

**WORLD APPEAL**  
to a new



**mobilization**  
**FOR CHILDHOOD**

1989-2009 20th anniversary of the United Nations  
Convention on the Rights of the Child

**2008 Sixtieth Anniversary of Bice**

**2009 Twentieth Anniversary of the  
Convention on the Rights of the Child**

## **Position Paper – Asia Region**

**June 2008**

## Tomorrow, which world for our children?

### Position Paper of the Asia Region

No advocate, scholar, or practitioner on childhood and children's rights issues are failed to be impressed by the sudden and dramatic changes of perspectives and trends in the practice of children's rights attributable to the influence of the United Nations Convention on the Rights of the Child (UN CRC). Whereas children came to the serious attention in the modern world as a purely welfare objective,<sup>1</sup> the adoption of the UN CRC in 1989 contributed to the promotion of the idea of "children's welfare as an issue of justice rather than one of charity."<sup>2</sup>

All Asian countries have ratified the UN CRC and accepted common commitments to work towards realizing children's rights. Given the immense, diverse, and heterogeneous political, socioeconomic, and cultural realities in the Asian region, this is an enormous achievement. However, the economic and political developments in the region have raised new challenges to the implementation of children's rights.

The 20<sup>th</sup> anniversary of the UN Convention on the Rights of the Child in 2009 is an opportunity to reflect on the advancements in the child rights agenda, the continuing negation of those rights, as well as new challenges.

#### THE UN CRC IN ASIA: MAPPING SIGNIFICANT PROGRESS AND ACHIEVEMENTS

Twenty years after its adoption by the General Assembly, the UN Convention on the Rights of the Child has become a touchstone for policy, programming, advocacy and research about as well as on behalf of children. This part seeks to map the significant progress and achievements in the making the principles and provisions of the Convention a reality in the lives of many children in Asia. While not comprehensive, taken together, the points illustrate that the Convention has become more than a legal document; it has become "a text with power in the world."<sup>3</sup>

**Promotion of a culture of children's rights.** The realization of children's rights is about building a culture of respect – a culture of children's rights. Having a culture of children's rights is a powerful tool for building an inclusive and protective environment, respectful of the rights and dignity of **all** children. Widespread awareness of children's rights is essential to making children's rights a reality in every community and in the society at large. The UN CRC incorporated the ideology of all children having rights and responsibilities, though a completely new discourse at that time, to the thinking of children's needs and welfare which had largely provided the foundation for many laws, policies and programmes on children in almost all countries in Asia. There have been substantial achievements in revising and setting policies to conform to the standards set by the Convention, and in designing and implementing programmes guided by a child rights-based approach. Essential to the promotion of a culture of children's rights is the promotion of knowledge of children's rights that was achieved through

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<sup>1</sup> Bossard, J. H. S. (1948) *The sociology of child development*. New York: Harper.

<sup>2</sup> Veerman, P. (1992) p.184, as cited in Freeman, M. (2000) *The Future of Children's Rights, Children & Society*, Vol. 14, p. 277

<sup>3</sup> Editorial: The UN Convention on the Rights of the Child as a touchstone for research on childhoods" *Childhood*, Vol 6(4):403.

numerous education, training, dissemination of information and awareness-raising activities on children's rights undertaken among institutions and individuals, children included.

**The growth of a children's rights movement.** The formation of children's rights groups was a key feature in the decades following the adoption of the UN CRC. The Convention served as an impetus and a potent weapon for the children's rights groups to establish for itself an identity and dynamism separate from the vibrant women's movement and the stalwart human rights movement, thus spurring the growth of a children's rights movement. The child-focused non-government organizations were quick to embrace children's rights as a guiding framework for their action and research. Mainstreaming of children's rights as an agenda and perspective in research, planning, policy, and programming of both government and civil society took off the ground. There was a flurry of programs and services for upholding and protecting the rights and welfare of the children. Children began to make their voices heard in international forums and in national issues. A series of global and regional conferences brought new impetus to children's rights work, some with the participation of children. Notable among these were the 1996 World Congress on the Commercial Exploitation of Children in Stockholm<sup>4</sup> and its follow-up in 2003 in Yokohama<sup>5</sup>, the 2000 Asia-Pacific Conference to Stop the Use of Child Soldiers in Kathmandu<sup>6</sup>, and the 2002 UN General Assembly Special Session for Children<sup>7</sup>. These conferences spurred the formation of regional and national networks to influence policy-making, monitor commitments, and ensure implementation of action plans resulting from the conferences.

**Legislative and institutional reforms.** The UN CRC paved the way for an international movement of children's rights that worked for the review and reform of legislation to conform to the standards set by the Convention. The Philippines and Thailand enacted comprehensive child protection policies and legislations: a) the Republic Act No. 7610 – "An Act Providing for Stronger Deterrence and Special Protection against Child Abuse, Exploitation and Discrimination, and for other Purposes" of the Philippines, adopted in 1992; and b) the 2003 "Child Protection Act" of Thailand. Notable for Nepal and India were laws aimed to protect working children: a) the 2000 "Child Labour Prohibition and Regularization Act" of Nepal; and b) the government issued notification in 2006 banning child labour in domestic work in India. As aptly put by ISPCAN, "The current positive trends in child protection policy

**Selected Governmental Coordinating Institutions on Children's Rights in Asia**

Cambodia  
**Cambodian National Council for Children**  
 Email: [cncsec@forum.org.kh](mailto:cncsec@forum.org.kh)

India  
**Ministry of Women and Child Development**  
<http://wcd.nic.in/>

Indonesia  
**Indonesian Commission for Child Protection**  
[http://www.idlo.int/DOCNews/Childprotection\\_commission.pdf](http://www.idlo.int/DOCNews/Childprotection_commission.pdf)  
**Child Protection Agency**

Nepal  
**Ministry of Women, Child, & Social Welfare**  
[http://www.unicef.org/worldfitforchildren/files/Nepal\\_WFFC5\\_Report.pdf](http://www.unicef.org/worldfitforchildren/files/Nepal_WFFC5_Report.pdf)  
**Child Rights Desk** of the National Human Rights Commission,  
<http://www.nhrcnepal.org/>

Philippines  
**Council for the Welfare of Children,**  
<http://www.cwc.gov.ph>  
**Child Rights Center** of the Philippine Commission on Human Rights  
<http://www.chr.gov.ph/>

Thailand  
**Sub-committee on Children, Youth and Families** of the National Human Rights

<sup>4</sup> See Stockholm Declaration and Agenda for Action, <http://www.csecworldcongress.org/en/stockholm/Outcome/index.htm>

<sup>5</sup> See the Yokohama Global Commitment 2001, <http://www.unicef.org/events/yokohama/outcome.html>

<sup>6</sup> See the Kathmandu Declaration on the Use of Children as Soldiers, <http://www.hrw.org/campaigns/crp/kathmandu.htm>

<sup>7</sup> See UN Special Session on Children, Building a World Fit for Children, [http://www.unicef.org/publications/index\\_7932.html](http://www.unicef.org/publications/index_7932.html)

and legislation can be understood in the context of the recent paradigm shift of what it means to be a child and in the increasing recognition that violence against children is a complex phenomenon which needs to be addressed in a comprehensive and holistic manner.”<sup>8</sup>

The UN CRC triggered substantial institutional reforms leading to the establishment of agencies to coordinate child-related programmes and activities at varying levels of governance. According to a review conducted by the Children’s Rights Information Network on the 18th anniversary of the UN CRC, “The Convention has triggered important institutional reform, leading to the development of independent national institutions on children’s rights and governmental mechanisms to coordinate child-related activities. When the UNCRC was adopted, child rights institutions only existed in three countries (Norway, Costa Rica and New Zealand), but the number has steadily increased. While these institutions are promising, challenges persist, both in securing their independence and in promoting their establishment in countries where, as yet, they do not exist.”<sup>9</sup>

**Progress in achieving the MDGs.** The UN Millennium Development Goals to meet the needs of the world poorest include various child/youth specific goals and targets, among which are:<sup>10</sup>

- Goal 2: Achieve universal primary education
- Goal 4: Reduce child mortality
- Target 2: Ensure that by 2015 children everywhere, boys and girls alike, will be able to complete a full course of primary schooling
- Target 5: Reduce by two-thirds, between 1990 and 2015, the under-five mortality rate

The joint report of UNESCAP, UNDP and ADB and on the MDGs progress in Asia and the Pacific (2006)<sup>11</sup> highlights the following achievements in the region:

- *Extreme poverty.* The region as a whole is on track to reach the target of reducing extreme poverty by half. China, the largest early achiever, has been leading the way and a number of other countries have also hit the target already, but the Least Developing Countries are making slow progress.
- *Children underweight.* On this indicator, the picture is more mixed. A high number of countries in South Asia and South-East Asia are advancing too slowly.
- *Primary education.* Here, the situation is more encouraging – the region as a whole is on track to achieve the goal. Although South Asia without India is making slow progress, it will nevertheless come quite close to it by 2015.
- *Under-five mortality.* Many more children are surviving beyond their fifth birthday, and South East Asia as a whole is on track though some countries are advancing too slowly and there are many CIS countries of concern.<sup>12</sup>

### **Vibrant social mobilization and advocacy with/for children on children’s rights and issues.**

Civil society has launched various social mobilization and advocacy activities to make people aware of the rights of children, the violation of these rights, to make governments and other duty-bearers accountable for their obligations towards children, the latter being a key principle in rights-based programming. Essential in this process is capacitating children, the

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<sup>8</sup> Bennett, S. (2005) “Review of Global Trends in Child Protection Policy and Legislation,” *The Link*, The official newsletter of the International Society for Prevention of Child Abuse and Neglect, Vol. 13, No.3 / Vol. 14, No. 1.

