culture, children belongs to their father*

*and paternal side in whatever situation. After all my caste is different from the husband of my former wife," M6.*

*"I know some children are very much mistreated! In some families, it pains to see how children are treated just because their parents are separated. For example I know one family where parents got separated but they are capable of taking care of their three children. Both remarried, the father does not want the children to join their mother because she remarried; and children cannot live with their father because their step-mother does not want to take care of them. These three children are aged 7, 10 and 12 respectively. They are under care of their elderly grandparents that has resulted to severe vulnerability. At their age instead of being cared for they are taking care of their grandparents in terms of ration collection, fetching water, cooking, collecting firewood and other home chores which denies them proper time to go to school and self-study," M12.*

The circumstances of girls and boys around the type of work they are doing indicate the prevailing gender roles in many developing countries' societies. As the gender literature shows (Amury and Komba, 2010) girls are commonly socialized for reproductive roles and obliged to engage in household chores while their male counterparts are frequently socialized to engage in remunerative productive role. Also, the type of work these vulnerable children are engaged in is often attributed to poverty as all these children seek material support by becoming child labourer which their caregivers cannot provide.

### 3.3. Best interest determination in UNHCR

A Best Interests Determination (BID) describes the formal process with strict procedural safeguards designed to determine the child's best interest's particularly important decisions affecting the child (UNHCR, 2008). BID is a new phenomenon among UN agencies and governments particularly in refugee operations. The term originates from the Convention of Children's Rights (CRC) and it was adopted by the General Assembly of the United Nations on 20 November 1989. The BID guideline specific objective is to implement the CRC's Article 3 which states that "the best Interests of the child shall be a primary consideration in all actions affecting children (ibid). In this regard UNHCR decided to adopt BID from CRC through developing the UNHCR BID guideline as a tool for child protection especially separated children and unaccompanied minors in order to determine their best interests primarily during durable solutions but also for temporary care arrangement, and possible separation from parents against their will.

The overall objective of UNHCR's BID guideline is to improve protection and well-being of children in refugee camps, specifically those most vulnerable such as separated children and unaccompanied minors. However, the issue of separated children has been addressed in terms of carrying out BID and finding durable solutions for them but not questioning why they have emerged in Bhutanese refugee camps and in increasing numbers.

Nevertheless, some achievements have been made by UNHCR through the use of BID as a tool for protecting children during resettlement and voluntary repatriation because some separated children who

have undergone BID process have been successfully returned to their origin countries or resettled after determination of their best interests. Despite the presence of BID Guideline and CRC and other international conventions on the rights of children still these conventions have not yet addressed the critical situation like denial of children's rights particularly the separated children. The puzzle is most of the separated children have been separated from their parents in the camps; most parents are alive and some are in the camps but these children are denied their rights such as parental care, education, food, shelter, clothes and medication.

There is little evidence of any awareness of separated children as the population with special needs but also no clear policy to tackle its emergence because parent's negligence and socio-cultural exclusion has not been addressed. The BID guideline does not have law enforcement to make parents accountable for deliberate neglect or abuse of their children like forced early marriage as well as separation due to cultural practices. This needs to be addressed otherwise separated children will grow parentless and because currently refugee from Bhutanese are only considered for resettlement among other durable solutions, most children may completely be separate from their parents.

#### **4. Discussion and conclusion**

The paper has highlighted how separation of children has resulted to their exclusion from basic necessities necessary for their proper functioning in their entire life. These children have been deprived their first line of protection – parents and this has led to exclusion from accessing basic necessities such as education and as a result they lack substantive freedoms to function adequately within the society. The paper also shows that UNHCR implementation of BID guideline has some success but it has not addressed the nature and source of separated children, which requires comprehensive policy or restructuring of the guideline to be inclusive and suit the socio-cultural and economic consideration of separated children.

Drawing evidence from testimonies that were captured during in-depth interviews with separated children, women and other respondents, the paper highlighted the experiences of separated children which has created the vulnerability that surrounds them. Social exclusion emanates from denying children their parental care and basic rights which affects them not only during childhood but also when they are aged out. The exclusion was found to start in the camps and in some instances it was extended in the resettlement countries. Children may have to take on adult responsibilities to care for young siblings, caregivers and are at increased risk of exploitation, recruitment into hazardous activities and face higher risks of death and diseases as they may not be able to access services necessary for their survival and development.

Child protection from violence, exploitation, and abuse is enhanced by an immediate social environment that is caring, supportive, and offers good role models. Children without parents or whose parents do not or cannot protect them have lost their first line of defense and are acknowledged to be at heightened risk of abuse and exploitation (Landgren, 2005). They face an increased marginalization and need special protection to safeguard them from abuse, abandonment, neglect and exploitation. Various international human rights instruments, including the 1948 Universal Declaration of Human Rights (Article 16) state that the family is the natural and fundamental social group unit and is entitled to protection from the society and the state

(UNHCR, 2008). However, most children categorized as separated children in Bhutanese refugee camps have been deprived this.

