

Children as Zones of PEACE

Mainstreaming the
Optional Protocol
to the Convention on
the Rights of the Child
on the Involvement
of Children in Armed
Conflict (OP CRC AC)
in the Southeast
Asian Region



Workshop Report

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Southeast Asia Coalition to
Stop the Use of Child Soldiers
(SEASUCS)

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CHILDREN AS ZONES OF PEACE

Mainstreaming the Optional Protocol
to the Convention on the Rights of the
Child on the Involvement of Children
in Armed Conflict (OP CRC AC)
in the Southeast Asian Region

27-29 November 2007 • Quezon City • Philippines



Acronyms and Abbreviations

ASEAN	Association of Southeast Asian Nations
AU	African Union
BCPC	Barangay Council for the Protection of Children
CAAC	Children Affected by Armed Conflict
CAFGU	Citizens Armed Forces Geographical Unit
CARHRIHL	Comprehensive Agreement on the Respect of Human Rights and International Humanitarian Law
CHR	Commission on Human Rights
CIAC	Children involved in armed conflict
CICL	Children in conflict with the law
CRC	Convention on the Rights of the Child
CSUCS	Coalition to Stop the Use of Child Soldiers
CTP	Cape Town Principles
DDR	Disarmament, Demobilization and Reintegration
DSW	Department of Social Welfare
EC	European Commission
ECOWAS	Economic Community of West African States
EPG	Eminent Persons Group
EIDHR	European Instrument for Democracy and Human Rights
EO	Executive Order
ESDP	European Security and Defence Policy
EU	European Union
FTA	Free Trade Agreement
IAC-CIAC	Inter-Agency Committee on the Children Involved in Armed Conflict Program
ICC	International Criminal Court
IDP	Internally displaced people
IHL	International Humanitarian Law
ILO	International Labor Organization

INGO	International non-government organization
IP	Indigenous people
MDG	Millennium Development Goals
MILF	Moro Islamic Liberation Front
MNLF	Moro National Liberation Front
MOLISA	Ministry of Labour, Invalids and Social Affairs
MoSVY	Ministry of Social Affairs, Veterans and Youth Rehabilitation
MRM	Monitoring and Reporting Mechanism
NGO	Non-government organization
NHRC	National Human Rights Commission
NPA	New People's Army
NSA	Non-State Actor
OP	Optional Protocol
OPAPP	Office of the Presidential Adviser on the Peace Process
OPCRC-AC	Optional Protocol to the Convention on the Rights of the Child on the involvement of children in Armed Conflict
PD	Presidential Decree
PP	Paris Principles
PSMF	Paramilitary Self-Defence Militia Force
RA	Republic Act
SC	Security Council
SC-CAACD	Sub-Committee on Children Affected by Armed Conflict and Displacement
SCR	Security Council Resolution
SEA	Southeast Asia
SEASUCS	Southeast Asian Coalition to Stop the Use of Child Soldiers
SRSR-CAAC	Special Representative of the Secretary General for Children and Armed Conflict
UNCHR	United Nations Commission on Human Rights
UNGA	United Nations General Assembly
UNICEF	United Nations Children's Fund
VAP	Vientiane Action Program
WFFC	World Fit For Children

Introduction

This document seeks to provide and disseminate the outcomes of the discussion during the workshop “Children as Zones of Peace: Mainstreaming the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict in the Southeast Asian Region” held in Quezon City, Philippines on November 27-29, 2007. The workshop was jointly organized by the Southeast Asian Coalition to Stop the Use of Child Soldiers (SEASUCS), the Office of the Presidential Adviser on the Peace Process (OPAPP) and the Commission on Human Rights of the Philippines (CHR).

The workshop aimed to consult government representatives regarding national and regional collaborative actions towards the realization of existing international instruments and regional commitments for the protection of children affected by armed conflict. There is a realization that the issues and concerns of children affected by armed conflict (CAAC) have already been discussed at the regional level. Several states in Southeast Asia have also taken significant steps to strengthen the recognition and implementation of existing child protection instruments.

- The Declaration on the Commitments for Children in ASEAN (2001) encourages member states to “promote regional cooperation for the survival, development, protection and participation of ASEAN children, as an integral part of ASEAN’s efforts to improve the lives of peoples in the region.” (par. 1) Likewise, it seeks to “protect children from armed conflict, victimization or deprivation of a childhood rooted in peace and joy.” (par. 16)

The Declaration is considered as the first ASEAN document to provide a comprehensive

approach for policies and programs related to the survival, development, protection and participation of children.

The Vientiane Action Program included some priority areas that could help ensure that the concerns of children affected by armed conflict are addressed. The VAP generally intends to enhance regional efforts to reduce “the social risks faced by children, women, the elderly and persons with disability.” (par. 3.1.iii). The VAP also laid down the mandate for the ASEAN to create a commission for the protection and promotion of the rights of women and children.

All ASEAN member states are parties to the Convention on the Rights of the Child. Several member states have also ratified the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict, and these include Cambodia, Laos, Vietnam, Thailand and the Philippines.

The workshop was designed to involve mid-level managers and officers who are directly involved in the implementation of national policies and programs in line with the national implementation of the OPCRC-AC. The intended participants come from relevant governmental bodies, particularly the ministries of social welfare and development and youth, and national human rights institutions. The workshop was designed with the following objectives:

- Consult with relevant government officials in Southeast Asian countries about the factors affecting the implementation of the OPCRC-AC in their respective countries and in the region;
- Enhance knowledge and capacities on strategies and methods to implement the OPCRC-AC through sharing of experiences and lessons learned;
- Develop initial framework towards a regional guideline for the protection of children involved in armed conflict.

Acknowledgements

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- Ms. Ramil Andag, who facilitated the entire workshop
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- Mr. Roel Andag, the editor, and Ms. Omna Jalmaani, the layout artist of the report.

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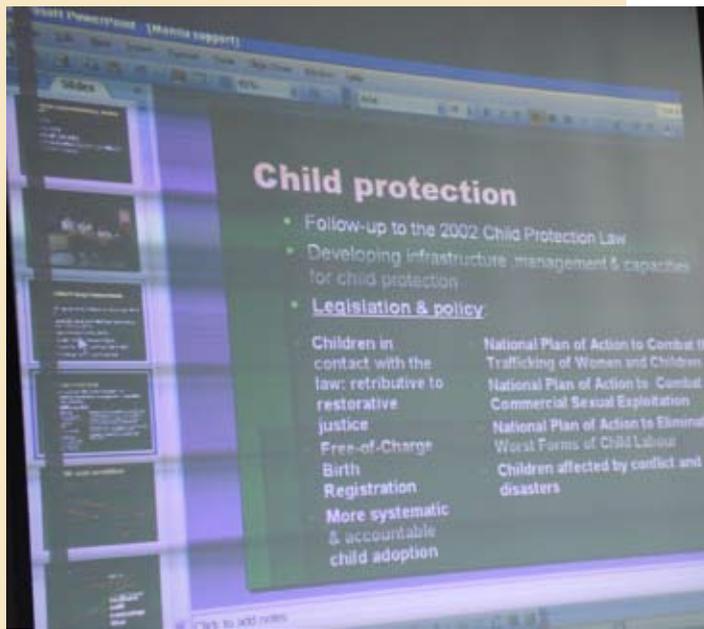
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Highlights of the workshop

1. The Southeast Asia Coalition to Stop the Use of Child Soldiers (SEASUCS) in partnership with the Office of the Presidential Adviser for the Peace Process (OPAPP) and the Commission on Human Rights of the Philippines (CHR) organized the workshop in Quezon City, Philippines from the 27th to the 29th of November 2007. The regional workshop was attended by representatives from the ministries of social welfare and development, national human rights institutions, ministries of foreign affairs, and child protection institutions from the following countries in Southeast Asia: Cambodia, Indonesia, Lao People's Democratic Republic, Myanmar, Philippines, Thailand and Vietnam. Civil society organizations in the region have also participated during the said workshop.
2. The workshop was designed to be a platform for government representatives in the region to share experiences, lessons learned and good practices of national implementation of policies and programs related to the OPCRC-AC. It was an opportunity for dialogue to enhance knowledge on prevailing instruments and international and regional standards to strengthen programs for the protection of children affected by armed conflict, e.g. the Paris Principles and Guidelines and the Declaration on the Commitments to Children in ASEAN. The workshop was also a venue for government representatives to brainstorm possible regional collaborative actions to promote the protection of children affected by armed conflict.
3. There is a growing number of states in the region that have ratified the OPCRC-AC, i.e. Cambodia, Lao PDR, Philippines, Thailand and Vietnam. Most of these states have enacted national policies that prohibit the recruitment and involvement of children into their armed forces. The Philippines, for example, has enacted Republic Act 7610 otherwise known as the Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act. The said law seeks to protect children from being objects of attack, from recruitment by armed groups, and to ensure that all appropriate steps are taken to facilitate reunion of children and families separated because of armed conflict. Likewise, the Constitution of the Kingdom of Cambodia includes provisions that provide for the protection for children during armed conflict. It provides that: "the State shall protect the rights of children as stipulated in the Convention on Children, in particular, the right to life, education, protection during wartime, and....shall protect children from acts that are injurious to their education opportunities, health, and welfare" (Article 48). Furthermore, the Compulsory Military Service Act of Cambodia set at 18 years old the minimum age for military recruitments. The Compulsory Military Service Act states that all male Cambodian citizens between 18 and 30 years of age, without distinction as to religious belief, national origin or social status, must serve in the armed forces.