<sup>9</sup> Santos Pais, M. (2007) “Measuring Up to the Challenge,” *CRIN Review*, Number 21, November, p. 6. Retrieved from [http://www.crin.org/docs/CRIN\\_review\\_final.pdf](http://www.crin.org/docs/CRIN_review_final.pdf). Note that the Philippine Council for the Welfare of Children was established in 1974, 15 years before the adoption of the UN CRC.

<sup>10</sup> For more information on the Millennium Development Goals, visit <http://www.un.org/millenniumgoals/index.html>

<sup>11</sup> See [http://www.mdgasiapacific.org/files/shared\\_folder/documents/MDG-Progress2006.pdf](http://www.mdgasiapacific.org/files/shared_folder/documents/MDG-Progress2006.pdf)

<sup>12</sup> From the Executive Summary of “The Millenium Development Goals: Progress in Asia and the Pacific 2006,” [http://www.mdgasiapacific.org/files/shared\\_folder/documents/MDG-Progress2006.pdf](http://www.mdgasiapacific.org/files/shared_folder/documents/MDG-Progress2006.pdf)

rights-holders, to claim their rights. As such the past two decades have witnessed the active involvement of organizations of children and young people in various social mobilization and advocacy activities whether at the community, national or international levels.

As a result of continued and vibrant advocacy initiatives, there is now increased stakeholder involvement on children's rights issues as evidenced by partnerships and linkages established with, and commitments from, government agencies, local and community-based organizations, international organizations, media, schools, as well as children and young people's organizations. Partnerships and networking "opens up many possibilities for expanding programmes, keeping service costs low, multiplying programme impacts, building capacity and ensuring the sustainability of a programme."<sup>13</sup>

In terms of advocacy on child labour issues, the Bangkok-based **Child Workers in Asia** reports the following gains:

The past decade especially has seen developments in the work on child labour in Asia. In pockets of areas in the region, some remarkable successes are found in creating changes in policies, in influencing people's attitude towards child labour issues, and in developing effective programmes.

We now find more acknowledgment of the issue, increased civil society actions, and establishment of national mechanisms to respond to the problem. In the past, many countries deny the existence of the problem but governments in most Asian countries (except the Chinese and Burmese governments) have officially recognized this problem and in various degrees and effectiveness, they are cooperating with international and local communities in responding to the issue.

The Global March, the campaign done by the Global March network in 1997, especially in relation to the adoption of the ILO Convention 182 on Worst Forms of Child Labour has tremendously raised the social and governmental awareness and commitment to this issue. As a result, too, of the adoption of the ILO 182, more Asian countries have started their programmes with ILO-IPEC. National Steering Committees have been established and national development plans are continuously being developed, increasingly with the participation and contribution of non-government organisations, and other civil society members, including the child workers themselves.

Source: [http://www.cwa.tnet.co.th/Issues/ChildLabourAsia/gains\\_challenges.html](http://www.cwa.tnet.co.th/Issues/ChildLabourAsia/gains_challenges.html)

**ICT and Children's Rights.** Children's rights organizations saw the potential of the internet for effective networking and advocacy. They developed their own websites, communicated through email, and subscribed to e-groups. They used information and communications technology (ICT) to improve their efficiency in handling information, databases, and statistical analysis of information. Information on children's rights became more easily available and accessible through the internet. But as children's rights organizations moved to activities that are more dependent on internet technologies, they became more critically aware of challenges to internet security, such as state policies to regulate the internet, state surveillance of information on the cyberspace, and the number of viruses and worms proliferating on the internet.

**Participation of Girls and Boys: Promoting and Facilitating Participation**

[ParticipationofGirlsandBoys@yahoo.com](mailto:ParticipationofGirlsandBoys@yahoo.com)

Members: 1285

Founded: January 29, 2002

This group brings together children, young people and adults who are actively working towards promoting and realization of children rights through enabling girls and boy's participation and assertion of their participation rights in South Asia. It is an attempt to:

<sup>13</sup> Black, M. (2005) Child Domestic Workers: A handbook on good practice in programme interventions, p. 65. <http://www.antislavery.org/homepage/resources/PDF/PDFchildlabour.htm>

- connect children with children, adults with children (girls and boys) by creating a space for intergenerational dialogue;
- connect initiatives on children's and young people's participation with working children, street children, rural children, urban children, school children, differently-abled children, etc.;
- connect children's organizations, child-led organizations, children's clubs, children's *panchayats*, young people's forums, children's parliaments, etc.
- stimulate individuals and organizations to apply child rights programming by actively working with children and young people in all stages of programme cycle and organization development.

**More nuanced understandings of children's realities.** The UN CRC is also credited for bringing about dramatic changes in research (and consequent action) on children. The literature on children's rights as produced over the past two decades reflects a deeper and more complex understanding of children's realities. There is an increase in the number of researches on various children's issues that take a child-oriented perspective. Respect for the voices of children and young people, their own perceptions of their needs, their own understandings of their realities, as well as their capacities to contribute to the improvement of their own situation, is a paramount feature of this child-oriented perspective thus providing a more complex and context-based understanding of an issue and its many dimensions.

Taking a child-oriented perspective in research enables one to draw a picture that veers away from the homogenizing tendencies in analyzing children's situation and experiences. Beazley's research on children living on the streets of Yogyakarta (Indonesia), for instance, reveals varying facets of street children's experiences, differing according to, among other attributes, age, gender, ethnicity, and class.<sup>14</sup> Woodhead's research on the perspectives of children on their working lives conducted with over 300 children in six countries, including Bangladesh and the Philippines, challenges intervention strategies framed in terms of 'removal' and 'rehabilitation', especially in situations of acute poverty where schooling may be inadequate, and work may be essential for survival and at the core of personal identity.<sup>15</sup>

**More diversified approaches of promoting children rights and addressing children's issues.** There is now more complex understanding of children, childhood, children's rights and children's issues. As a result, there are now more diversified ways of promoting children's rights and addressing children's issues, depending on factors such as contexts, experiences, skills, and resources.

Children themselves are now more aware of children's rights and issues. However, there is also recognition that the meaning and valuing of children's rights may differ among different groups of children, among different communities. In areas where the notion of children having rights is not well-accepted, such as in Cambodia, children's rights are explained in terms of their application in people's everyday lives. In other words, there are more efforts to contextualize the application of the Convention, given prevailing traditional notions of children and childhood. As concluded by Burr in her study on global and local approaches to children's rights in Vietnam, "Rather than seek to undermine the premises of the international human rights discourse, it might be more appropriate to 'make them both more powerful and more flexible' (Stephens, 1995:40). Real changes will only take place if close attention and respect is shown for cultural beliefs and practices of local people, including children."<sup>16</sup>

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<sup>14</sup> Beazley, H. (2002) "'Vagrants wearing make-up': negotiating spaces on the streets of Yogyakarta, Indonesia", *Urban Studies*, 39:1665-1683.

<sup>15</sup> Woodhead, M. (1999) "Combatting Child Labour: Listen to what the children say." *Childhood*, Vol. 6, No. 1, pp. 27-49.

<sup>16</sup> Burr, R. (2002) "Global and Local Approaches to Children's Rights in Vietnam," *Childhood*, Vol. 9, No 49, p. 60.

There is recognition of the differences between children and its implications to programmes and services. There is more recognition and understanding of the many factors that influence children's lives, including gender, age, class, race, ethnicity, religion, disability, and place of birth. These factors, individually or in confluence with each other, affect how children are perceived by society, and affect society's treatment of, and expectations from children. These factors have helped institutions who want to intervene to consider the most appropriate and effective support they can give to children.

- There are now more rehabilitation centres run by NGOs catering to different groups of children who were abused and exploited. But generally, institutionalization of children has become a measure of last resort. There are now more efforts to work with the family. Consequently, there are now more services to support the family (particularly the parents) in caring for the children, such as day care centres, after-school activities, livelihood assistance, etc. There are programmes to enhance the role of fathers in parenting. There are also efforts to work with other significant people in the lives of children: teachers, peers, community. This is also in recognition that children have significant social relations outside the family; social networks that could be tapped in the provision of services for children.
- In Thailand, there are programmes that allow children to work while their education continues, such as programmes allowing children to work during school holidays, apprenticeship programmes for children who are not in the formal school system, directives to employers to send their under-aged workers to training and education seminars organized by the social welfare.
- In south India, the RTUT has developed creative ways of bringing the services to children, such as doing outreach work in bus stations, in schools, and in other places where children can be found. The SJDT have devised creative schemes to motivate families, and children, to save.

**Increasing recognition of children as social actors and active agents.** The UN CRC renders children more visible as social actors in their own right at the international, national and community levels. It challenges traditional perceptions and status of children as properties of parents, as inferior to adults, and of children as extensions of the adult world. The recognition of children as having rights and able to participate in matters that affect them, and the existence of mechanisms where they can exercise this participation, are indeed remarkable achievements in a region where the cultural assumption equating age with wisdom and experience is held sacred.

