

Human Rights and Children

17th Informal ASEM Seminar on Human Rights

Key Messages

Children's rights have never been in sharper focus than during the last several years, due to the increasingly visible impacts of social exclusion, violence, disasters, conflict and forced displacement on children and the realisation of their rights.

The **17th Informal ASEM Seminar on Human Rights** on the topic **"Human Rights and Children"** was organised by the Asia-Europe Foundation (ASEF), the Raoul Wallenberg Institute (as delegated by the Swedish Ministry of Foreign Affairs), the French Ministry of Foreign Affairs and International Development, the Philippine Department of Foreign Affairs, and the Federal Department of Foreign Affairs of Switzerland. The 17th Seminar was hosted by the Ministry of Foreign Affairs of Bulgaria, the State Agency for Child Protection of Bulgaria, and the Ministry of Labour and Social Policy of Bulgaria. It brought together over 103 official government representatives and civil society experts, representing 33 ASEM members to discuss the application of a human rights-based approach in addressing children's rights. Additional events at the Seminar included a side-events on **"Children and the Media"** (organised by the State Agency for Child Protection and Sofia University) and a **Human Rights' Seminar with the children as participants** (organised by the State Agency for Child Protection).

The Seminar convened three working groups which discussed three topics: **International Partnership and State Provision for Survival and Development of Children; Protection of Children in Vulnerable Situations** and **the Participation and Involvement of Children in Decision-making**. While a detailed individual working group discussions would be found in the complete Seminar Report, highlights of those key recommendations have been elaborated here.

States have a moral responsibility to protect the rights of all children without discrimination, in particular the most vulnerable. This is also a **legal responsibility** for states, with the overwhelming majority of countries in the world, and in particular all ASEM countries, being a party to the **UN Convention on the Rights of the Child**. There is a **distinct need to have a national plan of action** in individual countries for the ownership, the leadership, the assistance and the coordination of the implementation of children's rights. Differences in legal age of children in countries, leads to inconsistencies in the protection of children. With regard to the justice system, it should be recognized that this system does not only relate to children who (allegedly) have committed crimes, but, also, to those children who witnesses or are victims themselves.

An emerging legal and social problem is the **protection of children caught up in state counter-terrorism related activities**. Instead of prioritising post-terrorist act public interventions, **States need to focus on preventive methods**. Countries should have in place, numerous state-driven programs to target vulnerable populations and prevent social exclusion and the lure of radical

ideologies. In addition, one should be aware of the impact of anti-terrorism legislation on children and should take into account the best interests of children when drafting, applying and enforcing such legislation.

Never have the questions on the **protection of children in forced migration** been more pertinent. Diversity in the scope and practical application of **laws affecting refugee and migrant children by state officials enables marginalisation** of vulnerable children as they find themselves stuck in a limbo. Political and media narratives on migrant and refugee children too often portray them in a negative light, undermining their integration, protection and well-being. **Unaccompanied minors** are particularly vulnerable, devoid of adult care during their long and often dangerous journey to destination countries. It is important for **States to establish an effective cross-border family-tracing system** and **facilitate an enabling protective environment**, in cooperation with civil society organisations, for timely reunification and interim support measures. Moreover, **children must above all be seen and treated as children**.

Rapid **urbanisation** has seen a fast-paced growth in **internal migration**. The movement from the periphery to the core, has also involved children, putting more pressure on urban resources like school facilities, available healthcare, etc. Urban policies of cities need to factor in the growth in city population, and accordingly build on their infrastructure so that migrant children are not disadvantaged or marginalised.

Migrant and refugee children, in particular, are more exposed to other risks, such as the **exploitation of children in the labour market and early marriage**. Children who do not have avenues to access education, enjoy extracurricular activities or a secure family environment are at heightened risk of exploitation and abuse.

Child marriages have no place in modern society. Despite law and policy commitments, this practice remains prevalent in several ASEM countries. States, civil society, religious leaders and communities themselves need to work more closely together to implement evidence-based prevention methods and better ensure the best interests of predominantly girl children are met.

The **digital age** has heralded a new era of opportunities and challenges. Stakeholders do acknowledge that the internet is an essential learning tool even in the development of children, the idea of limiting this access to mitigate the vulnerability is fraught with difficulties. **States can have tougher laws** on cyber bullying and paedophiles, and at the same time must **strengthen their intervention policies** through community awareness programs or the school curriculum. **Parents or other caregivers** must be involved as well.

International partnerships, including all three parties – governments, businesses, and the civil society (i.e NGOs, religious leaders, academics); should listen to the voice of the children. States should not underestimate the experiences and opinions of children, as they have an equal stake in their well-being and future, and thus should be provided with the right platform to air their views. These views should be given due weight and consideration.

States should concentrate on collecting best practices from different countries, in the form of databanks/steering groups, which allow for sharing both examples of successes and failures (including bad practices, problems, abusive organisations). State, thus, could build a better organisation and/or make use of existing platforms.

The shortage of financial resources has inhibited progress, thereby highlighting the importance of greater international partnerships. States should look at partnership and cooperation **for setting minimum standards for the protection of children**, and also encourage interfaith and interreligious dialogues to promote protection of children from early marriage, political misuse and other rights violations.