4. On the other hand, there are also states in the region that have not yet ratified the OPCRC-AC but have national legislations and policies that are consistent with the minimum age recruitment of the said child rights instrument. The Child Protection Act (Law No. 23/2002) of Indonesia provides for the protection of children from misuse for political activities, involvement in armed conflict, involvement in social unrest, involvement in an event that involves violence and involvement in war (Article 15). Myanmar, on the other hand, has established in January 2004 the Committee for Prevention of Military Recruitment of Underage Children. The Committee was formed to prevent the forced recruitment of underage children as soldiers, protect the interests of underage children, and to ensure faithful adherence to the order and instructions issued for the protection of this particular sector. Furthermore, it established in February 2007 the Working Committee for the prevention of recruitment of underage

- to supervise and implement activities to prevent the recruitment of child soldiers.
5. Many states in the region have established inter-agency mechanisms to address the issue of children's involvement in armed conflict, among other child protection issues. These include the following: Myanmar, Philippines and Thailand.
 6. Child participation has been considered an integral element of national implementation of the OPCRC-AC. In the case of Thailand, children and young people prepare a report side-by-side with the country's initial state report on the implementation of the OPCRC-AC.
 7. While many states in the region have enacted national policies and have implemented programs in line with the OPCRC-AC, challenges that are common to many countries have been identified including, but not limited to, the following: lack of regular and effective awareness raising and dissemination of information on laws, policies and programs related to



child rights and children's involvement in armed conflict to stakeholders (CIAC); lack of awareness and grassroots support for the ratification and implementation of the OPCRC-AC; non-prioritization/scant importance accorded by political leaders on the issue of child protection and CIAC due to more immediate concerns including poverty and job creation, among others; weak collaboration among government agencies in the implementation of laws, policies and programs on child protection and CIAC; weak enforcement and regular monitoring of the implementation of policies and programs related to child soldiers/CIAC; lack of effective mechanism for data collection as basis for action plans and program development; lack of child rights and human rights specialists/institutions in the region that could provide guidance and assistance to member states in implementing child protection policies and programs.

8. The participants have acknowledged the important role of the Association of

Southeast Asian Nations (ASEAN) in the protection and promotion of children's rights, in general, and strengthening the implementation of policies and programs to prevent involvement of children in armed conflicts and protection for children already involved in armed conflict. The Declaration on the Commitments for Children in ASEAN (2001) encouraged member states to "promote regional cooperation for the survival, development, protection and participation of ASEAN children, as an integral part of ASEAN's efforts to improve the lives of peoples in the region" (par. 1). Likewise, it seeks to "protect children from armed conflict, victimization or deprivation of a childhood rooted in peace and joy" (par. 16).

9. It was noted, however, that regional commitments for the protection of children in armed conflict situations should be widely disseminated and should be translated into concrete regional policy framework and program of action. It was suggested that the Vientiane Action

Program (2004-2010) should take into consideration the specific needs of children involved in armed conflict. In this regard, there should be active consultation with stakeholders, including child protection agencies, in planning for and in the implementation of the Vientiane Action Plan.

10. In order to enhance the national policies and programs for the protection of children involved in armed conflict, the participants have identified the following recommendations: ensure that each country in the region establishes a functional child protection committee that would monitor the situation of children, disseminate all child rights instruments to stakeholders including children, and coordinate with other government agencies and non-government organizations the provision of services for children; translate all international and regional commitments into domestic policies; review and revise national laws concerning the recruitment of children below the age of 18 years, as necessary; develop preventive and responsive child protection programs in areas of education, skills training, health and psycho-social support; strengthen advocacy for the inclusion/integration of child protection and CIAC in the agenda of ASEAN; advocate for the establishment of a child protection office/institution/

mechanism in the ASEAN to promote and assist member states in implementing policies and programs on child protection, in general, and CIAC/CAAC (Children Affected by Armed Conflict) in particular; and ensure the participation of civil society, the private sector and other stakeholders in the development and implementation of child protection mechanisms and programs.

11. The participants have acknowledged the need for states in the region to support one another and to contribute towards enhancing the implementation of the OPCRC-AC. In this regard, the following recommendations have been identified: develop a regional action plan that would address concerns of children affected by armed conflict; state parties in the region should encourage other countries in Southeast Asia to ratify relevant international instruments for the protection of children involved in armed conflict; states that are in the capacity to do so should be encouraged to initiate capacity-building activities for stakeholders and government officials to share best practices; encourage ASEAN to discuss the issue of children involved in armed conflict during regular meetings of its appropriate bodies; establish a child protection desk in the ASEAN secretariat and identify a regional focal person who could raise the profile of the issue in the region.

Opening Ceremony

Hon. Rafael E. Seguis, Undersecretary for Special Concerns of the Department of Foreign Affairs (DFA) delivered the Welcome Remarks. He commended the organizers for bringing together the right people from Southeast Asian governments and civil society to work out plans to address the needs of children involved in armed conflict. He reminded workshop participants about international instruments to which members of Association of Southeast Asian Nations (ASEAN) committed themselves, specifically the 2001 Declaration on the Commitments for Children in ASEAN, the ASEAN Plan of Action for Children, and the Vientiane Action Program. He then urged workshop participants to show "...to the international community that SEA is not taking the issue of children in armed conflict lightly ... [and] that [the] governments and civil society partners will do their part to address this issue, at both the national and regional levels."

Hon. Jesus G. Dureza, Secretary of the Office of the Presidential Adviser on the Peace Process (OPAPP) delivered the Opening Remarks. He said OPAPP is proud to be among the co-convenors of the event, it being the main peace body of the Philippine government. The government recognizes children as a significant segment of the national peace constituency, as contributors to the socio-economic and political well-being of the country, and as zones of peace. He then quoted one of the provisions in a landmark legislation in the Philippines stating

that "children shall not be recruited to become members of the Armed Forces of the Philippines or its civilian units or other armed groups, nor will they be allowed to take part in the fighting or used as guides, couriers or spies." And as the International Decade for a Culture of Peace and Non-Violence for Children of the World will end soon, OPAPP hopes that workshop participants would be able to draw a common workable regional framework to strengthen child protection in the context of the CRC Optional Protocol.

Ms. Ana Elzy E. Ofreneo, Director for Human Rights Education and Research office, Commission on Human Rights of the Philippines (CHR) also gave an Opening Remarks. She briefly introduced the Commission and its initiatives to ensure the promotion, protection and fulfillment of all the rights of all children, including those involved in armed conflict. These include establishing the Child Rights Center; conducting human rights education for the military, police, arresting and investigating officers, and other paramilitary forces; and conducting human rights education for those in the academe. She believes that the enlistment of children begins with the paramilitary, with citizens army training, and with the aspiration of children to someday become police personnel. As such, the Commission believes that protection can only become meaningful if a clear ban is imposed on the direct and indirect participation of children in hostilities and paramilitary activities regardless if they have been forced or have voluntarily decided to join the armed forces or paramilitary forces.

As of second quarter of 2007, 4,039 Children in Conflict with the Law (CICL) cases were reported. Children Affected by Armed Conflict (CAAC) cases include those displaced as a result of armed conflict and children involved in armed conflict (CIAC) whether as combatants, couriers, medics, spies, cooks and those doing auxiliary functions. There were 48 CAAC cases reported from 2005 up to the third quarter of 2007.

SESSION 1

Sharing best practices in implementing the OPCRC-AC in SEA region

The session intends to provide a forum for the participants from SEA region to share experiences in implementing national policies and programs related to the principles of the OPCRC-AC. Representatives from the Philippines, Cambodia, Thailand, Vietnam, Indonesia and Myanmar gave country presentations, with clarifications and comments after each presentation. It is envisaged that the sharing of experiences of good practices, lessons learned and recommendations will contribute to each country's implementation of policies and programs in line with the OPCRC-AC.

Country presentations were done using power point presentation with handouts given to workshop participants. The Philippines, Cambodia and Thailand were the first three countries to present their respective reports. Vietnam, Indonesia and Myanmar then followed. An open forum followed after each country presentation.

Philippines

Reporter: Ms. Lina B. Laigo, Executive Director, Council for the Welfare of Children

Of the total Philippine population of 88.7 million, 32.8 million (or 43.4%) are children. There are 4.3 million families (or 33.7% of the population) who are at-risk or live below the poverty threshold. Child protection concerns include child labor, street children, physical abuse, commercial sexual exploitation of children, children in conflict with the law (CICL), and children affected by armed conflict (CAAC). As of second quarter of 2007, 4,039 CICL cases were reported. CAAC cases include those displaced as a result of armed conflict and children involved in armed conflict (CIAC) whether as combatants, couriers, medics, spies, cooks and those doing auxiliary functions. There were 48 CAAC cases reported from 2005 up to the third quarter of 2007. There has been a denial on recruitment of child soldiers from the rebel groups such as the New People's Army (NPA), Moro National Liberation Front (MNLF), Moro Islamic Liberation Front (MILF) and even the Civilian Armed Forces Geographical Unit (CAFGUs).



The Philippines is State Party to the Convention on the Rights of the Child (ratified on 20 September 1990), Optional Protocol to the Convention of the Rights of the Child on the Involvement of Children in Armed Conflict (ratified on 26 August 2003), 1949 Geneva Conventions I, II, III and IV that provides protection for children in the event of an international armed conflict, and the Protocol Addition to the Geneva Conventions (acceded to on 11 December 1986) that prohibits recruitment and participation in hostilities by children under 15 years old. Two of the major policy and legislative initiatives are:

- The Child and Youth Welfare Code (Presidential Decree No. 603) that outlines the rights of the child, and
- The Special Protection of Children Against Child Abuse, Exploitation and Discrimination

Act of 1992 (Republic Act 7610) that calls for special protection of children against child abuse, exploitation and discrimination, prohibits the recruitment and employment of children in armed engagements and other hostilities, and declares children as zones of peace.

In addition:

- Executive Order No. 3 (2001) – Policy and Administrative Structure for Government’s Comprehensive Peace Efforts – protects children from early recruitment; and
- Executive Order 56 (2001) promotes children as zones of peace through prevention (ensure the delivery of basic social services), advocacy and mobilization (protection of children from armed conflict as well as prevent their recruitment by armed groups), and rescue, rehabilitation and reintegration (providing services to children

Government must explore possible and acceptable ways to include the CLAC issue in peace negotiations. Programs and interventions should ensure effective reintegration of rescued CLAC into normal life (new environment; relocation; back to school efforts).

involved in armed conflict to mainstream them into society).

These became the guidelines for the Comprehensive Program Framework on Children Involved in Armed Conflict which promotes children as zones of peace, and mobilizes both the government and civil society to protect children from recruitment by armed groups. The National Peace Plan aims to mainstream rebel groups through amnesty, reintegration, and reconciliation program; rehabilitation, development, and healing of conflict-affected areas; strengthening the peace constituency and citizens' participation in the peace process on the ground

To implement these, mechanisms were created for the protection of CIAC. These include:

- The Inter-Agency Committee on the CIAC Program (IAC CIAC) mandated to adopt measures to resolve policy issues and gaps pertaining to CIAC; and
- The Sub-Committee on Children Affected by Armed Conflict and Displacement (SC CAACD) that focuses on issues of armed conflict and displacement with emphasis on the concerns of Muslim & indigenous groups.