There is now increased appreciation and initiatives to work with children, individually or as a group, and involve them in projects and community affairs, not just as sources of information (e.g. in local consultations) but as partners in service delivery (e.g. in identifying other children needing assistance) and in advocacy work. There are now more opportunities for children to gain the skills and competence to positively confront the wide range of issues they face as children, as well as issues they will face as they approach adulthood, through having representation in local government structures, schools, communities, and family, or having opportunities to voice their views on issues and concerns taken up in those bodies.

Children in the partner communities of BICE are informed about their rights and have learned to claim it for themselves and for other children. In south India, children have realized the value of coming together, whether for play activities or for advocacy. They have learned to speak out for their rights, without hesitation but in a respectful manner. They are very active in extra-curricular activities such as debates and street dramas which contribute to the development of their creativity, confidence, and self-esteem. In Nepal, children understand the risks and effects of child sexual abuse, are reporting cases of child sexual abuse to responsible people in their community, and are actively engaged in preventive activities on child sexual abuse. In Nepal

and the Philippines, there are structures where children are able to participate in local governance. There are now more than 10,000 children's clubs in Nepal through which they advocate for children's issues in various forums at the village, district or national level. They sit in Community Support Mechanisms in their villages and have initiated activities for children. Even where participation of children is limited to the non-political spheres, such as in Cambodia, children's views and concerns have started to be sought and heard.

### **CHILDREN'S RIGHTS AND RESILIENCE: A SYNERGY IN PRACTICE**

One of the prevailing notions in designing programmes for children is that children are vulnerable and therefore need protection from adults. There has also been a tendency to identify specific groups of children as being especially vulnerable, often at the expense of the larger population of children. While the notion of children's vulnerability has become a useful approach to child protection and the analysis of the situation of children, it is critical to review and refine this notion if we are to promote children's rights. It is implied that problems of children stem from their vulnerabilities as individuals and stems from intra-personal and interpersonal deficits. Thus, it is assumed that children can be easily "traumatized" by negative events in their lives. Since problems are seen from a highly individualistic perspective, there is a tendency to blame the individual who is considered a victim (rather than a survivor) and neglect the role of the social environment. Thus, typical solutions and interventions also target individuals rather than the system as a whole.

The UN CRC promotes the ideology of rights rather than needs, of children as rights-holders rather than as beneficiaries, of children and communities as subjects rather than as objects of assistance. With a more nuanced understanding of children's realities, with the UN CRC as a cornerstone for more research and action on behalf of children, we have come to understand that while affected populations may indeed be vulnerable, this should not prevent us from seeing the considerable resilience of many individuals, families and communities. Even in the face of extremely stressful situations, some children are able to survive against all the odds. This ability to cope and continue functioning more easily than others in similar circumstances is called "resilience". It is now used in a psychosocial sense to mean the individual's capacity to recover from, adapt and remain strong in the face of adversity.<sup>17</sup>

**Emphasis on resilience of children, families and communities.** Research has found that children share certain characteristics or protective factors which seem to protect them in the short term and help them avoid long term negative psychosocial effects. Some of the commonly described factors that promote resilience in children are: strong attachment to caring adults and peers; ability to seek out positive role models; easy interaction with adults and peers; level of independence and the ability to seek help when necessary; regular engagement in active play; ability to adapt to change; tendency to think before acting; confidence to act or control aspects of one's life; and active interest in hobbies or activities.<sup>18</sup> Lately, the concept of resilience has also been applied not only to individuals but also to families and communities thus offering new ways of helping children.<sup>19</sup>

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<sup>17</sup> Boyden, J. and Mann, G, (2000) Children's Risk, Resilience, and Coping in Extreme Situations. Background Paper to the Consultation on Children in Adversity. Oxford, 9-12 September 2000.

<sup>18</sup> Save the Children. *Psychosocial Care and Protection of Children in Emergencies, A Field Guide*, page 10. Adapted from Donahue-Colleta, N. (1992) *Understanding Cross-Cultural Child Development and Designing Programmes for Children*, Washington, D.C.: PACT.

<sup>19</sup> Tolfree, D. (1996) *Different Approaches to assisting children who are psychologically affected by war or displacement*. Stockholm: Radda Barnen.

The emphasis on resilience does not mean that children are invulnerable and that people who are resilient do not experience distress nor do not need help. The starting point in assessing and intervening in problematic situations is based on their capacities and abilities to deal with distress and providing assistance that they need and want. There will always be vulnerabilities, risks, assets and protective factors in children, families, communities and societies. But the threats to human development are those that damage or compromise key resources and protective systems. On the other hand, if the latter are preserved or restored, people are capable of remarkable resilience. As we work with children and as their capacities are enhanced, they become more able to influence their own levels of risk and degrees of resilience.

**Facilitating resilience in practice.** In a groundbreaking paper exploring the relationship between children's rights and resilience, McCallin clarifies that, "A resilience perspective gives us a particular view on how to put the principles of the CRC into practice. It is not a panacea, a remedy that will solve all problems and difficulties. Both the CRC and the concept of resilience are reference points to guide action in a given situation, and must be put into practice in a way adapted to local contexts and challenges. Neither one is a 'technique' that can be applied regardless of circumstances."<sup>20</sup> From the many experiences in the field, it has been shown that children are able to draw from internal and external support to help them cope and adapt with adversities in life. The BICE partners in Asia highlight the following principles, strategies, and methods they have found useful in their practice of facilitating resilience and promoting the rights of children:

- Spend time listening to children directly to get to know their real feelings and views. Train parents and other caregivers on listening to children and learning from children.
- Enhance the capacities of children to help other children, and work with them in addressing issues affecting the community.
- Use creative arts forms to help children who face difficulties express their feelings: writing (stories and poems), performance arts (songs and dance) and other participatory methods (games and sports).
- Support and strengthen the capacities of families and communities in addressing problems of children. Let mothers support other mothers in the community.
- Promote inter-generational dialogues. Tap the knowledge and wisdom of elders in the community.
- Finding in religion and spirituality sources of inspiration in working for the rights and well-being of children, highlighting the mission to address and respect the integrity, worth, and dignity of all persons, young and old, and of everyone's duty towards others who suffer without distinction.
- Let people understand and recognize the problems in the community, together think and propose ways to address the problems (conduct of participatory analysis and planning);
- Work on what is available, in the children, families and communities. Projects should not add something new or introduce something that cannot not be sustained by the community;
- Work with natural community structures. In establishing child watch groups, tap existing groups in the community. Get groups of children to work together. Work with men, women, and children in the community.
- Ensure a balance between service delivery and awareness-raising activities.

**On providing emergency assistance to tsunami survivors:**

"You have to first of all listen to what people are asking and you have to hear what they are telling you. You have to look at the needs. You must find out what the people themselves can offer, the resources they carry within them, and finally, you have to assess your assets and resources to see what you can do. That is how we knew what we could do right away, what must be done within a few months, and what is going to take two or three years."  
Mr. Dominic Xavier, Director,  
Reaching the Unreached Trust  
(RTUT) 2005

<sup>20</sup> McCallin, M. (2005) "Children's Rights and Resilience." Geneva: International Catholic Child Bureau

## **Lessons from the Field: Three Basic Principles in Building Resilience and Promoting Children's Rights**

**Adopt a contextual, community-based and participatory approach.** The contextual approach means taking into consideration the socioeconomic, political, cultural, and religious factors that influence rights-based programming in general as well as the specific contexts in which we find children such as family, school and community. It is important to understand these contexts in order to assess the complex situations in which we find children, families and communities. The broad analysis of the situation of children aims to identify and assess the different contexts that are potentially harmful to children as well as the resources at their disposal as a prerequisite to providing support and interventions.

It is essential to respect local cultures and traditions that promote children's healthy development. At the same time, cultural sensitivity should be tempered with ethical responsibility. It is crucial to also assess and respond to those cultural traditions and practices that hinder or hamper children's healthy development. The contextual approach also means the recognition of diversity and change.

Community-based programmes and activities are designed to enable children either to remain within their own or extended families and prevent the need for separation or to be placed with an alternative family within their community. In this way, children continue to be with familiar adults who are more likely to meet their developmental needs and equip them with the knowledge and skills required for life in the community. By remaining within their community they retain a sense of belonging and identity and also benefit from the continuing support of community networks within that community.

There are several advantages of community based approaches:<sup>21</sup> definitions of needs, problems and priorities are made by the people themselves; it uses participatory methods that empower communities to help themselves and have control over their own lives; it is based on traditional ways of coping with adversity and builds on existing strengths and resources within the community; contributes to the long term development of the community; and it promotes a more integrated approach in responding to psychosocial problems.

Community based and participatory approaches are at the core of effective rights-based programming because it empowers people to take action and effect social changes that are directly beneficial to them. In other words, it encourages self-help and mutual help initiatives and builds on local culture, realities and perceptions of children.

**Sustain and strengthen the family.** The role of the family (and the extended family) in promoting children's rights and sense of well being cannot be overstated. It is important for children to have a secure and loving relationship with parents or caregivers as well as have opportunities for them to grow in safe and healthy environments. To the extent that the family is able to provide for the physical as well as emotional needs of children and to protect them from harm, their overall well-being is ensured. Thus, sustaining and strengthening the family unit is critical in enhancing the resilience of children and for the effective implementation of the Convention.