States should look at the **alleviation of poverty** as a key step to preventing the violation of children's rights and supporting a protective environment. The necessity for a good social protection system,

such as inclusion of a conditional cash transfer programme; is particularly higher for poorer children whose risk of abuse is greater. There needs to be **specific national action plans for children across the country including vulnerable caseloads**, where local governments and communities should be involved, including indigenous and minority children, children in residential/ institutional care, refugee, migrant and stateless children and HIV-infected children among others. **Poverty, gambling and alcohol are often inter-related to drug-trafficking, state regulation and international cooperation among states**, is required to fight against these social evils.

State provision should come in the form of sharing responsibilities between families, governments, schools and local communities. Governments should encourage a family-based approach to alternative care in line with children's best interest, avoiding the creation of new institutions, and where institutions are present ensuring strict regulation and oversight. **The sequence of approach should look to the immediate family, relatives and then to the larger community.** Recognising the technical expertise available from specialised child protection actors including UNICEF and NGOs, **states should be more proactive and open to collaborate in order to achieve the best results for these vulnerable children and their families.** In addition, donors should support the national advocacy efforts so that action can be aligned and streamlined.

While most countries have ratified the Convention on the Rights of the Child (CRC), their national legislation has been found wanting. In cases where states have been found willing, lack of knowledge on the ground, has hampered progress. **Multi-stakeholder** dialogue with **academics, the judiciary, NGOs, government officials etc**, yield better results. However, the embedding of children's rights in domestic legislation, followed by adequate planning and budgeting, remains vital for their implementation.

States have to provide the necessary support mechanisms, with help of NGOs or academia, for children in need such as children facing domestic abuse or the practise of corporal punishment in schools. **States could sponsor media campaigns to empower children with knowledge about their rights**, and report their rights violations. Effective response mechanisms like hotlines, services, and professionals should be put in place. States could also adopt the use of smartphones in reporting violence against pupils by people in authority.

Quality education forms another key part of human rights for children. There is a need for inclusive and equal education of all children including those with disabilities. States must work in conjunction with civil society members to construct stimulating and targeted education modules for their future citizens.

The **participation and involvement of children in decision-making** is essential in ensuring that the opinions of the children are heard. **Article 12** of the CRC provides that "state parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child". States should work-out viable solutions or tools with relevant actors to ensure children participation, particularly in decision-making affecting their lives. This includes the development of legislation and policies.

States need to be aware that the **structure / institutions / public caregivers working with children need to be constantly evolving**, as it is difficult to sustain constant contact, migration will continue, and centralised institutions would lose their meaning. It is important to look at the methods of working with children. To do this, adults would have to be trained to understand children better by not only focusing on what children are saying, but also understand their non-verbal ways of communicating.

General recommendations to ASEM countries

1. There is a need to strengthen child rights implementation mechanisms by moving away from the 'law in books' to 'law in practice'.

2. It is important to ensure support and *enable* children to participate in all decision making affecting them, including legal proceedings.
3. Additional training should be provided to stakeholders in the juvenile justice system to ensure legal and other assistance to children, even in remote communities, is provided and readily available and accessible.
4. Social procedures and interventions should be established for vulnerable children in conflict with the law, especially for those below the minimum age of criminal responsibility (MACR), and these procedures and interventions should respect the human rights of children.
5. States should invest in multi-agency coordination and cooperation to centralise the approach to juvenile justice issues; this should be part of a national plan of action.
6. It should be recognised that children from marginalised communities are more vulnerable to manipulation by radical groups and terrorism, and therefore need urgent and targeted assistance.
7. States should work on anti-discrimination strategies, where children are discriminated against or stigmatised, including LGBTIQ adolescents. These strategies could be in the form of legal, education, and raising awareness interventions. Governments and the civil society should also initiate targeted programmes to enhance solidarity, tolerance, and acceptance of the migrant and refugee children in society.
8. International cooperation should be enhanced. The Global Compact on Migration should be taken into consideration, and states should look into reconsidering the reservations to the Convention on the Rights of the Child and the Refugee Convention.
9. It should be acknowledged that children can be exploited in the labour market, even in a family business.
10. States should have a national strategy on the protection of vulnerable children's rights. Cross-national cooperation on prevention of trafficking and sexual exploitation, including refugee, migrant and stateless children, is also necessary, but can be more effective if nations create a common understanding about the topic.
11. States should create programmes on educating parents, caregivers, school staff and children on the opportunities and risks of the digital world in which children are currently active.
12. States should include children in drafting policy designs in order to incorporate their experiences and advice.
13. Training of all stakeholders in child care on the sensitivity and vulnerability of children is imperative, and states should allocate adequate financial resources.
14. International partnerships and technical cooperation between ASEM states can be strengthened by creating an (ad hoc) Steering Committee and online platform/database where good practices and experiences can be shared within and across regions.
15. Government should appreciate the importance, different forms and layers of partnerships- PPPs, Government-Civil Society, between private sectors and stakeholders, and fully exploit their potential to fund state or civil society program tailored to meet children's rights and needs.
16. International alliances can also aid local NGOs in balancing children's and parents' rights.
17. Children should be actively encouraged to participate in potential national plans, such as implementing the UN 2030 agenda.
18. National school curriculum should include human rights of children.
19. The four main steps to handling children's rights are recognition, participation, protection and empowerment of children.