Program initiatives for child welfare and protection include:

- Ongoing database development on CIAC case management, child rights violations and mapping of conflict areas;
- Incorporation of human rights and child rights concepts in the curricula of Philippine Public Safety College, elementary and high school education;
- Capability-building for local service providers (such as the police, social workers, medical personnel and even community leaders) in the handling and treatment of CIAC;
- Ongoing efforts on peace agreements on disarmament, demobilization, recovery and social reintegration of child combatants through financial and legal assistance, counseling to minor and family, residential care services and protective custody, livelihood assistance, educational assistance, and medical assistance, as well as monitoring of conflict areas and interviewing victims as the basis for assistance; and
- Just recently, the campaign for Days of Peace was implemented jointly by the UNICEF,

OPAPP, Department of Health and local partners whereby health and welfare services were delivered.

Gaps and challenges, however, remain:

- Unavailability of data that will help determine whether the national framework and legislative measures have led to the reduction in the number of CIAC.
- Improper monitoring of the implementation of national policies addressing CIAC.

Government must explore possible and acceptable ways to include the CIAC issue in peace negotiations. Programs and interventions should ensure effective reintegration of rescued CIAC into normal life (new environment; relocation; back to school efforts). Barangay Councils for the Protection of Children (BCPCs) have to be reoriented and strengthened to properly address, monitor and provide protection to CIAC.

Recommendations to address the gaps and challenges include:

- Enhancement of mechanisms for data collection and development of indicators as basis for action plans, and program development;
- Inclusion of CIAC in peace negotiations;
- Monitoring of the situation of children in conflict zones to ensure that protective measures are implemented by both State and non-State parties;
- Sharing of best practices and lessons learned to keep State Parties aware of the effective measures to implement the Optional Protocol must be done; and
- For the Government of the Philippines to:
 - Endorse the Paris Principles and Guidelines on Children Associated with

Armed Forces or Armed Groups, although with some conditions;

- Join the rest of the international community in raising the protective measures for CIAC and further operationalize the provisions of the Optional Protocol;
- Support child-focused NGOs and associations to have a stronger children's forum in the ASEAN starting with supporting the children's proposal for an ASEAN Children's Forum and the Children's Declaration to be presented in the ASEAN Social Ministers' Conference in Vietnam in December 2007.

Cambodia

Reporter: Mr. Kong Chhan, Deputy Director-General of Technical Affairs, Ministry of Social Affairs, Veterans and Youth Rehabilitation

Cambodia's population was 14.1 million in 2006, 42% of whom are children. Fertility rate has declined from four (4) children in 1998 to 3.3 in 2003. Death rate has also declined from 95 deaths per 1,000 live births in 2000 to 65 per 1,000 in 2005.

Cambodia is a signatory to numerous international instruments:

1. International Convention on the Elimination of All Forms of Racial Discrimination
2. Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
3. Convention on the Elimination of All Forms of Discrimination against Women

As regards the issue of children affected by armed conflict, Cambodia has ratified the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography in May 2002, and the Optional Protocol on the Involvement of Children in Armed Conflict in July 2004. The Convention on the Worst Forms of Child Labour (ILO Convention #182) was ratified in 2005.

4. Convention Relating to the Status of Refugees
5. The United Nations 1956 Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and the Practices Similar to Slavery
6. Convention of the International Labor Organization in 1919 concerning night work
7. Convention on Force and Compulsory Labor
8. Convention concerning Equal Remuneration for Men and Women Workers for Work of Equal Value (1951)
9. Convention concerning Discrimination in Respect of Employment and Occupation (1958)
10. Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (1948)
11. Convention concerning Minimum Age for Admission to Employment (1973)
12. International Covenant on Civil and Political Rights
13. The International Covenant on Economic, Social and Cultural Rights
14. UN Protocol to Prevent, Suppress, and Punish Trafficking in Persons
15. Convention concerning Equal Remuneration of Children and Adults with Disabilities

And in compliance with the Stockholm Agenda for Action, adopted at the First World Congress against Commercial Sexual Exploitation on Children held in Sweden in 1996, the Government

adopted a national Five-Year Plan against trafficking and sexual exploitation of children. The plan focused on four main areas including: prevention, protection, capacity rehabilitation and development and reintegration.

The Ministry of Social Affairs, Veterans and Youth Rehabilitation (MoSVY) coordinates and leads child welfare services; develops, reviews and proposes adjustments to policies, rules and regulations; monitors and evaluates services delivered by public and private agencies including international organizations and non-governmental organizations.

Some of the relevant rules and regulations that are existing and are being developed include those pertaining to the constitution, marriage and family, labor, child adoption, alternative care kidnapping, trafficking, exploitation, and UN conventions.

As regards the issue of children affected by armed conflict, Cambodia has ratified the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography in May 2002, and the Optional Protocol on the Involvement of Children in Armed Conflict in July 2004. The Convention on the Worst Forms of Child Labour (ILO Convention #182) was ratified in 2005.

The Constitution provides that the State shall guarantee and protect the rights of children, and in particular the right to life, education and protection of children in the event of armed conflict.

The first stage of the soldier demobilization was conducted in mid-2000, with 1,500 soldiers demobilized in four provinces. There were, however, no data on demobilized soldier aged below 18 years. Children below the age of 18 are not eligible for military service.

Thailand

Reporters: Ms. Dumriluck Patpal, Social Worker, Bureau of Child Promotion and Protection, Ministry of Social Development and Human Security and Mr. Phit Rodsawaeng, Human Rights Officer, National Human Rights Commission of Thailand

Children in Thailand

Thailand is not at “war,” although there is unrest within the country. The government has specific policy dealing with the situation. According to the Ministry of Defence, Thailand never had in the army any child under 18 years of age.

Thailand also has no armed groups. However, conflicts along the border exist involving situation in neighboring countries. A ‘temporary center’ has been set up to provide shelter for and to respond to the basic needs of refugees (including children) who have fled conflicts in their country. Thailand does not discriminate against children from other nations. ‘Children’ means not only those of Thai nationality, but children of all races who come into Thailand. Thus, they too have access to facilities provided for children who are refugees, internally displaced, the poor and disadvantaged children, street children, and orphans. Together with the Ministry of Education, an educational system has been set up divided into (1) lifelong education, (2) participation by all segments of society, and (3) continuous ‘development’ of bodies of knowledge and the learning process.

National Policy

Thailand signed the OPCRC-AC in 2006, and is now preparing the report to be submitted to the UN next year (2008). Related to this, Thailand passed into law the Child Protection Act of 2003 which



came into effect on 30 March 2004. Through this Act, “child protection officers” were appointed and Child Protection Fund was created. Since 2005, the government has allocated an annual budget of 30 million baht for welfare assistance to children and their families. By this Act, anyone who encounters a child in distress has to initiate the help and report the case to child protection officers. Trained child protection officers are available at all times to deal with children in crisis.

The National Human Rights Commission (NHRC) is responsible for the inspection, monitoring and reporting of actions or inactions that constitute human rights violations or are not in conformity with international human rights instruments to which Thailand is a State Party. The Commission operates through 20-30 working groups created to cover as wide a range of situations as possible. It has a Sub-Committee on Children, Youth and Families that plays a significant role in facilitating the implementation of the CRC.

A national network of agencies, legislations and policies is in place serving as mechanism for the protection of children in Thailand. At the top are the policy initiators that include the parliament and the NHRC, technical agencies which include various committees and sub-committees that

turn policies into projects and programs, and the agencies at the department and provincial levels that act as the workforce in implementing activities. The Ministry of Social Development and Human Security is part of the network. For the protection of children to become effective, completed and life-long, law must be enacted supporting the action, and policies that are focused on the well-being of children.

Among the strengths and challenges include the participation of children and youth in child protection processes, children from Bangkok and the regions preparing their own CRC and OPCRC-AC reports for submission to the UN, and the creation of a multidisciplinary team (which includes medical practitioners, psychologists, social workers, the police, and therapists) to handle children’s cases. The team, in the central and regional levels, share data and information on good practices and weak points, and coordinate their work among themselves and between teams.

A Comprehensive Thai Child Protection System is in place as a service response to abused, exploited and neglected children. This is focused on the community and family but has two limitations: the approach remains clinical and welfare-oriented; and limited resources.

Recommendations to enhance the national implementation of the OPCRC-AC include:

1. Creating a committee for each and every Convention the country has signed. Create a working group to fulfill the work of additional agreements such as the Protocol;
2. Establish an action plan and timeframe for every project;
3. Finally, for each work to go through national referendum to be accepted at the national level.
4. As regards Child Protection System, five key areas need to be addressed:
 - a. Legal and policy issues – integration of law with other codes and greater dissemination of the Child Protection Act to agencies involved in the response system
 - b. Child Protection Committees (CPC) – define and develop the CPC mandate and role, including understanding the importance and impact of CPC
 - c. Prevention – sensitization at the local level to increase accountability of authorities to take action, increase understanding of civil duties towards children, and develop community mechanisms for assessment and safe reporting
 - d. Response system – develop specialist child protection social workers, and develop an integrated child protection response
 - e. Service provision – focus more on preventing abuse and neglect (rather than on care and protection services) through early family-based interventions aimed at keeping children in safe environments, alternative care arrangements such as foster care provision, and counseling services
5. Compile into a manual all the best practice and lessons learned. This manual will be a guideline for personnel whose work is related to child protection to ensure concrete implementation of the OPCRC-AC at the national and local levels.
6. There should be collaboration among ASEAN countries in the implementation of the OPCRC-AC including exchange of data and information, best practices, lessons learned and other language.

Vietnam

Reporter: Mr. Dang Hoa Nam, Deputy Director General, Department for Children's Issues, Ministry of Labour, Invalids and Social Affairs

Vietnam is the first country in Asia, and the second in the world, to ratify the Convention on the Rights of the Child. It has been a state party to several international human rights treaties and agreements. Vietnam is a party to eight (8) key international conventions of the United Nations on human rights, 17 other of the International Labour Organisation agreements, and five (5) Geneva Conventions for the Protection of Victims of Wars and Humanitarian Treatment of War Prisoners.

Vietnam has ratified the two Optional Protocols to the Convention on the Rights of the Child, namely: the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography; and the Optional Protocol on the Involvement of Children in Armed Conflict. Its national laws also prohibit the use of children below eighteen (18) years old to serve in the armed forces.