Provisions for support and intervention have slowly shifted from paying attention to the individual child alone to focusing on groups of children. It has also moved away from working only with children to working with children and their families. The lack of resources to respond

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<sup>21</sup> Tolfree (1996)

to individual cases also makes it more cost-effective. By not singling out particular children, there is also greater sustainability and social acceptability of programmes.<sup>22</sup>

The general principle then is to try to keep children together with their families and caregivers as long as this does not directly endanger their lives. Experience has shown that preserving family unity helps minimize the impact of negative events in the lives of children.

**Build and support the capacities of caregivers.** Caregivers play an important role in the lives of children in the sense that their physical and emotional well being is critical to the well-being of children. Helping adults in the family and community to improve their effectiveness as parents and caregivers is an important contribution in building resilience and promoting children's rights. Family and caregiver support means assisting families, where appropriate, with the knowledge about child-rearing and family problem-solving strategies as well as activities that increase their awareness about children's well-being. Thus, the most effective and sustainable way of achieving positive, long term development impact is to strengthen children's social support network, e.g. the family and community.

It is also important for the wellbeing of children that their families have the means to support themselves and to satisfy their material needs. Livelihood opportunities or income-generating activities do not only provide for their basic needs but also give the family a sense of self sufficiency and self worth. Being productive and not totally dependent on others makes family members feel good about themselves, which has a positive impact on children, family and community. Other support activities include access to appropriate health services, educational opportunities and cultural and recreational activities.

The children trafficked into the sex industry in Nepal reported harrowing encounters with the police. "Police even arrested some children and kept them in custody for 1-5 days without informing their family members. Furthermore, children were handcuffed, and kept in stinky rooms without any mattresses to sleep on. Children even expressed that they were not allowed to go to the toilet."

Gautam, I. Report on Consultation in Nepal conducted in Kathmandu, Bhaktapur with children formerly engaged in CSE, currently engaged in CSE and at risk of CSE  
April 2004

All these point to the need to build and support the capacities of caregivers particularly at the local or community level. They play a key role in assisting children and families meet their own needs on a sustained basis. Outside interventions prove to be much more effective when they work in tandem with local people in the community. There are quite a number of resources for training and other capacity building efforts. With proper training and guidance, caregivers will understand the needs and problems of children better and will be able to respond in a way that will prevent serious consequences on children's psychosocial well-being.

## CHALLENGES TO CHILDREN'S RIGHTS: PERSISTING PROBLEMS, CONTINUING ISSUES

Children's rights work in Asia is as diverse and challenging as the dynamic and diverse political, social and economic environments in the region. The past two decades have seen dramatic changes in various parts of the region that challenge children's rights and development work. Marred by ethnic and religious cleavages and sharp socio-economic differences among its members, the rights of children are violated in all spheres -- civil, cultural, economic, political and social. There are problems that persist and critical issues that

<sup>22</sup> Armstrong, M. et al. (2004) *Piloting Methods for the Evaluation of Psychosocial Programme Impact in Eastern Sri Lanka*. Final report for USAID. Oxford: Refugee Studies Centre.

continue to challenge children's rights and responsibilities in Asia. The past two decades have witnessed the emergence of China and India as world leaders, and increasing urbanization of the Asian region. Despite the spread of economic prosperity, there are still countless children living in absolute poverty who are deprived of their basic rights to survive, develop, be protected from abuse and exploitation, and participate in matters that affect their lives.

Children in the Asian region have been abused in various ways – through trafficking, sexual abuse and exploitation, physical harm and domestic violence. **Many children have fallen victims to traffickers to be exploited in prostitution or sweatshops within the country and across national borders.** In Southeast Asia, about 200,000 to 250,000 women and children are trafficked for various purposes in and through the region annually, though governments have difficulties securing accurate statistics on trafficking and its mechanisms.<sup>23</sup> Approximately 80% of the trafficked victims are women and girls, majority of who are trafficked for commercial sexual exploitation.<sup>24</sup> Many of them were once sexually abused themselves or escaped domestic violence in the homes. In the experience of Aawaaj in Nepal, **many children who were sexually abused and exploited were afraid to disclose their experience,** much less testify against their abuser, due to fear of losing “family honour”, feelings of shame or guilt, or because of fear that they won't be believed or even be blamed for “inviting” the abuse.

The problems of trafficking and sexual abuse did not receive consistent and serious attention in the pre-CRC era. Despite the fact that the trading in humans is as old as civilization itself, the problem of trafficking raised politically sensitive cross-border issues that governments were reluctant to address. Sexual abuse was perceived as largely “private” to be dealt within and by the family/household. The UN CRC brought these problems to fore, raising the discourse of trafficking as a “modern-day abomination,”<sup>25</sup> and of sexual abuse as an infringement of human rights. Addressing these problems through a “rights” lens, the interface between sexual abuse and exploitation and trafficking, and the more readily visible child labour exploitation, was increasingly recognized, thus needing a collaborative and multi-sectoral response to the problems.

**Armed conflicts** (due to ideological, religious, and ethnic differences) continue to affect children in many ways. The fighting between government forces and armed opposition groups has displaced thousands of children and their families in countries such as Sri Lanka, Nepal, Burma, the Philippines, and Indonesia. Peace processes are still unsuccessful in finding lasting solutions to the issues that caused the armed conflict. Impunity remains a major issue in Cambodia, Indonesia, East Timor and the Philippines. In the context of these armed conflicts, children are vulnerable in many ways. In Aceh (Indonesia)<sup>26</sup>, for instance, many children lost their parents and loved ones. Because of their exposure to violence, many children experienced psychosocial distresses. Children were living in constant fear so they could not do their normal daily activities. Many were separated from their families as they flee the conflict-affected areas. Many public facilities were destroyed, including educational facilities so children's access to education was limited. The economy was stalled which consequently increased the number of poor families unable to afford school expenses and basic needs of their children.

The Aceh report on the reintegration of children survivors of armed conflict continues to reveal that girls were harassed and often accused of being members of the *Inong Bale* or the women

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<sup>23</sup> IPEC (2007) *Child Trafficking in the Philippines: A Situational Analysis*, Manila: International Labour Office.

<sup>24</sup> Zonta International. (2007) Position Paper on Trafficking of Women and Girls, April 25, 2007.

<sup>25</sup> Asia-ACT (2002) *Asia's Children in Peril*, Asia-ACT, APHD, TDH-Germany, and ICACT.

<sup>26</sup> Irwanto and Indra Nurpatricia (2007) *The Re-integration of Achenese Children Survivors of Armed Conflict: A rapid assessment*, Dinas Sosia NAD and ILO-Unicef.

warrior of GAM (*Gerakan Aceh Merdeka*), an armed force for Independent Aceh. The boys were often detained by the police, accused of being members of GAM.<sup>27</sup> Similarly, in other countries in Asia, **children are being deprived of their liberty, and criminalized inappropriately**. It is estimated that there are over one million children worldwide in detention, but in some cases, 90% of children in detention have been accused of a crime but are awaiting trial (remand).<sup>28</sup> In six jails in Cebu (Philippines), 74.4 per cent of children in jail between 1999 and 2001 were being detained pending trial.<sup>29</sup> The sheer numbers of children breaking the law was enough to raise moral panic and hysteria about youth offending, and painted a picture of children as deviants. Children's rights advocates were quick to dispel the hysteria, and laid out the following facts<sup>30</sup>: an overwhelming majority of children in conflict with the law – over 90 per cent of them – are petty offenders, who mainly commit offences against property; four out of five children who commit an offence only commit one in their lifetime; and the great majority of children coming into conflict with the law are children from particularly deprived communities and are criminalized for simply trying to survive. Still, children continue to be detained as a matter of course and often in appalling conditions where they are at further risk of being abused.

Street children are particularly vulnerable to abuse in the juvenile justice system. A 2003 report of Amnesty International cited a survey by *Medecins Sans Frontieres* (Belgium) which put forth an estimate that 70% of imprisoned minors in Metro Manila (Philippines) are street children.<sup>31</sup> But not all street children in the justice system are in conflict with the law. **Children are arrested for simply being on the streets** – through prejudiced suspicion that they are likely to commit offences or through outdated legislation which subjects children to harsh sentences for petty theft, substance abuse, begging, and “vagrancy”. In Lao PDR, there are reports of children on the streets being subject to discriminatory policing practices and confinement prior to and during festivals or important events.

The adverse economic conditions in the 1980's drove young children to seek extra money to augment family income and/or to support themselves. **No longer was child work merely regarded as part of the child's achievement and responsibility training, it became an imperative for survival**. Children were found engaged in varied forms of economic activity, covering a broad spectrum within the formal and informal sectors of the economy. The conditions under which they work were found detrimental to their growth and development. Many were forced to stop from schooling as they increasingly found it difficult to combine working and studying. For those in the street trade, many were exposed to or engaged in illegal activities such as picking pockets, prostitution and extortion, prompting governments to “rescue” them from the streets.<sup>32</sup>

Children work for many reasons, at home or away from home, and indeed need protection from abuse and exploitation. In her study of children working on the streets of Hanoi, Burr contends that interventions that are simply critical of children working are likely to have little impact.<sup>33</sup> As raised by the children being assisted by SJDT in south India, they value their contributions to the household economy as well as their education. “The childhood that the children wanted for themselves contained play as well as school, yet at the same time, work

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<sup>27</sup> Ibid.