The separated children are highly vulnerable because the chance of their legal rights to be violated is very high since they are deprived their first line of protection – the parents. Child separation from parents is most detrimental for the overall well-being of the child. They are most likely to engage in child labour, for example boys engage into harmful activities such as working in mining, plantation, and construction and become child soldiers; while girls are burdened with household chores which expose them to vulnerability and abuse and some may engage in commercial sex. As Hepbury et al. (2004) noted, unprotected children and separated children for that matter do not have direct access to food and services necessary for their survival; they may be forced into potentially exploitative situations without adults.

Hepbury et al. (2004) further argues that, although all children in crisis may require assistance to ensure their physical, social and emotional development, separated children face additional and particularly critical challenges. They have lost the protective care of parents and other family members to care for them, shield them from outside threats and help them adapt to a changing and dangerous environment. As a result, they are one of the most vulnerable groups in crisis situations. Not only may their physical survival be threatened but they face the broadest range of risks to their physical survival and to their immediate and long-term well-being. Their status puts them at high risk of exploitation, forced labour, abduction or recruitment into armed forces. The demise of their childhood starts early and becomes more distant with increasing responsibilities for household chores and “surrogacy” as they “play women and father,” assisting their overburdened caretakers (Okwany, 2008).

One major conclusion in this paper is that patriarchy and its associated social norms have contributed to the situation faced by women and the separated children. The existence of rigid patriarchy system imposes harmful cultural practices to family members especially women. This has extended from women to children. Despite the efforts done by UNHCR and other agencies to protect children from abuse and neglect, the problem of culture which poses more risk to child has remained the major challenge which is the setback to proactive protection of children especially the separated children. Mothers have frequently been forced to abandon their children because of traditional practices in the society. If a man divorces a woman, the woman usually has to leave that household and the paternal family does not permit her to take her child (ren) with her when she leaves (Kinch, 2008). The Government of Nepal has changed its custody laws by providing the right to the woman to take care of her child (ren) until the age of 16 which is the age of majority in Nepal but still patriarchy system which excludes women in decision making continues to deny them that right, hence perpetuates the existence of separated children in the Bhutanese refugee camps.

Poverty in the care takers family exacerbates the situation. Early pregnancies and early marriages are often also related to poverty as girls seek material support from boyfriends or husbands which their parents are unable to provide (Kadzamira and Rose, 2003) and for the case of separated children which their care takers need. At times of economic shocks, parents and communities face hard decisions with regards to schooling, work and residence. Boys tend to work more directly in income –earning settings, while girls often respond by taking on more household responsibilities (Holzman and Jorgensen, 1999).

Ensuring protection to separated children is paramount in order to respond to their wellbeing i.e. physical, mental, moral and social development. As Sadako Ogata, the former United Nations High Commissioner puts it in the UNHCR Guideline on Protection and Care of Refugee Children, "children grow in a developmental sequence, like a tower of bricks, each layer depending on the one below it. Serious delays interrupting these sequences can severely disrupt development" (UNHCR, 2002, p. 1). As Devereux and Sabattes ( 2004 ) puts it, one arena of social protection that does attend to the "social" needs for socially vulnerable groups is campaigning against various forms of discrimination – whether on the basis of ethnicity, gender, religion, or sexual orientation – as part of a broader emerging agenda around upholding economic, social and cultural rights. Moreover, provision of transformative education and training as well as life- skills and community mobilization including advocacy activities to challenge and change discriminatory and marginalizing gendered norms is imperative (Okwany, 2008).

In this regard UNHCR has to take a lead by not focusing on BID only but also creating awareness about the causes of separated children, encouraging recognition of children rights by challenging harmful cultural practices such as denial of women to take care of their children after divorce or when they remarry which is the great mistake that has led to the high presence of separated children in Bhutanese refugee camps. Not only it will ensure adherence to child's rights but also reduce challenges the BID and child protection staff and BID panel members face when determining the child best interests during identification of durable solution especially resettlement.

Furthermore, a wide range of factors than material well-being matter for child development. Social and psychological variables are an important component of child welfare. In developing countries, focus on absolute poverty means more than income poverty to include non-income measures related to capabilities development such as nutrition, literacy, life expectancy and the processes that cause underperformance of these measures (White et al., 2003). Interventions to protect children should also focus on social and psychological variables.

Women and Children empowerment is very important in order to enlighten them about their rights and build their capacity in demanding and promoting children's rights. This can be done by introducing a curriculum of education that inclusively teaches pupils their rights as well as the impact of harmful culture towards children and the society in general. In doing so UNHCR, other UN Agencies, policy makers and governments have to come together and formulate inclusive policies in terms of appropriate social protection measures for children.

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