In order to improve both the quantity and the quality of the reserve sources, and to help encourage the fulfillment of military obligation by young people and ensure social equality in Vietnam, the age and period of military compulsory service was adjusted. This amendment to the Law on Military Compulsory Service was adopted by the National Assembly of the Socialist Republic of Vietnam on June 14, 2005. The age and period of military compulsory service are clearly stipulated as follows: "Men of 18 years old are called up for military service and the age of military service ranges from 18 to 25." In addition, it states that: "At peace, the length of military compulsory service of non-commissioned officer and soldier shall last for 18 months." Thus, it is very clear that Vietnam does not need to resort to under-18 people for military service.

The Ordinance on Paramilitary Self-defense Militia Force (PSMF) was adopted on January 9, 1996 by the Standing Committee of National Assembly. Together with other forces, the PSMF has contributed to maintaining security, political and social stability and has safeguarded the Party and administration, as well as the lives and assets of people. Upon the review of the said ordinance after its five-year implementation, it was revealed that necessary revision was needed to reflect the important aspects of the Vietnamese society. The Ordinance on PSMF enacted by the National Assembly's Standing Committee on April 29, 2004 states that, "Vietnamese citizens regardless of race, religion, class, education and occupation, age 18 to 45 for men, and age 18 to 40 for women, have the duty to participate in the PSMF." The Ordinance

also raises the age of participation to militia for squad leaders and higher ranks in remote and border areas and islands not exceeding 50 for men and 45 for women. In this regard, Vietnam's laws emphasize that it does not allow the participation of under-18 people and there is no need to call for these people to serve in the PSMF. Lastly, Vietnam clarifies that the obligation to serve in the military was a result of the long history of conflict in Vietnam. However, it does not necessarily mean that they are obliged or duty-bound to perform military service because it is also trying to move away from military culture and tradition as seen in the decreasing number of years in service.

Vietnam adopted in 2001 the National Program of Action for Children for the period 2001-2010, with the overall objective to:

- Create the optimum conditions to fully meet the needs and basic rights of children;
- Prevent and push back the dangers of harming children; and
- Build a safe and healthy environment to enable Vietnamese children to have the opportunity to

be protected, cared for, educated and developed in all fields and have an ever-better life.

With the coordination of the Ministry of Labour, Invalids and Social Affairs and various institutions, programs, policies and efforts that address various issues on children (including street children, sexually abused children, child laborers, children working in hazardous conditions, and out-of-school youth) were developed in order to fulfill Vietnam's obligation to international instruments related to children and enhance child protection.

On the other hand, Vietnam is faced with a number of challenges on implementation. First is awareness-raising and dissemination of information of the laws and policies of Vietnam through the education system. Second is the collaboration of various government agencies and authorities and the interface between various mandates of the agencies. Third, law enforcement needs to be strengthened which includes being able to carry out sanctions and penalties for violators. Finally, the national legal system should be able to reflect explicitly Vietnam's commitments internationally in relation to its obligations as stipulated in the various treaties and agreements.

...clarifies that the obligation to serve in the military was a result of the long history of conflict in Vietnam. However, it does not necessarily mean that they are obliged or duty-bound to perform military service because it is also trying to move away from military culture and tradition as seen in the decreasing number of years in service.

Indonesia

Reporter: Mr. Zarfiel Tafal, Commissioner,
Indonesian Commission for Child Protection

Indonesia is a State Party to the Convention on the Rights of the Child (CRC) since 1999. However, Indonesia has yet to ratify the two Optional Protocols to the CRC. In 2002, Indonesia passed the Child Protection Law (Law no. 23/2002). This law has six (6) clusters of children's rights. One of these clusters is on 'special protection rights' to obtain support and services according to their special condition and/or problem, such as for handicapped child, or as victim of bad experiences/involvement such as victim of violence, among others. This is where CIAC issues are supposedly covered. The operational definition of CIAC, however, has not been clarified and agreed on. There is low level of awareness on CIAC issues, while some still deny that the issue exists.

In 2004, the Indonesian Commission on Child Protection (KPAI) was formed. Prior to the KPAI formation, the National Development Planning Body (BAPPENAS) was referred to as the PNBAI-2015 or the National Program for Indonesian Children-2015. A number of government agencies should be involved in the implementation of the program that includes the following: Ministry of Health, Ministry of Education, Ministry of Social Affairs, Ministry of Religion, Ministry of Manpower (instead of Labor), Ministry of Justice and Human Rights, State Ministry of Women Empowerment, National Family Planning Coordinating Board (BKKBN), and Coordinating Ministry of Social Welfare. This national program is based on the provisions within the Indonesia constitution (particularly Chapters 28b and 28c), the national law on Child Protection (Law No. 23/2002), the CRC and the Millennium Development Goals (MDG). Under this national

program every sector and other related institutions funded by the government are expected to formulate their action plan according to the goals, objectives and indicators mentioned in the PNBAI.

The Commission (KPAI) serves as the monitor and evaluator of the implementation of the policies and programmes for child protection by all agencies and organizations in the country. It also functions as an advocate in pushing for laws and regulations related to child protection and should directly report to the President.

The National Program has yet to be translated into a National Plan of Action. The absence of a coordinated national plan has led to each sector and ministry implementing its own plans and interventions. In addition, a national budget has yet to be drawn. Current laws stipulate that it has to be done through a presidential decree (Keppres) or a presidential guideline or a state regulation (PP). This has not been done so far.

Furthermore, the Indonesian government lacks valid and up-to-date data and information about the number, location and characteristics of child protection issues (i.e. CIAC, child labor, child prostitution, child abuse and child trafficking).

Myanmar

Mr. Ye Min Thein, Assistant Director,
International Organizations Department,
Ministry of Foreign Affairs

Myanmar acceded to the Convention on the Rights of a Child in July 1991. It became a state party in August 1991. Two years later, on July 14, 1993, the National Law on Children was signed. In September

The main challenge for the implementation of Myanmar's obligation is to have a peaceful resolution of the armed conflict between the government and the armed groups. In areas where there is an existing peace agreement with a particular armed group, there is a larger need that these communities be supported through various development projects. Education and information dissemination on the issue of children is continually being encouraged.

of the same year, the National Committee on the Rights of the Child was formed. In 1997, the National Working Committee on the Right of the Child was constituted. In December 2001, the Rules and Regulations related to the National Law on Children were promulgated.

In January 2006, the government of Myanmar launched the National Plan of Action for Children 2006-2015. The National Plan was based on the MDG and the World Fit For Children (WFFC) agenda. The national plan covers four main areas, namely: Health and Nutrition, Safe Water Supply and Environmental Sanitation, Education and Early Childhood Development, and Child Protection.

According to government statements, it does not recruit children under the age of 18 to the armed forces. In 2004, the Committee for the Prevention of Military Recruitment of Under-age Children was formed with three main objectives: (1) to prevent the forced recruitment of underage children as soldiers; (2) to protect the interests of underage children; and (3) to ensure faithful adherence to the order and instructions issued for the protection of underage children. A 'task force' comprising of four ministries (Ministry of Education, Ministry of Health, Ministry of Development of Border Areas and Nation Races, and the Ministry of Relief and Resettlement) was formed in accordance with the National Plan of

Action. These Ministries provide services that will provide basic education accessible to all children even at the border areas, promote health and development, and raise awareness to prevent military recruitment of underage children and the basic rights of the child.

The Working Committee for the Prevention of Recruitment of Under-age Children was formed to effectively carry out the tasks of the Committee. The Committee supervises and implements the activities in relation to the prevention of recruiting child soldiers. From 2002 to 2007, the Committee reported to have conducted awareness-raising on the CRC in cooperation with Department of Social Welfare (DSW) and UNICEF to 17 Divisions and 178 townships. Thirty-two (32) army personnel, including a high ranking official, were charged. A total of 754 minors were released from 2002-2007. As of January-May 2007, 91 recruits were sent back from the basic training for various reasons: underage (13), unwilling after arrival (30), medically unfit (20), and disqualified (28).

Once an underage child is identified during the screening in the army, the child goes through a process involving various agencies and institutions before he is immediately returned to the parents. Some children, however, are also provided with temporary social care by allowing them to participate in a four-month program that includes social

counseling, moral education, long-term arrangement on formal education and non-formal education, and healthcare education. Before finally returning the child to its family, NGOs and international NGOs take on the responsibility of assessing the living condition of the child's family. Finally, children who do not wish to go back to their families are provided with education based on the child's preference. Since it is a common reason that youths are enticed to join the army to make a living, the Ministry of Labour takes on the responsibility of providing suitable jobs for them.

There are a number of armed groups in Myanmar. One of the insurgency groups has been engaged in peace talks with the government. All former

child soldiers are given the chance to continue their education as part of the government program.

The main challenge for the implementation of Myanmar's obligation is to have a peaceful resolution of the armed conflict between the government and the armed groups. In areas where there is an existing peace agreement with a particular armed group, there is a larger need that these communities be supported through various development projects. Education and information dissemination on the issue of children is continually being encouraged. Currently, there are about 400-500 primary schools throughout Myanmar. Lessons on human rights have been integrated into existing syllabus particularly on values and attitudes, responsibilities and peace education.



OPEN FORUM

Enhancing Data Collection and Monitoring

Good Practices

- Inclusion of immigration officers in army recruitment centers for the protection of children below 18. Children below 18 are identified through their school cards. (Myanmar)
- Child Worker's Coalition (CWC) developed a child monitoring/tracking system at different levels (macro level – based on the data submitted by line agencies, census, survey data and other studies; micro level – monitoring taken at the municipal and village levels).

Gaps

- In general, monitoring former child combatants is very difficult.
- Ascertaining age of recruits. In many areas (Myanmar) people do not have any registration cards nor birth records because conducting census is difficult.
- Armed conflicts still exists (i.e. Myanmar, Philippines)
- Mismatch of data and the national policy environment (understating in reports cases in police stations, armed groups disclaim recruitment of children in their ranks).
- Incompetence of personnel handling cases on women and children.

Information Dissemination and Awareness-Raising

Good Practices

- Collaboration of various government agencies in producing modules and exemplars in teaching human rights and children's rights in situations of armed conflict in schools. (Philippines)

Gap

- Lack of awareness and concern for children's rights and protection among leaders and policymakers.

Recommendations

- Raise awareness on various contexts and learn from one another's experiences.