<sup>28</sup> Martin, F. and Parry-Williams, J. (2005) *The Right Not to Lose Hope: Children in conflict with the law – a policy analysis and examples of good practice*, Save the Children.

<sup>29</sup> Etemadi, F., Ching Li Ye and Bermudez, C. (2004) *Children in Conflict with the Law in Cebu: Profile and Experience with the Juvenile Justice Process*, research for *Breaking the Rules*, Save the Children UK.

<sup>30</sup> Martin, F. and Parry-Williams, J., 2005.

<sup>31</sup> Amnesty International. (2003) *Philippines – A Different Childhood: the apprehension and detention of child suspects and offenders*, AI Index: ASA 35/007/2003, 11 April 2003.

<sup>32</sup> Camacho, A. (2001) *Changing Perceptions of Child Work*, Quezon City: SC (UK) Philippines and UP CIDS.

<sup>33</sup> Burr, R. (2002)

was seen as integral part of their lives, particularly to help out the parents who were clearly recognized to be struggling to make ends meet. However, children also worked to meet their own needs, including paying for some of the direct costs of attending school.”<sup>34</sup> At the same time, one of the problems faced by the children is parents insisting that “children do all the household work,”<sup>35</sup> which clearly negates the commonly-held view that household work is not exploitative. A challenge therefore is for interventions in an economic situation which makes it imperative for children to work.

**There are children and their families who work in bonded situations** largely in agriculture, but increasingly appearing in other sectors such as quarries, mines and in the gem industry. In India, Pakistan, Bangladesh, and Nepal, a very high proportion of children in bonded labour belong to low castes (such as the Dalits) or to marginalized tribal/ethnic groups (such as the Tharus in Nepal). Estimates of children in bonded labour situations vary widely. In 2000, the ILO estimated that there were 5.5 million children in forced labour in all of Asia-Pacific, while a 1998 estimate from Bonded Labour Liberation Front placed the number of bonded child labourers in India alone at 10 million.<sup>36</sup>

**Certain forms of child abuse and exploitation are considered as being customary and historical obligations which account for its continued social acceptance.** The bonded labour system in South Asia is considered to be one of the oldest forms of forced labour, where families and communities, including children from marginalized and socially excluded groups have traditionally been bonded to higher caste employers for generations. They have come to accept their situation of bondage as an inevitable and essential feature of their lives. Children’s rights groups have decried the *devadasi* as a form of child sexual exploitation, a practice in Karnataka (India) which involves the dedication of daughters of the lower castes to a village deity before puberty, following which they were made available to priests and other men for sex.

**Serious concerns continue to be raised about the quality and relevance of education for children,** and the sustainability of the efforts and achievements in universalizing primary education. In the drive to bring more children to school, the quality of primary education suffered. The availability of teachers and learning facilities, e.g. classrooms, learning materials, toilets and sanitation facilities and teacher recruitment, has not kept up with rapid enrolment expansion. Schools with overcrowded classrooms and unmotivated teachers produce unmotivated students who lack the capacity for creative thinking. Many of the children miss school because of boredom, teacher absence, fear of violence and abuse in schools, and forced labour. Sexual harassment of girls by teachers and male students is a serious concern. Corporal punishment in schools is commonplace, and teacher-student relations are marked by violence and apathy rather than by caring or mutual respect. Resources are also lacking for the provision of non-formal education (NFE) and other alternative forms of education, especially for children from marginalized communities and socially excluded groups, and children with disabilities, who are less able to access and complete primary education. The disabling environments in schools and lack of priority for non-formal education have made the implementation of children’s right to education a daunting challenge.

There are other critical issues and persisting problems that continue to challenge the rights of children in Asia. More often than not, there is a **background of poverty, marginalization, exclusion, and violence**, all recurring themes in the lives of Asia’s children. Poverty persists despite unprecedented advancement in technology and progress in the social and economic

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<sup>34</sup> Child Labour – SJDT Concept Paper, p. 4.

<sup>35</sup> From a consultation conducted by RTUT with 10 children from Koonimedu in February 2008

<sup>36</sup> Child Workers in Asia. (2007) *Understanding Bonded Child Labour in Asia: An introduction to the nature of the problem and how to address it*, Bangkok: CWA.

fronts in the last century. And if we consider that children 0-14 years old comprise 30% of the world's population (2000 figures)<sup>37</sup>, with an estimated 1.27 billion people under 18 living in developing Asian countries (2005 estimates),<sup>38</sup> then clearly children are disproportionately affected by poverty. But not only are children income and materially deprived, they also suffer from social deprivation as well. Vulnerability is interlinked with poverty but it encompasses more to include exposure to risks combined with reduced ability to protect or defend oneself against those risks.<sup>39</sup> As aptly contextualized in a report of Save the Children, **poverty makes children more vulnerable and keeps them excluded**, as manifested in the failure in the child's care and protection support mechanisms, a lack of opportunities and a loss of hope. "Often, these factors are compounded by the children's sense of alienation, of powerlessness, of being on the margins of societies where they do not belong, where adults make the rules and where children's spaces and place are restricted and defined on the basis that they are not part of the adult world."<sup>40</sup>

### CHALLENGES TO CHILDREN'S RIGHTS: RISING THREATS, EMERGING ISSUES

Despite significant achievements in the implementation of children's rights, not the least brought about by the efforts of children themselves, there are areas that have remained neglected. As the lives of children and young people continue to be affected by global and local processes, new facets of issues that have challenged children's rights through the years emerge that need to be addressed. This part outlines some of the rising threats and emerging issues challenging children's rights in Asia, and recommends some actions to address the issues in ways that promote the synergy of children's rights and resilience approaches.

**Corporal punishment as a way of disciplining children in the homes and educational settings.** Corporal punishment remains a common way of disciplining children and the practice is on the rise given the ambivalence of parents and other carers on the use of corporal punishment on children. In south India, the children share that their teachers beat or scold them when they don't study well.<sup>41</sup> Worse, parents delegate the task of disciplining their children to the police and teachers, and as such do not raise a howl when their children are punished harshly. According to Irada Gautam, President of Aawaaj in Nepal, "Parents ask teachers to beat their children which are meant for children to do better. Further, after being beaten for failure or misbehaviours at school, children are beaten for the same reasons at home."<sup>42</sup> In Lao PDR, parents who are having difficulty in disciplining their children or who have children who use drugs often refer their children to the village mediation units or the police in order to be disciplined, and in some cases, even to be detained.<sup>43</sup>

- *Have support services in place for children who have been subjected to corporal punishment.*
- *Facilitate a support programme and/or training for parents of children who are experiencing difficulties in the area of positive discipline, and in raising children who reject violence as a form of problem-solving. A similar programme should be conducted among teachers and other caregivers in the community.*

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<sup>37</sup> [http://www.overpopulation.com/faq/basic\\_information/age\\_distribution/](http://www.overpopulation.com/faq/basic_information/age_distribution/)

<sup>38</sup> <http://esa.un.org/unpp>

<sup>39</sup> Garcia and Gruat, 2003 as cited in Thomas, P. (2005) Ending Child Poverty and Securing Child Rights: The Role of Social Protection: A Briefing Paper. Plan UK. Retrieved from <http://www.plan-uk.org/pdfs/socialprotection.pdf>

<sup>40</sup> Martin, F. and Parry-Williams, J. (2005), p. 12.

<sup>41</sup> From a consultation conducted by RTUT with 10 children from the coastal village of Koonimedu in February 2008.

<sup>42</sup> Gautam, I., My experiences in the implementation of the CRC in Wider context in Nepal, a reflection paper submitted to BICE, February 2008.

<sup>43</sup> Camacho, A., Ramirez, G., and Trinidad, A. (2007) Comprehensive Assessment of the Juvenile Justice System: Lao People's Democratic Republic, a project initiated by UNICEF Vientiane.

- *Engage in a public education programmes involving children to end all forms of corporal punishment of children.*

**Bullying in schools.** In a children's consultation in South Asia held in 2005 for the UN Violence Against Children Study, the children from Bhutan and Maldives included bullying in schools as one of the main issues affecting children in terms of violence in their countries.<sup>44</sup> In Lao PDR, almost all children reported having witnessed bullying in schools, with girls and children from ethnic minorities as frequent targets of bullying.<sup>45</sup> In Japan, the problem of bullying in schools has led to a string of recent suicides by schoolchildren.<sup>46</sup> Bullying is underreported and thus not well-understood. Because of the dearth of information on bullying, especially in Asia, it is not readily recognized, and responses are almost always too late. The few studies on bullying have shown evidence of the detrimental impact of bullying on the lives of both the bullies and their victims, and of the link between bullying and anti-social and/or criminal behaviour. Thus early response and prevention programmes are crucial.

- *Identify students at risk of bullying, and provide appropriate interventions.*
- *Create a school-wide climate against bullying, including having policies and programmes in place to address bullying, training for school personnel on how to handle bullying, and engaging the students in a discussion on the issue, enhancing students' capacities for non-violent problem-solving and conflict resolution, and promoting a safer, more caring, and responsive school environment, and communities as well.*

**Violence against children in cyberspace.** The internet and other types of information and communication technologies (ICTs) have bred new forms of violence against children, that are more difficult to track and more pervasive. The following are the forms of cyber violence against children: child pornography and 'live' online sexual abuse for paying customers, online sexual solicitation, cyber stalking and bullying, and access to illegal and harmful materials. Child exploiters also use cyberspace to network for child sex tourism and trafficking. According to Mr. Sanphasit Koompraphant, director of the Centre for the Protection of Children's Rights in Bangkok (Thailand), "Cyberspace gives children easy access to danger. Adults who use the Internet for sexual exploitation are also using it to supplement their child-trafficking networks."<sup>47</sup> ECPAT International attributes the proliferation of cyber violence against children on weak laws and fragmented industry action. ECPAT warns that "Violence against children and young people in cyberspace is a new phenomenon that will continue to affect more children and young people across diverse locations unless safety planning is built into the structure of the so-called new information society."<sup>48</sup>

- *Launch and implement a multi-disciplinary agenda of action to protect children in cyberspace to cover the following areas of action: policy-making and legal reform, law enforcement, private sector cooperation, educational initiatives, care and welfare support, and research, bearing in mind the children's right to participate and the principle of best interest of the child.*

**Alcohol and substance abuse by children.** Alcohol and substance abuse is one of the key problems facing children and young people in Asia today. Despite having declared itself as free of poppy cultivation in February 2006, Lao PDR is now faced with the new threat of

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<sup>44</sup> Children's consultation in South Asia, May 17, 2005,

<http://www.crin.org/violence/search/closeup.asp?infoID=5562>

<sup>45</sup> Violence against Children in East Asia and Pacific Region: Report on the East Asia and the Pacific Regional Consultation on the UN Study on Violence Against Children 14-16 June 2005, Bangkok, Thailand

[http://www.ecpat.net/eng/EAP/documents/VAC\\_Summary.pdf](http://www.ecpat.net/eng/EAP/documents/VAC_Summary.pdf)

<sup>46</sup> Japan's deadly bullying problem, <http://news.bbc.co.uk/2/hi/asia-pacific/6213716.stm>

<sup>47</sup> Asohan, A. (2005) "Dark Side of Tourism, The Net," *The Star Online*, November 13. Retrieved from

<http://thestar.com.my/news/story.asp?file=/2005/11/13/focus/12577564&sec=focus>

<sup>48</sup> ECPAT International (2005) Violence Against Children in Cyberspace: A contribution to the United Nations study on violence against children,

[http://www.ecpat.net/eng/publications/Cyberspace/PDF/ECPAT\\_Cyberspace\\_2005-ENG.pdf](http://www.ecpat.net/eng/publications/Cyberspace/PDF/ECPAT_Cyberspace_2005-ENG.pdf)

growing methamphetamine use among its youth.<sup>49</sup> The young population, who wants to be alert, confident, and slim, prefers methamphetamine over opium which is considered as an “old man’s drug.” A UNODC news cites the case of a 15-year old girl who has been arrested twice, both for smoking speed she bought with money she stole from her parents.<sup>50</sup> Her case illustrates the strong correlation between drug abuse and crime involvement of children and young people. In Cambodia, discrimination against drug users is fuelling the HIV epidemic. Ms. Tith Davy, Director of Khmer HIV/AIDS NGO Alliance (KHANA)-supported organization *Opération Enfants du Cambodge* (OEC), believes that without community consultation and education the number of drug users and levels of HIV and sexually transmitted infection are set to increase in Cambodia.<sup>51</sup> Unfortunately, most NGOs lack the knowledge, resources and skills to deal with the emerging issues of alcohol and substance abuse and related issues of crime involvement and HIV infection among children and young people.

- *Work with children and young people in enhancing positive social skills such as how to resist drugs and alcohol, and decision making. Offer children and young people opportunities to replace, reduce or eliminate involvement in substance use activities. Identify individuals with suspected alcohol and substance use problems and refer them for appropriate assessment and treatment.*
- *Raise awareness about alcohol and substance abuse and its detrimental effects on the health and well-being of children and the society through activities in schools (e.g classroom discussions), communities, and media campaign. Involve the community in efforts to prevent alcohol and substance abuse by children.*

**Children, labour, and migration issues.** The high rates of adult migration mean that there are a staggering number of children affected by the migration process. There are children of Filipino migrant workers in Malaysia who do not have proper documentation and are at high risk of being deported to the Philippines without their parents. Few educational opportunities exist for migrant children in Thailand, and many have to work at a young age to contribute to the family income. Children have always been participating in the migration flows, but they are often seen as “passive movers”, or left-behind by their parent/s, or as companions or replacements of an adult migrant.<sup>52</sup> But there is reason to believe that children are migrating on their own to look for work, but this has received scant attention in research and programming, except if viewed from the lens of trafficking.

- *There is a need for a much better understanding of children on the move, with the engagement of children themselves since their agency plays a part in the migration process.*
- *There is a need for policies that create a more protective environment for migrant working children.*

**Responding to the realities of children living in recomposed families.** The forms, roles, and structures of families in Asia are changing, not the least attributable to the rapid structural and socio-economic changes in the Asian economies. The dimensions of change include rising ages at marriage, declining size of the nuclear family, changing gender roles within the family, emergence of alternative family forms, and changes in family structures consequent on population ageing. These changes have implications on children, especially on child-raising patterns and parent-child interactions and relationships. What has received scant attention is situation of children living in recomposed families consequent on armed conflict, natural disasters, and migration. The armed conflict in Nepal has impacted on the child’s family life in

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<sup>49</sup> Laos battles new foe in war on drugs. *Boston Globe*, Reuters, 13.05.2006. Retrieved from [http://www.unodc.org/laopdr/laos\\_battles.html](http://www.unodc.org/laopdr/laos_battles.html)

<sup>50</sup> *ibid*

<sup>51</sup> Discrimination against drug users is fuelling the HIV epidemic in Cambodia. May 29, 2007. Retrieved from <http://www.aidsalliance.org/sw48037.asp>

<sup>52</sup> Camacho, A. Z. V. (2006) ‘Children and Migration: Understanding the Migration Experiences of Child Domestic Workers in the Philippines’ Unpublished paper.

a number of ways: a child who has to take care of a grieving mother, orphaned children who have to work to sustain their families and thus foregoing education, children who were forcedly conscripted to join the armed groups and thus growing up lacking the traditional family and community support structures.<sup>53</sup> The situation of children when their mother remarries is an emerging concern in Nepal. In Indonesia, a number of children are reportedly sought by a sought by a “third party” to be taken care of and sent to Malaysia for security reasons.<sup>54</sup>

- *Separation of children from their families and communities do occur and are sometimes inevitable. Children separated from their parents and other caregivers for different reasons are at a higher risk of being abused, exploited and exposed to violent situations. Thus, while programmes should help develop children’s ability to cope with the separation, identifying separated and orphaned children, tracing family members, reuniting children with their families, or ensuring that children grow up in the protective care of (and participating in) family and community support structures, are still the best for children’s well-being. As a temporary arrangement, foster family care should be provided but institutional care should be avoided.*
- *Ensure that there are effective support mechanisms for children and young people living in child-headed households, including home visits by community volunteers, provision of modest levels of material support, educational assistance, and training in effective parenting.*

**Responding to the needs of children survivors of natural disasters.** Asia was particularly hit by natural disasters, notably the 2004 Indian Ocean earthquake which triggered a series of devastating tsunamis that claimed the lives of more than 200,000 people in 11 countries, with India, Indonesia, Sri Lanka, and Thailand, the hardest hit.<sup>55</sup> Very recently, Cyclone Nargis devastated Burma, claiming more than 28,458 lives with 33,416 missing.<sup>56</sup> Natural disasters can be especially traumatic for children and youth. In a consultation with children from a coastal village in south India held in February 2008, the children shared that they feel unsafe going near the coast. “We don’t like the ocean.”<sup>57</sup>

- *While there were communities who were unable to cope with the large-scale destruction in the aftermath of the 2004 tsunami, the challenge is to learn from the successes in disaster response,<sup>58</sup> and to make child protection integral to responses in emergency and post-emergency situations.<sup>59</sup>*

**Other issues affecting children and the environment.** There are critical environmental issues challenging children’s rights, such environmental degradation due to over-exploitation of beaches and other tourist areas, displacement of communities to make way for tourism development, and deaths due to the use of pesticides and other destructive agricultural practices. Water supply and sanitation remains an issue in Asia, its consequences not unknown to children. “Water in our area is dirty which causes different diseases so we think we are not safe.”<sup>60</sup> The same concern is echoed in a Unicef report on climate change and children.<sup>61</sup>

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<sup>53</sup> Gautam, I. (2005) Situation of Children Affected from Conflict in Surkhet, Dang, and Bardiya. A report submitted to the International Rescue Committee.

<sup>54</sup> Irwanto and Indra Nurpatra (2007)

<sup>55</sup> McCawley, P. The Asian Tsunami: Two years later.

<http://www.adbi.org/news/2006/12/27/2108.tsunami.lessons/>

<sup>56</sup> [http://news.yahoo.com/s/ap/20080512/ap\\_on\\_re\\_as/myanmar](http://news.yahoo.com/s/ap/20080512/ap_on_re_as/myanmar)

<sup>57</sup> From a consultation conducted by RTUT with 10 children from Koonimedu in February 2008.