Adherence to and respect for International Standards (promoting accountability and addressing impunity)

Good practices

- The involvement of international organizations in monitoring state compliance of its obligations.
- Coordination between government liaison officers with ILO representatives/NGOs has improved the efficiency of the process of implementing their obligations.
- Developing academic position papers in advocating for the ratification of two optional protocols and legislative measures to reflect Indonesia's international obligations.

- Aside from the national report on CRC submitted by the government, children also make their own report to be presented in Geneva. (Thailand)
- CHR in the Philippines is mandated to monitor the compliance of the government to its obligations— including the combatants— in their adherence to IHL as well as to conduct fact-finding missions on alleged human rights violations.

Gaps

- Concern: Conditions in the Paris Principles may alienate the rebel groups, state-parties and non-state parties. (Philippines)
- No existing action plan after the ratification of CRC and optional protocol. (Cambodia)

Recommendations

- For Indonesia to lobby for the ratification of the two optional protocols on CRC.

Policy development at the national level

Good practices

- In Vietnam, sanctions are in place for violators stipulated in military laws and in the parent code. While the obligation to serve the military is explicit in the policies of Vietnam, it is just a reflection and recognition of Vietnam's long history of war. In reality, it is not encouraged. As proof to this, the length of military service was reduced.
- Creation of the Inter-Agency Committee on the Comprehensive Program for Children Involved in Armed Conflict (IAC-CIAC)

through Executive Order No. 56 to ensure the delivery of basic services to children and provide protection to CAAC and CIAC. (Philippines)

- Creation of regulations and other laws providing protection for children in support for legislative laws not yet adopted.
- Juvenile law in Cambodia that is pending at the assembly has the support of UNICEF.

Gaps

- Legislation should cover 'militias' or para-military groups. Militias are not part of the armed forces in Vietnam and in the Philippines.
- National legislation on Indonesia's obligation should be in place.
- Developing political will and support to be able to push for legislation and concrete actions.

Recommendations

- Strengthen national legislation and institutions on child protection.
- Upgrade the status of CRC from presidential decree to a legislation.
- Explore customary laws for child protection.
- Firm up the legislation and child protection, institutional and capability-building for these structures.

Enhancement of social welfare services for children, particularly CIAC

Good practices

- Involvement of people/organizations/local government at the grassroots level.

- Restructuring of Vietnam’s national child protection programs and activities. It is now under the Ministry of Labor, War Invalids and Social Affairs (MOLISA).
- Establishment of daycare centers all over the Philippines for children age 3 to 4 years.
- Providing displaced children with services that will enhance their well-being.
- Multidisciplinary team working at family development centers in provinces aiming to develop children. (Thailand)
- Collaboration among various government agencies in coming up with strategies to respond to child labor issues. Free quality education up to secondary level is provided for all. (Thailand)

Gaps/Challenges

- o Various issues (poverty and family) affect the implementation of government program for street children.
- o Children crossing borders (from Cambodia to Thailand).
- o In Cambodia, around 200 children are in conflict with the law and one-third of the child population is out-of-school.

Recommendations

- Build capacities of the institutions and structures involved in the implementation of child protection laws and policies.

- Strengthen inter-agency coordination within the government as well as with other organizations/offices.
- Involve participation from the grassroots in terms of child protection measures.

Regional Collaboration

Good Practices

- Engaging various UN agencies such as the UNICEF and UNDP as well as international organizations such as Save the Children and World Vision in the implementation and development of child protection mechanisms.
- Bilateral agreements (Cambodia with Vietnam, Cambodia with Thailand, and Cambodia with Malaysia which is in the process) in responding to trafficking of women and children.

Recommendations

- Mobilize international pressure for states to be part of the child protection community and to comply with their international obligations.
- Maximize cooperation and networking among ASEAN countries in providing a protective environment where child rights can be fully realized.
- Continue engaging regional bodies in capacity-building and drawing experiences on several strategies.

SESSION 2

Review of International Child Rights Instruments for the Protection of CAAC

Mr. Stephane Pichette, Program Manager for MRM, Humanitarian Policy and Advocacy Unit, UNICEF Headquarters, New York

The session intends to deepen the participants' understanding of the normative content of the OPCRC-AC and other related child rights instruments for the protection of children affected by armed conflict, and its policy and programmatic implications at the national and regional levels. The session seeks to generate inputs concerning the practical aspects of implementation of the OPCRC-AC and other applicable instruments.

Mr. Stephane Pichette gave a brief background about the Protocol. Containing 13 articles, the OPCRC-AC was developed over the course of six years (1994-2000) by a working group including Member States, the UN, NGOs and independent experts. It entered into force on 12 February 2002 after ratification by the first 10 countries. Countries that have not done so can ratify and accede to the Convention on the Rights of the Child. The OPCRC-AC is complementary to other important instruments such as the CRC, Monitoring and Reporting Mechanisms (MRM 1612), and the Paris Principles and Commitments, and other instruments

of child protection. It was drafted originally for "Straight 18" which is the minimum age of any kind of association or recruitment of children. However, the language was compromised when the age for recruitment of children for training purposes was set above 15 years in the OP. The Optional Protocol includes provisions for non-state entities.

He then discussed the key provisions of the Optional Protocol:

- Article 1 raises the minimum age of direct participation in hostilities from 15 years old (as stipulated in the Geneva Convention and CRC) to 18 years, but does not define "direct participation" and thus should be interpreted in line with Paris Principles definition. Countries may choose to recruit children younger than 18 for training purposes but have to adhere to the Straight 18 principle of not sending children to participate in hostilities.
- Articles 2 and 3 are about recruitment by the armed forces. These articles specify 18 years old, with proof of age, as minimum age for compulsory recruitment; raise the age of voluntary recruitment beyond 15; put the responsibility on the State to make sure that the age of the child is verified; require to deposit a binding declaration upon ratification that establishes the minimum age for voluntary recruitment; and provide safeguards to ensure that recruitment is not forced and is done only with the informed consent of the parents or legal guardian.

- Article 4 is about recruitment by non-state armed groups. It prohibits any kind of recruitment or use of anyone under 18 years old by non-state armed groups, and for State Parties to prevent such recruitment and use (including through legal measures and within the national legislation). The article, however, does not mean there is political recognition of non-state actions.
- Article 6 is about immediate state responsibility. It ensures that persons within their jurisdiction are demobilized or otherwise released from service; ensures that promotion of the Optional Protocol is widely known to parents and children alike; and provides all appropriate assistance for their physical and psychological recovery and social reintegration.
- Article 7 requires States Parties to cooperate with international actors (donors, UN, NGOs) to comply with the provisions of the OP and request any technical and international assistance to ensure compliance, and for the international community to provide assistance.
- Article 8 is about Monitoring and Reporting Mechanisms. It requires the regular submission to the Committee on the Rights of the Child of reports on measures taken to comply with the OP. It specifies that the first report must be made within the first two years. The Committee may also request for further information on the reports submitted.



Mr. Pichete stressed the value of the reports for State Parties, which are all public documents, particularly the Committee's Concluding Observations. It has three parts:

- A – Introductions,
- B – Positive aspects of what the country has done, and
- C – Principal areas of concern and recommendations.

He pointed out that Part B-Positive Aspects include learnings from other countries, and good practices. He then ended his presentation by highlighting some of the concluding observations that have been repeatedly considered as positive aspects being done by some State Parties such as:

- Improvement in age of recruitment in national legislation;
- Inclusion of prosecution measures on violators of the provisions of the OP;
- National action plans to implement the OP;
- Large national programmes of dissemination of the information within the OP;
- Training programmes for military and police forces;
- Creation of child protection focal points within the military and police units;
- Systematic reintegration programmes for released children; and
- Cooperation with the international community for capacity-building when needed.

OPEN FORUM

Three important issues were raised in the open forum following Mr. Stephane Pichette's presentation:

1. Role of focal points in concerned countries;
2. How to best address the recruitments being made by non-state armed groups [Article 4]; and
3. Efforts toward raising more awareness on the Optional Protocol and related issues.

On the role of focal points

A question was raised about the availability of existing models on how the focal point functioned for others to learn from and use. Mr. Pichette cited Myanmar as example. In that country, focal points are lodged in various government ministries. He emphasized that what is important is that focal points are able to work with the UN country team and with the international community in general. He reiterated two important articles in the Protocol: that it is the State's immediate responsibility to address the issue of recruitment; and that the State is required to cooperate with international actors as well as to comply with the provisions of the Optional Protocol.

A participant shared information about the Memorandum of Understanding (MOU) forged by the focal point and military sector in Indonesia. This kind of agreement facilitates police cooperation in situations when police presence is needed for child protection.

Mr. Pichette made an important clarification on the issue of age: on whether it should be Straight 18, or age 16 or 17 as in other countries. He said that during the process of developing the Optional Protocol, “some of the permanent members of the UN were against the Straight 18 because they had academies—military academies—training children, which is actually in line with Article 28 and 29 of the Convention on the Right of the Child that relates to the rights to education and technical education for the children.”

On Article 4 – Recruitment of children by non-State armed groups

This issue is a specific concern in Indonesia, particularly in Aceh, where recruitment is not being done by the government or its military and police but by rebels belonging to such groups as the Aceh Freedom Movement and ethnic groups in conflict with one another. Government has no mechanism for addressing the problem. For Myanmar, the concern is on how to engage insurgent groups so that they will not to use underage children in the hostilities, or how to arrive at a scenario where government and rebel groups can come up with an agreement on this matter. This could especially be the concern of countries that are already Party to the Optional Protocol and are therefore bound to compel adherence to it.

Mr. Pichette said that although the recruitment by rebel groups may be a “new thing” within the Optional Protocol, governments are not entirely lacking in options to address this. He said that the State may resort to legal measures and national legislation to address the issue of recruitment by non-state actors. He pointed out that one of the subtleties—but also one of the powers—of the Protocol is that for a State Party, or a State in general, “to devise legislation that actually prohibits the use and recruitment of children within the

country on the territory of the state, which includes the territory where the non-state actors are. This means that, at some point, legislation can actually be used for even the actors from non-state parties that are actually using and recruiting children.” Thus, national legislation can be used as the framework for prosecuting actions made by non-state actors.

Another perspective that can be used, according to Mr. Pichette, is that recruitment of children younger than 16 years of age both by State and non-state actors is actually a war crime under international law.

He also cited using Article 8 that discusses the role of Monitoring and Reporting Mechanisms. He stressed that it could be another important option through conducting consultative activities with concerned non-state actors for the purpose of devising action plans that aim to diminish and even end recruitment of children for use in armed conflict.