<sup>58</sup> McCawley cited the case of Sri Lanka. He wrote, “One of the most encouraging successes in Sri Lanka was that despite the fact that Sri Lanka had no previous experience of such a devastating tsunami, local institutions responded well when the crisis struck. Medical aid, food, and other relief supplies were mobilized at the local level within a day. Communities joined together to work across social barriers that had divided them for decades.” <http://www.adbi.org/news/2006/12/27/2108.tsunami.lessons/>

<sup>59</sup> For an excellent guide in promoting the psychosocial well-being of children in emergencies, see the *Handbook on Psychosocial Assessment of Children and Communities in Emergencies* by the Regional Emergency Psychosocial Support Network, available from [http://www.unicef.org/eapro/activities\\_3692.html](http://www.unicef.org/eapro/activities_3692.html)

<sup>60</sup> From a consultation conducted by RTUT with 10 children from Koonimedu in February 2008

Citing figures from the World Health Organization, the report said that respiratory infections, diarrhea diseases and malaria, three of the biggest killers of children under five, are all closely linked to environmental issues. Rightly so, climate change is one of the biggest concerns of children and young people for the world's future.<sup>62</sup>

- *Work towards policies and programmes promote children's health and environment: ensure safe water and adequate sanitation; ensure protection from injuries and adequate physical activity; ensure clean outdoor and indoor air; and aim at chemical-free environments. Engage the active and meaningful involvement of children in protecting the environment in their daily lives and activities.*

**Highlighting the rights of children with disabilities.** Latest UN estimates point that there are at least 650 million persons with disabilities worldwide, and approximately 80 per cent live in less developed countries.<sup>63</sup> The ADB further estimates that there are 400 million people with disabilities that live in the Asia-Pacific region, and when taking into consideration the impact of disabilities on families, disability impacts over the lives of 800 million people or about 25% of the population in the region.<sup>64</sup> The number of persons keeps increasing due to poverty, lack of occupational health and safety, poor pre-natal care, poor road and traffic management, civil conflicts and landmines. In Cambodia, children account for half of landmine casualties.<sup>65</sup> Despite these figures, most of people with disabilities remain invisible, being underreported in national census, and unreached by basic social services. The ADB reports these stark realities of disability in Asia: "Most of the disabled remain invisible, being underreported in national censuses and surveys. Less than 5% of children with disabilities attend school. Women and girls suffer double discrimination and have even less access to education than males. People with disabilities are poor because they are denied the access and opportunities most basic to human development - education, income, and self-esteem."<sup>66</sup> In addition to experiences of poverty, exclusion, and violence also experienced by adults with disabilities, Save the Children reports that children with disabilities face additional abuses – abandonment as babies, institutionalization, exclusion from education, lack of birth registration, lack of respect for their evolving capacities, and inappropriate child protection systems, among others. And despite governments' obligations to address the rights of children with disabilities under the UN CRC, and the recently adopted UN Convention on the Rights of Persons with Disabilities,<sup>67</sup> too little progress has been made to realize their rights.<sup>68</sup>

- *Facilitate a support programme and/or training for children with disabilities and their parents/caregivers.*
- *Raise awareness and lobby for the implementation of the rights of persons with disabilities in all aspects of society and life.*

**Marginalization of indigenous children.** According to UN estimates, there are 300 million indigenous peoples worldwide and approximately half of these live in Asia. There is an estimated 70 million indigenous people in East Asia, 50 million in South Asia, and 30 million in

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<sup>61</sup> UNICEF (2007) Climate change and children. New York: UNICEF. Also available from: [http://www.unicef.org/eapro/activities\\_3692.html](http://www.unicef.org/eapro/activities_3692.html)<http://www.unicef.org.uk/campaigns/publications/pdf/climate-change.pdf>

<sup>62</sup> Climate change 'worries' children. June 23, 2005. <http://news.bbc.co.uk/1/hi/education/4123884.stm>

<sup>63</sup> CRIN, UN: Convention on the Rights of Persons with Disabilities Enters into Force. June 04, 2008. Retrieved from <http://www.crin.org/hrbap/index.asp?action=theme.infoitem&item=16847>

<sup>64</sup> ADB, Development and Disability, <http://www.adb.org/SocialProtection/disability.asp>

<sup>65</sup> UNICEF New York (2004), Children account for half of landmine casualties in Cambodia, 24 November. Retrieved from [http://www.unicef.org/protection/cambodia\\_24266.html](http://www.unicef.org/protection/cambodia_24266.html)

<sup>66</sup> ADB, Development and Disability, <http://www.adb.org/SocialProtection/disability.asp>

<sup>67</sup> Adopted by the UN General Assembly in December 2006, and entered into force on April 03, 2008. For the full text, go to <http://www.un.org/disabilities/documents/convention/convoptprot-e.pdf>

<sup>68</sup> Save the Children, Press release: Children's Rights and the UN Convention on the Rights of People with Disabilities, June 29, 2007.

Southeast Asia.<sup>69</sup> The rights of Indigenous children and youth are often compromised as they are often caught between their language, customs and values and those of the wider community. Indigenous children are often forced to leave their communities to pursue education and are discriminated in the process. As youths, they are denied equal opportunities for employment. They inherit the responsibility of preserving their traditional lands and resources, languages, beliefs and knowledge systems upon which their cultural heritage and identity is based. But most indigenous children and young people are often psychologically and physically removed from their traditional life and culture.

- *With the adoption of the United Nations Declaration on the Rites of the Indigenous Peoples<sup>70</sup> by the UN General Assembly on 13 September 2007, the challenge is to raise awareness about the Declaration and implement indigenous people's rights in all aspects of society and life.*

**Promoting children and young people's participation in areas that really make a difference.** The UN Research Institute for Social Development distinguishes 'systems maintaining' participation, used to make people understand and implement existing policies, from 'systems-transforming' participation which encourages children and young people to engage in real decision making even where this challenges authority structures.<sup>71</sup> Ansell contends that young people have thus far been given little opportunity to participate in areas that really make a difference.<sup>72</sup> They are not invited to participate in formulation of policies and even in educational settings where in-school children spend most their day in. Even when they are involved in children's parliaments, their participation has been made as non-political as possible.

- *There is a need to incorporate children's citizenship rights in the discourses on rights and resilience and in current intervention efforts. To achieve this, Roche offers the following thoughts:<sup>73</sup> there is a need to recognize the contributions and insights of children in the here and now, and not just in reference to their future potentials; changing social and institutional practices so that we are able to listen to children properly; supporting the inclusion of children in hitherto adult spaces and conversations, and recognizing the interdependence of our lives, and how such interdependence can best be fostered together.*



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<sup>69</sup> UNICEF Innocenti Research Centre. (2003) "Ensuring the Rights of Indigenous Children," *Innocenti Digest*, Number 11.

<sup>70</sup> For the text, go to <http://www.un.org/esa/socdev/unpfii/en/declaration.html>

<sup>71</sup> Chawla (2002) as cited in Ansell, N. (2005) *Children, Youth and Development*, London and New York: Routledge

<sup>72</sup> Ansell (2005)

<sup>73</sup> Roche, J. (1999) *Children: Rights, Participation and Citizenship*, *Childhood*, Vol. 6, No. 4, pp 475-493.

## Expert Group Asia

### ▪ Tith Davy

Davy Tith is the director of the Operation Enfants du Cambodge organisation, founded in 1996. She was a professor, French interpreter for the UNHCR and administrator of projects for the French organisation "Partage". It was at the hospital of Battambang in 1995 that she witnessed the suffering of poor children of the after-war period in Cambodia. She founded the local organisation Operations Enfants de Battambang (O.E.B), the name of which has been changed after more than 10 years of fight to become "Operations Enfants Cambodge" (O.E.C). This association promotes and defends children's rights, working with handicapped children and those wounded by mines, AIDS orphans, and carrying out programs concerning education, reproductive health and non-formal education in remote regions of Cambodia. OEC received the gold medal for national reconstruction from the Cambodian government and a letter of congratulation from the Ministry of Social Affairs. Mrs Davy sits in the Executive Council of four non-governmental organisations in Cambodia.

### ▪ Dr. Gracy Fernandes

Dr. Gracy Fernandes is a social work educator and researcher. She is currently the Director of the Research Centre of the School of Social Service in Madagascar (since September 2006)

While in Madagascar, she has served as a Consultant to the Catholic Relief Service (CRS) and worked on two of their projects on "Training of direct practitioners and government personnel on Trafficking of Persons in Madagascar" and "Psycho-Social Accompaniment of the victims of trafficking". She completed two projects with MISEREOR on the Vocational Training of Young Girls in Madagascar organised by the Catholic Church and on the reorientation of the present Vocational Training in Madagascar. In collaboration with the Ministry of Justice, she conducted a study on the "Situation of Twin Children in the Region of Mananjary" (the East Coast of Madagascar) followed by a project on "Strategies of Communication to Prevent the Exclusion of Twin Children in this Region" These two projects were funded by UNDP. In partnership with UNICEF-Madagascar, she worked on "Child Protection Services against the exploitation of children particularly child sexual exploitation and on child labour in the mines" (in South Madagascar).

As a Director of the Research Unit of the College of Social Work, in Mumbai, India (1993 to 2006) I was full time faculty member teaching the Master's students in Social Work and conducted evaluation of organisations working with women and children in India, South East Asia and Africa. While in India she was associated closely with Bice. Her publications in the Research Unit include Resilience: A Joyful Growth; Rescue and Rehabilitation of Child Victims Trafficked for Commercial Sexual Exploitation (published by UNICEF and Department of Women and Children, New Delhi)

### ▪ Shirley Fozzard

Shirley Fozzard is a graduate Medical Social Worker, with extensive experience in social work practice and education. She has two sons, two daughters in law – one Mozambican and one Japanese – and five grandchildren.

She has worked in Child Guidance in the UK, with families in distress in Child Protection in Canada, and in Foster Care in the UK and Hong Kong. She taught adult education classes in the U.K. and in Hong Kong, and contributed to CQSW training. She has been an external assessor for the Central Council for Training and Education in Social Work (CCETSW), and was responsible for the coordination and development of training for residential and community workers in Cambridge (the CSS scheme), for 7 years.

Shirley Fozzard worked with refugees in Hong Kong promoting a social and education programme in the Bowring closed camp for Vietnamese Boat people. It was there she became aware of the special and extreme distress of refugees and of the post-traumatic effects of the violence they had endured before, during and after their escape. Sponsored by Bice, she went to Zambia to undertake research to determine the effects of their experiences and develop a programme to address the effects of violence. From this experience, community programmes that emphasise community empowerment with the promotion of resilience have been developed in Zimbabwe, Malawi, Mozambique, Namibia, Ivory Coast and Liberia. In 1998, Bice recognised that the efficiency of this approach to victims of violence would also be appropriate in the prevention and reinstatement of sexual abuse victims in Asia. Shirley has been working as a consultant and trainer for the Bice in Sri Lanka, Cambodia, and Nepal as well as in Tamil Nadu and Pondichery in South India.

### ▪ Irada Parajuli Gautam

Irada Parajuli Gautam, president-founder of Aawaaj, has showed herself as a social leader against sexual and domestic violence, questions that no organisation had ever addressed in Nepal in 1999. She obtained a Master's Degree in public administration with a specialisation in development and rural planning. She also received a diploma in community health care. She is married and mother of one boy.

Irada started her professional career in 1986, at the age of 19. She joined "Save the Children UK" in Nepal and was in charge of the medical clinic's maternity and pediatry department located in a very remote zone, unreachable by Western Nepal's roads. Then, she was in charge of the Surkhet region in 1992, and worked in Western and Central Nepal.

She worked with children and women in rural areas, sexually exploited girls and women and girls and women victims of trafficking or living with HIV/AIDS. Almost each of those groups were confronted to diverse forms of violence during their lives. Thanks to her action, a large number of groups in these remote areas have taken their life in hand and have helped to promote important changes in their society.

She has a very good knowledge of the South Asian and Nepalese context, integrating the problems and questions affecting children and women's status, in remote areas and urban slums, as well as questions dealing with the protection of childhood through a gender approach. She also participated in research, evaluation and training activities at a regional and national level in Southern Asia.

Aawaaj is a social organisation that works towards improving women and children's conditions in rural areas and that is a pioneer in the establishment of community support mechanisms to face violence against children in the Central Western region.

Presently, programs encouraging the participation of communities have been carried out in Surkhet, Dailekh and Bardiya, with about 5000 people working towards eradicating violence against women and children.

▪ Elizabeth Protacio-De Castro, Ph.D.

Dr. De Castro is Associate Professor at the Department of Psychology, College of Social Science and Philosophy (UPD-CSSP) and Director of Psychosocial Support and Children's Rights Resource Center, an NGO that engages in research, training and publication on children's rights and welfare issues, child protection and psychosocial support.

She has worked and published on numerous areas of research on children such as child abuse, childhood and children rights, resilience, child trafficking and pornography, children in armed conflict and other emergencies, etc. She also has a wide range of international experience not only in research and training but has also been an organizer/trainer/resource person/speaker in several international workshops, symposia and other public fora. She has also worked for UNICEF East Asian and the Pacific Regional Office in Bangkok, Thailand as child protection specialist.

Dr. De Castro has received several national and international awards, the most notable of which are The Outstanding Women in the Nations Service Award (TOWNS) in the Philippines in 1992 and the Leo and Liesl Eitinger Human Rights Award in Oslo, Norway also in 1992.

▪ Sanphasit Koompraphant

Sanphasit Koompraphant has been working for over 25 years to change children's lives and was one of the first to raise the issues of child abduction, child trafficking and child prostitution in Thailand and the region of Mekong. Honorary doctor in social work, he also has a Bachelor's Degree in law and economics. Since 1985, he has been heading the Center for the Protection of Children's Right (CPCR) founded in 1981, which works with neglected, abandoned, physically abused or work-exploited children. Since then, the organisation has achieved great progress in helping Thai children. Sanphasit Koompraphant is a member of many governmental committees in Thailand and has contributed to the writing and adoption of specific laws for minors (Thai Children's Act, Amendment of Code of Juvenile and Domestic Court and legal procedure). On an international level, Sanphasit Koompraphant is the president of the ISPCAN (International Society for the Prevention of Child Abuse and Neglect).

▪ Bro. I. Sebastian, Fsc - Fondation Saint Joseph pour le développement

Bro. I. Sebastian FSC, is a member of the congregation of the De La Salle Brothers, a world wide group working in 84 countries with 300 years of service experience especially in the field of education and development of the poorest of the poor. He is the founder and executive director of St. Joseph's Development Trust.

Bro. I. Sebastian FSC received eight years special trainings in the same institute on pedagogy, psychology, childcare and other self-development topics.

He did his postgraduate studies in Rural Development (MA in Rural Development) with specialization in project planning and monitoring. He also completed a Master of Business Administration (MBA). He is a very efficient leader and has been in the field of rural development for the last 22 years. Having seen the good works done by him for the disabled children and youngsters, the Tamil Nadu State Government has selected him as one of the partners to implement a national programme for rehabilitation of persons with disability. As recognition to the meritorious services rendered for the disabled persons in Theni district, the district collector has conferred him "The Best Social Worker Award 2003". The Dindigul district collector has conferred him as a certificate of merit for the service rendered to mentally retarded children in 2004. Recognised for the services rendered for the Street and working children in Dindigul district, the French Embassy has conferred him the Special Award in 2005. He

received a state award for the service done to the mentally retarded children in 2006. He was a panellist for micro credit conference held in Rome in 2007.

▪ Pav Vannak

Pav Vannak has a degree in civil law (Phnom Penh College) and has followed a training course in social work given by the SSC (Social Service of Cambodia) in Phnom Penh. He was a Professor of Penal Law during 6 months and, in 1998, during one year, he was the coordinator of a UNDP (CARERE) project on the problem of land property of indigenous populations in the Ratanakiri province.

In 1999, he joined the IKD (Institut Khmer pour la Démocratie) as a project assistant, in charge of the Provincial Coalitions between the government, the NGOs and the international organisations, and of the training of governmental services and NGOs on democracy and rule of law.

In 2000, he started working with Bice as coordinator of the community project for the prevention against abuse, sexual exploitation and children's traffic in the Sihanouk Ville province. He is presently the director of the non-governmental organisation CCBO (Community Child Based Organisation).

He worked with street children, children in conflict with law, children in orphanages, displaced children, children with HIV/AIDS, children victims of violence, including domestic violence, and children victim of sexual abuses in their community as well as in their families.

▪ Dominic Xavier

M.L. Dominic Xavier is the director and founder of the Indian organisation "Reaching the Unreached Trust" based in Pondichery, India. Married and father of three, he is 45 and raised in India in a Catholic environment. He holds a Master's degree in Chemistry (University of Madras) and worked as a Professor of Sciences at the Don Bosco High School during two years. Profoundly touched by the discriminations in the Indian context, he was involved in human rights and obtained a Master's Degree in human rights and a Bachelor's Degree in education. He is convinced by the inborn capacities that each one of us carries and by our aptitude to learn and evolve.

He worked as a volunteer in the framework of the children's development program in LCES, an NGO directed by the De la Salle brothers in Colombo, Sri Lanka. He was also responsible of the children in "Boys Town", Nagamalai, Madurai. During the year of 1993, he founded "Reaching the Unreached Trust", a non-governmental organisation whose mission it is to raise the children and the women's status in the Indian society by carrying out community programs to prevent abuse and violence.

▪ Agnes Zenaida V. Camacho

Agnes Zenaida V. Camacho has worked and published on childhood and children's rights issues such as on child labor, child migration, children in prostitution, child trafficking, child soldiers, children in situations of armed conflict, as well as children's participation and research ethics since 1990. She has an MA in Development Studies from the Institute of Social Studies in The Hague, The Netherlands, as well as academic training in political science and sociology at the University of the Philippines in Diliman. She was a recipient of the Academic Distinction Award from the President of the University of the Philippines System in 1999 for her research on "Family, Child Labor and Migration". Agnes has conducted program monitoring and evaluation consultancies for various local and international organizations. She is a member of the International Advisory Council of the Human Rights Information and Documentation Systems, Intl. and sits in the Steering Committee of the South East Asia Coalition to Stop the Use of Child Soldiers.