A participant shared the Philippine experience where insurgent groups issue pronouncements or declarations against recruitment of children. She said that although they may not always comply with what they have declared, this is still considered a step forward. She added that advocates have to push the inclusion of the issue of child soldiers in the preliminary stage of peace talks until the formal talks, with clear provisions in the agreement.

Mr. Pichette made an important clarification on the issue of age: on whether it should be Straight 18, or age 16 or 17 as in other countries. He said that during the process of developing the Optional Protocol, “some of the permanent members of the UN were against the Straight 18 because they had academies—military academies—training children, which is actually in line with Article 28 and 29 of the Convention on the Right of the Child that relates to the rights to education and technical education for the children.” Mr. Pichette explained that this provides some space regarding the situation in countries where there are training academies for children “in making sure that while children do not go to hostilities at 16 or 17, they can have extremely high education and be taken care of by the State.” However, he was categorical in saying that for non-state actors, the Straight 18 provision strictly applies.

On how to raise awareness on recruitment

Mr. Nagler of the Coalition to Stop the Use of Child Soldiers pointed out the importance of empowering communities in relation to the previous issue of how to make non-state actors comply with national and international legal instruments. He stressed that it is important for communities to be aware not only of the problem of recruitment but also of the legal frameworks so that they can play the role of advocates who can push non-state actors to comply. There have been a lot of initiatives by

local NGOs in different places of the world who have successfully done that—get in contact with non-state armed groups, and with the necessary knowledge about the legal provisions, work towards compliance of non-state armed groups.

On a related note, a participant underscored the importance of other media, such as films. He lamented about the movies that portray as heroism the involvement of children in conflict situations such as wars. Cultural factors also come into play. He said that when people talk about freedom, of their land being taken away by others, no age will be considered and everyone will go fighting including young boys and girls.

Mr. Pichette supported that view and said that the CRC was in fact developed to prevent such exploitation of children. There are too many cultural aspects throughout the world that are different across countries and regions. For the first time, however, there is one international legislation that everyone agreed on and that is being used as a base reference on the issue of child soldiers.

Mr. Nagler reminded the body of the importance of the Concluding Observations of the Committee of the Rights of the Child. He said this document can help them examine areas of learning. Mr. Pichette promised to find electronic file of the document, which he described as the result of a collaborative efforts of the Coalition to Stop the Use of Child Soldiers and the UNICEF.

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SESSION 3

Paris Principles: Principles and Guidelines on Children Associated with Armed Forces or Armed Groups

Ms. Foroogh Foyouzat, Chief, Child Protection Unit, UNICEF-Philippines

The session intends to level-off the participants' understanding of the background, content and practical aspects of implementation of the Paris Principles and Guidelines, which is currently being considered as the widely accepted framework for the comprehensive programming to address children's involvement in armed conflict. A resource person was invited to give an input. This was followed by an open forum. Handouts were supplied to participants.

Ms. Foyouzat briefly discussed how the Paris Principles and Commitment evolved. She said that the Cape Town Principles (CTP) was adopted in 1997 to look at the growing problem of children involved in armed conflict (CIAC) and to recommend strategies for CIAC demobilization and reintegration. A lot of experience has been gained and lessons learned since then. Seven regional reviews of the Cape Town Principles were conducted between 2005 and 2006. Documents were then drafted in consultation with a wide range of actors. The final consultation was held in New York in October 2006. The final agreement produced two documents: the Paris Commitment, which is a concise document that marks the commitment of governments of affected countries and the donors, and the Paris Principles, which is a complementary document with detailed guidance

for those implementing the programs. The Principles are increasingly used as the standard to assess these programs.

Ms. Foyouzat then discussed the difference between the Cape Town Principles and Paris Principles by pointing out the improvements from the former to the latter, among which are that the Paris Principles:

- has greater accuracy and depth;
- drew upon the experiences of all regions (not just from Africa as in CTP);
- captures different contexts and is reflective of global experiences; and
- was endorsed by 66 countries (including Indonesia, Cambodia and Laos).

An important difference is the reference to “child soldier” in CTP as against “a child associated with an armed force or armed group” in the Paris Principles. The latter refers to any person below 18 years of age who has been recruited or used by an armed force or armed group in any capacity, including but not limited to children, boys and girls, used as fighters, cooks, porters, messengers, spies or for sexual purposes. It does not only refer to a child who is taking or has taken a direct part in hostilities.

The Paris Principles also emphasizes voluntary joining or voluntary enlistment. It recognizes that children leave the armed group in a variety of ways such as through mutual agreement, voluntary release of children, release in an informal way, or escape. The Paris Principles recognizes the need to differentiate between the concept of release and demobilization to emphasize the informal processes involved.

The Paris Principles has a stronger gender focus. It calls attention to the specific needs of girls and the appropriate responses because, almost in all countries, girls are being recruited. There may also

The Paris Principles has a stronger gender focus. It calls attention to the specific needs of girls and the appropriate responses because, almost in all countries, girls are being recruited. There may also be differences on how they were recruited, how they joined the armed group, and their reasons for participation. Their participation also has different effects on their physical, social, emotional, and social well-being, as well as their reintegration process and ability to adjust to civilian life.

be differences on how they were recruited, how they joined the armed group, and their reasons for participation. Their participation also has different effects on their physical, social, emotional, and social well-being, as well as their reintegration process and ability to adjust to civilian life.

There are also improvements on the concept of national and transnational justice systems. The Paris Principles:

- Calls for an end to impunity for those responsible for recruiting or using children, and states that no impunity should be given to those responsible, whether as part of the peace processes or ceasefire.
- Calls for the adoption of national implementing legislations that uphold international law where international tribunals may be called upon to address the violations.
- Emphasizes that all efforts must be made to protect the rights of children witnesses and victims who may be called to provide evidence. In addition, it protects children from being prosecuted, punished or threatened with prosecution solely for their involvement in armed forces or groups. In such cases, children should be treated as victims, not as perpetrators, and dealt with restorative justice, not with punitive justice.

Ms. Foyouzat discussed the mechanisms for the prevention of recruitment of children, specifying the following:

- Legal framework must be in place.
- Being aware of the greater risk of use of children refugees and the internally displaced persons makes people vigilant against recruitment of children.



- Birth registration helps establish the age of the child.
 - Monitoring and reporting can be used for advocacy and to influence non-state actors to comply with international human rights and humanitarian laws.
 - Advocacy efforts should cater to different target groups and audiences (children, family, community, service providers, religious leaders, civil society groups, the media) and may take other forms like pressure from neighboring countries or other regional bodies.
 - Viable alternatives must be accessible to children starting with free quality education and appropriate education for children who are older, and vocational trainings to protect themselves as well as to better provide for a brighter future for them.
 - Encourage local initiatives particularly in conducting a risk assessment to examine patterns where recruitment happen, which group of children are at greater risk, and the norms of releasing the children.
 - Involve the community in protecting children, with family unity as children's first and most important line of defense. As such, children should be placed in family settings or family-based alternatives.
- There should be age-appropriate interventions during the child's re-integration to civilian life. Particular needs of children 15 years old and above, including appropriate education, should be taken into consideration. Return to the family should be the primary choice for children below 15 years old. Assistance for certain groups may be done through foster care or alternative care. Care must be taken that children are neither stigmatized nor favored or awarded for having been associated with armed groups. Reintegration benefits the entire community.
- The key premise is that recruitment and use of children are serious violations of their rights. It is a human rights imperative, not a security imperative. As such children should be demobilized even before a formal agreement is signed. They should not be made to wait one more day. Child rights violations during conflict should be viewed broadly.

OPEN FORUM

On the position of countries vis-à-vis Paris Principles, including role of donor countries

Ms. Foyouzat shared her experience in engaging the Philippine government. Based on her discussions with the Office of the Presidential Adviser on the Peace Process (OPAPP) and with the Inter-Agency Council, the Philippine government has expressed concern about the Rome Statute of the International Criminal Court (ICC), and that without ratifying it there might be implications if the Philippines endorses the Paris Principles. Ms. Foyouzat, however, pointed out that the Paris Principles and Guidelines is not a legally binding document in the way that conventions are. She said that the Philippines can still endorse the Paris Commitments and Principles while pointing out its aspects to which the government has reservations.

A representative from the Philippines' foreign affairs department assured the body that the government is carefully studying the Paris Principles and Commitment; and that the government supports the document in principle but has to make sure that its provisions will not have legal implications on the Philippines' other international commitments.

Ms. Foyouzat encouraged a discussion on questions about legal implications, apart from the one related to the Rome Statute of the ICC. She also asked about the position of other ASEAN countries such as Lao PDR, Cambodia, Thailand and Myanmar vis-à-vis the Paris Principles.

Ms. Foyouzat explained that Indonesia, followed by Lao PDR, was among the first countries that endorsed the document in Paris.

A delegate from Myanmar reported that its government is carefully studying the Principles to have a comprehensive understanding of its contents and implications especially in reference to other legal instruments. After hearing the option that the Philippines might take, the participant said Myanmar may also opt to endorse it but express reservations on some aspects. He asked about the role of donors in relation to countries who have already endorsed the Principles.

Ms. Foyouzat clarified that the Principles calls upon donors to provide technical and financial support for activities aimed at conducting program and action planning, but that the emphasis should be on the release and reintegration because based on experience in the past these aspects were not an “overnight process.” Thus, she stressed the need for donor commitment to this, which should happen over a period of time.

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...the Paris Principles reflects children's experiences in armed conflicts and provides for how best they can be protected and their well being taken care of. She suggested that countries may hold their own discussion or workshop on the principles within the document that apply best to their situations.

It was also pointed out in the discussion that the U.S. has its own reservations about the Principles, specifically on some definitions and use of legal technical terms. Ms. Foyouzat clarified that these reservations on legal terminology have not been raised only by the U.S. or countries affected by armed conflict but by donor countries as well.

On the document's contents

It was emphasized that the document should be viewed as a result of over 10 years of experience of multiple actors working at the ground with children and that being a product of ground-level experience, the document should be deemed significant in achieving the well-being of children.

Questions were asked on the ability of the document to encompass regional experiences, to be "context-specific" and reflect, for instance, the nuances in the realities of conflict areas in Southeast Asia.

Ms. Foyouzat agreed that it would be difficult to produce a set of principles that can be applicable to all the contexts everywhere in the world. She emphasized though the value of the document based on its being built upon the experience and lessons learned in many different countries. She pointed out that the document has the capacity to be flexible so that it can be applied to help develop local initiatives.

Ms. Foyouzat emphasized as well that although there may be differences in contexts even among countries with social-political conflicts, experiences show that conflict is always interwoven into the lives of children and is part of the family as well as community life. In relation to this, the Paris Principles reflects children's experiences in armed conflicts and provides for how best they can be protected and their well being taken care of. She suggested that countries may hold their own discussion or workshop on the principles within the document that apply best to their situations.

On Peace Education and complementary initiatives as means to end conflict

The participants also shared country experiences in peace education initiatives.

In the Philippines, there is a government project called Peace Exemplars that harnesses youth groups and peer education as the primary means to conduct and promote peace education.

Another approach that evolved in the Philippines is the Mindanao Week of Peace that is observed every November 29 to December 5 and is a joint effort of government and civil society organizations. This

endeavor has also become an initiative of municipal and other local government units.

It was raised that other countries' initiatives have difficulty prospering because of centralized government set-up. This has worked against involving families and communities which are all key actors alongside children in addressing conflict and promoting peace. It was also suggested that since children who get involved in armed conflict are mostly school dropouts and out-of-school youth, it is important to also involve them as key actors in peace education initiatives.

There was also a suggestion to go back to the Paris Principles because its provisions encourage local initiatives and multiple approaches.

Ms. Foyouzat, however, pointed out that the issue of peace has so much to do with cultural norms and values, and that these things could not be changed overnight. She added that preventive approaches should be holistic and complementary. She cited birth registration as an example. She explained that birth registration alone cannot prevent use and recruitment of children and neither will a peace education program on its own protect children. Such efforts have to go hand in hand to be able to respond effectively to these issues.

Ms. Foyouzat confirmed that UNICEF has translated versions of the Paris Principles, specifically into the Indonesian languages, which can help initiatives in Aceh. In addition, she promised to communicate with colleagues in Indonesia to inform them of this need by partners in Aceh.

SESSION 4

Building regional support for the protection of CAAC

This session highlights existing child rights frameworks and mechanisms by other regions such as the European Union as well as existing international mechanism like the UN Monitoring and Reporting Mechanism to give further protection to CAAC. Delegates from the EU and UN provided an overview on their organizations' efforts, commitments and plans to address CAAC. Moreover, resource persons gave recommendations for enhanced actions in creating child rights mechanism within the region and prospects for ASEAN's role.

The Role of the Special Representative of the UN Secretary General on Children and Armed Conflict

Mr. Alec Wargo

Program Officer, Office of the Special Representative of the UN Secretary General on Children and Armed Conflict

The UN in its inception and with the founding of UNICEF had always included the protection of children's rights. However, the issue of children in armed conflict has always been harder for UN to touch because of its security and political overlap. In 1996, the UN General Assembly accepted the report by Dr. Graça Machel on children affected by armed conflict. This report guided the creation of the office of Special Representative of the Secretary

General for Children and Armed Conflict (SRSG-CAAC) that acts as the secretariat to the Secretary General's adviser on CAAC. The office also serves as an independent moral voice and advocate for children affected by armed conflict.

The initial work of the office was focused on coordination and advocacy with UN partners such as UNICEF, UNCHR member states and others to build on CRCs concerning CAAC (only two paragraphs mention children in armed conflict) and the general mention in the Geneva conventions and other humanitarian legal instruments. Interestingly, CRC directly involves NSAs giving highest protection to children below 18 years old without right of derogation.

There remains, however, the challenge of “protection gap” on children in many situations of armed conflict. There is an overlap on existing normal frameworks and the application of such frameworks on the ground. The OPCRC is not fully realized in many country situations. Compliance of states, especially of NSAs, poses a big challenge due to lack of external pressure on these parties. With these realities, two Security Council resolutions – SCR 1539 and SCR 1612 – were added to the number of existing resolutions that aid the Council in compelling compliance by gross repeat violators of the rights of children in armed conflict. These resolutions apply to 12 country situations including Myanmar, Philippines, Nepal, Sri Lanka, Democratic Republic of Congo, Burundi, Cote D'Ivoire, Sudan, Chad, and Colombia.

SRSG also engages regional actors in the work of CAAC and in mainstreaming child concerns in their agendas. This has already been achieved through the works of regional organizations and groupings like EU, the Economic Community of West African States (ECOWAS) and African Union (AU). ASEAN would be the next step in this objective especially with the recent adoption of the ASEAN

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The Vientiane Action Program envisions the creation of a commission for the protection and promotion of the rights of the children. With this in mind, it is advised to have a CAAC specialist within this commission that will assist its member states in their efforts to provide protection to children from the adverse effects of armed conflict.

charter and the preparations for an ASEAN human rights mechanism underway. This is a big opportunity to raise the situation of most vulnerable children, of children in situations of armed conflict. With this, protection of most vulnerable children, children in armed conflict in particular, is very important to set as a central value in ASEAN in its child protection agenda and human rights mechanisms.

Likewise, a consensus of values plays on ASEAN's documents, declarations and legal instruments seeing the scope of Vientiane Action Program and the charter itself. Inclusion of civil society in the development of actions and platforms is another key element of ASEAN values. Civil society and NGOs here are regarded as strengths vis-à-vis the issue of child protection, particularly of CAAC. In this regard, government and civil society cooperation in the development of ASEAN-wide policies and practices of the protection of CAAC is imperative. Moreover, their combined work in advocating for the universal signing of OPCRC-AC is crucial towards a universal ratification of the protocol.

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promotion of the rights of the children. With this in mind, it is advised to have a CAAC specialist within this commission that will assist its member states in their efforts to provide protection to children from the adverse effects of armed conflict. Along this line, a specialist staff in the human rights and secretariat aspects of ASEAN should also be considered.

Lastly, the inclusion of child protection training of peacekeeping forces is essential in the efforts to mainstream the issue of communication of concerns to parties to conflict on the need to protect the rights of children in peacekeeping and stabilization efforts. This is equally important for ASEAN member states since they have been known as key actors in global peacekeeping and regional peace stabilization and activities. International organizations as well as UN organizations such as Save the Children and UNICEF have expertise and provide training for military on child protection and initial monitoring tasks.

In conclusion, a consolidated action with a sense of conviction and urgency is important as numbers of children are left to face renewed violations and abuse in armed conflicts around the world.

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The Vientiane Action Program (VAP)

One of the program areas of the VAP is to have a commission on women and children as spelled out on responses, various documents, declarations and meetings on VAP. The ASEAN website mentions trafficking but does not exactly mention about children in armed conflict. In this regard, ASEAN partners in the ASEAN region were asked to consider not only the creation of women and children commission but to also follow-up on the inclusion of protection on CIAC in its human rights mechanism, which does not have an a good amount of text on CIAC.

Monitoring and Reporting Mechanism

The Monitoring and Reporting Mechanism (MRM) is a country team activity of the government and civil society. It refers to the plan that describes the system of how reporting generated at the country level goes to the headquarters then straight to the

Security Council. Reports that are generated from the monitoring will be the basis for action.

The SRSG now covers countries such as Myanmar, Philippines, Nepal, Sri Lanka, Democratic Republic of Congo, Burundi, Cote D'Ivoire, Sudan, Chad, Somalia and Colombia. Those are situations headed by the Secretary General as having groups within a country situation. In monitoring and reporting, the office basically asks the Council to take measures for organizations included and for member states to ensure timely, accurate, reliable and objective reports on what is happening in country situations. The SRSG takes note of how the parties are doing it, government actions, and recommendations of the country teams to address the situation. The UN, together with other actors interacting, designs a plan to cease the recruitment, prevent recruitment, and secure release of the children.

Prioritizing Violations in the Mechanism

The Secretary General advocated that all six grave violations should be used as triggers. The head of SRSG served as a Special Rapporteur on Sexual Violence on Women and Children for nine years prior to assuming the post of Special



Representative on CAAC. This is already attached to one or two extra violations generally. Taking the violations as important as the other is already up to the Council. A resolution will be discussed in February on this matter.

A few months ago, an action led by Canadian friends on CIAC convened member states to start discussion on how it will be possible for other violations to be an entry point. The issue of recruitment is already hard especially concerning the armed groups. Therefore, there is a need to collaborate on groundwork activities on violations. Strong advocacies against violations are being done now by SRSG, by UNICEF and civil society. Collaboration of work and efforts is still important however.

Seizing Opportunities to Articulate the Issue of CIAC

A review on various declarations and plan of action of ASEAN revealed that only in the 2001 Declaration for Commitments in ASEAN is there specific mention of the need to protect children from armed conflict, victimization, degradation and other such conditions. There is no specific mention in succeeding documents.

One of the big challenges apart from having the issue articulated in the documents is how to

seize opportunities in the discussions related to the creation of the Commission on Women and Children. It was planned that the Commission should already exist by 2010. The mandate and structure of the commission has not yet been decided. Mahidol University is conducting a feasibility study that aims to define the structure of the proposed commission. Civil society counterpart should be identified for the national protection commission to raise the inclusion of the CIAC issue in the agenda.

The other big challenge is that ASEAN's strategic framework in plan of action for social welfare family and children for 2007-2010 finalized by the social welfare and development in 2006 has no specific provision on the need to address the CIAC issue. There are, however, action points where the issue of armed conflict could be integrated such as capacity-building for social welfare officials, law enforcement agencies and other bodies addressing child protection issues.

In this regard, if possible, government allies should seize the opportunity of organizing training programs for capacity-building to inform various actors and other government agencies about the need to address child protection in the context of armed conflict. Moreover, look at opportunities of encouraging other states in the region to ratify the OP.

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The EU Guidelines on Children and Armed Conflict

Hon. Alistair Macdonald
Ambassador and Head of Delegation,
European Commission in the Philippines

The promotion and respect for children's rights is a key priority of EU's human rights policy. Children's rights are still powerful that even European countries have to be attentive to issues of social exclusion—children from the minorities, child trafficking, and child pornography on the internet. There are provisions on the UNCRC that European countries failed to address. This is in fact not a problem limited to developing countries. It is true though that 86% of the world's children live in developing countries, that 1/3 of all children develop malnutrition, many have lack of access to adequate healthcare, and are victims of forced labor or trafficking.

It is in this context that the EU has elaborated a series of human rights guidelines which serves as a conceptual framework for supporting the protection and promotion of human rights in countries and has specific provisions regarding children's rights. Generally, these human rights guidelines cover a wide range of issues like death penalty, torture and other forms of maltreatment; children affected by armed conflict; and the special position of human rights defender, among others. We have also adopted guidelines on International Humanitarian Law (IHL), and we are currently preparing new guidelines on the rights of the child focusing on combating violence against children. Taking together these various guidelines put us all in a range of policy tools for promoting and protecting human rights in particular in the context of our common foreign policy.

In 2003, the EU adopted a specific guideline on CIAC. We confirmed that over the last 10 years, armed conflicts have claimed the lives of and more than 2 million children (estimate) around the world while more than 6 million have been maimed. According to the estimate, at least 300,000 children are fighting as child soldiers around the world.

The guidelines that EU has prepared are intended to highlight these issues. It works towards its objective to persuade other countries as well as NSAs to fully implement IHL and to take effective measures to protect children from the effects of armed conflict. The guidelines also encourage putting an end to the recruitment of children into the army or armed groups. The EU was actually inspired by relevant international and regional norms and standards on human rights and IHL when its guideline was drafted. We drew up the guidelines with the UN representative for CIAC, UNICEF, and a number of NGOs specialized and active in this field. The main actors involved in the implementation of these guidelines are members that make up the EU, EU Commission which is the executive body of EU, council of ministers, and the European parliament which is extremely active in human rights issues around the world. These main actors in the EU—member-states, the parliament—work together in the field with embassies of the European member states, delegates of European Commission, the special representatives of EU, as well as the EU military commander and head of civilian operation. The European Commission works at the policy level, together with different funding institutions, to help stop child recruitment and the use of children in armed group, and address the issues of vulnerability and special needs of children in times of war. All of the actors in EU are required to coordinate very closely with the UN Special Representatives and expert institutions.



Regular monitoring, reporting, and assessment on the situation of children in armed conflict are the main tools in implementing these guidelines. Based on these tools, the EU can undertake diplomatic initiatives, raise positions in dialogues with other countries, take part in multilateral cooperation, and take part in multilateral crisis cooperation. In particular, EU missions in third countries are instructed to report on six thematic areas: (1) recruitment and deployment of children in armies and armed groups; (2) killing and maiming of children; (3) attacks against schools and hospitals; (4) blockage of humanitarian access; (5) sexual and gender-based violence against children; and (6) abduction of children.

Moreover, EU has the capacity to raise in its political dialogues with the government as well as in public statements the issue on recruitment and use of children in armed forces, in the military and armed groups. Aside from these measures, the organization can urge third countries to:

- Undertake adequate measures to end recruitment of children;
- Ratify and implement OP-CRC-CIAC;
- End impunity and bring justice to perpetrators; and

- End of impunity regarding sexual violence against on children.

On June 15, 2007, specific country strategies for Asian countries (Afghanistan, Burundi, Burma, Nepal, Philippines and Sri Lanka) were adopted as an additional tool for the EU's planning on CIAC.

In terms of policy support, the EU supports other existing EU policies relevant to the CIAC issue, namely:

- Disarmament, Demobilization and Reintegration (DDR) that helps child soldiers to disarm, demobilize, and reintegrate. It also helps other children involved with armed groups.
- The European Security and Defence Policy (ESDP) as part of the EU Common Foreign and Security Policy.
- The EU promotes and advocates for the signing and ratification of the Rome Statute of the International Criminal Court which states that active participation of children under 15 years old and their recruitment is considered as war crime. The Philippines already signed the Rome Statute but ratification is still pending.

With regards to financial programs, the European Instrument for Democracy and Human Rights (EIDHR) has a budget of €6.8 million for 2007-2013 for the protection of children's rights in armed conflict. Its objectives to support effective measures to protect children directly affected by armed conflict and to address their needs especially in post-conflict situations are achieved through the implementation of civil society activities.

In the Philippines, the Commission has funded several programs addressing the needs of children in armed conflict such as the UNICEF study and survey on the issue of CIAC Disarmament, Demobilization and Reintegration; peace- and development-related projects of NGOs in Mindanao; assistance to IDPs and former soldiers and their families including children; and finally, the ILO program on the prevention and rehabilitation measures for children associated with armed forces and groups.

In conclusion, regarding the armed conflict situations in the Philippines, the EU calls for the respect, protection and fulfillment of both the government and the different armed groups to basic human rights and civil liberties of all children guaranteed under international human rights and international humanitarian law instruments and under the Comprehensive Agreement on the Respect of Human Rights and International Humanitarian Law (CARHRIHL).

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EU's priority countries

Determining priority countries in terms of the issue of children in armed conflict is based on the assessment and reporting the EU and UN are doing and the hard facts on what is causing difficulties for children around the world. This also falls to the question of what can be done realistically. So there is a need to balance real needs with real possibility for change. There is a first list of priority countries that was adopted early this year, and a second group will likely be added to the list by this month or next month.

EU's Financial Assistance

The EU, together with its member states, is the largest donor of ODA. Some statistics would suggest that the EU is a larger donor than the US and Japan combined. There are, however, some countries which are very poor and some countries which are not so poor. The Philippines is a country with a lot of poor people but there are also other poorer countries. The Philippines makes sure that some resources will be devoted to some of the problems in the country. The EU is, of course, happy to help. But of course, the financial funding is not to be all devoted to the Philippines.

The EU guideline is an example of regional cooperation on the field of armed conflict. The guideline refers to its external policy which does not apply internally to EU member states. This presentation aims to provide an example of what a regional organization can do in terms of children in armed conflict, and a good example of government and NGO cooperation.

Collaboration of organizations supported by EU

The positive side of that point is civil society is really the core actor, and without an active civil society involvement, EU will not have a great deal of progress. On the other hand, the downside is civil society is civil society. They are coming from different groups, different geographic themes, different priorities and different sectoral themes. To try to encourage them to come together—to the extent that they can come together—is a very worthwhile task, which is something the EU very much encourages. But, we should not be too rigid about it and we should not require that there is one logical framework to which everybody has to agree.

Engaging the EU to Enhance the Protection of Children in Armed Conflict

Mr. Martin Nagler
EU Outreach Officer, Coalition to
Stop the Use of Child soldiers

The EU guideline is an example of regional cooperation on the field of armed conflict. The guideline refers to its external policy which does not apply internally to EU member states. This presentation aims to provide an example of what a regional organization can do in terms of children in armed conflict, and a good example of government and NGO cooperation. Finally, this presentation will aim to prove why the EU policy is relevant for Southeast Asia.

In terms of the guideline on children in armed conflict, there are many different actors within the EU that are involved in the guidelines. The

reason for that is that the guidelines are not a legal instrument or treaty. The EU policy guideline has a lot of elements that have already existed even before the guideline was drawn up in 2003. The guideline has a lot to do with the development cooperation of the EU, and the other aspect has to do more with political dialogue. All these elements have already existed. But the guideline was thought to be a one-policy document that combines all these tools in order to bring them into the attention of EU's other policy areas.

Looking from the outside, the EU appears complicated because it involves the different actors and institutions which have policies on CAAC. Unfortunately, they are not always the same. It has already improved a lot through the guidelines on CIAC, but there is still the gap between the policy and the programming. The EU, though, is confident enough that it will get better and it will move forward and become coherent. However, it is obviously difficult to coordinate because there are at least

three different policy areas that are combined in the guidelines: human rights, development assistance, and the humanitarian aspect in the issue of CAAC.

Even though the EU maintained its good impression as a regional organization, nevertheless, four of the 27 member states have not yet ratified the Optional Protocol, and a lot of the member states that have already ratified have actually not yet ratified the Straight 18 position. Indeed, there is a lot of room for improvement in Europe. On the other hand, this may provide an encouraging example because as a regional organization that is not perfect in that regard, the EU has been able to achieve a lot on behalf of CAAC. This is an aspect that is very important because even though there is room for improvement, EU can still start to develop a policy on CAAC. This would, maybe, give an encouragement for the ASEAN context where some of the discussions center around national competencies and non-interference as well. All these discussions were discussed within the EU

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It is also interesting to note that CAAC would actually be the first policy area of children's rights that EU really took off. The EU had in fact a policy on CAAC before it had the coherent policy on the rights of the child in general. This is neither a criticism nor a positive thing. It is just interesting because it has been mentioned that in the ASEAN context and had talked about the children's rights in general but specific areas of CAAC has been missing.

where its more than 50 years of existence is seen as an advantage and only in recent years have come to a more or less coherent human rights policy. Although not everything maybe perfect, this policy area can be tackled by regional organizations in a very efficient manner.

EU policies actually follow the UN process thereby not reinventing UN standards already developed. The EU and the UN have a close cooperation because these standards are adopted at the regional context and fortunately fit the policy of the EU. For example, the EU and UN are cooperating well in monitoring and reporting. In Palestine for example, there are situations where NGOs and UN agencies are collecting data that are made available to the SRSG office and European Commission delegation. This close cooperation and the replication of UN standards in the regional context is a good example for SEA. Sometimes, it is not so much adapting of standards for a region, but taking them and making them relevant and cooperating with the UN to make the whole process much more efficient.

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criticism nor a positive thing. It is just interesting because it has been mentioned that in the ASEAN context and had talked about the children's rights in general but specific areas of CAAC has been missing. On the other hand, the EU is struggling to integrate that specific area into a broader policy on children's rights. The commission has only recently drawn up a communication which is pulled towards the strategy on the rights of the child. The EU, and what Ambassador Macdonald has mentioned, will have a new set of guidelines adopted from this month on the promotion and protection of children's rights with focus on violence against children, which will add to the existing guidelines on CAAC.

The guideline indeed is an example of cooperation with NGOs. In fact, without the NGO, it is fair to say that it would be hard to draw up this guideline on CAAC. Since 2000 and shortly after the adoption of Optional Protocol, a number of organizations have been vocal already on the EU approach on CAAC. In 2002 also, the UNICEF co-hosted two brainstorming meetings to agree on the details of an EU policy towards CAAC with NGO experts like Human Rights Watch, World Vision and other steering committee of the Coalition to Stop the Use of Child Solders (CSUCS) calling for EU guideline. The NGOs are the ones that thought of a common strategy on CAAC and decided to go for guidelines

since there are already existing guidelines on other human rights issues. This did not stop with the adoption of the guidelines. The NGOs diligently worked together with the EU on the implementation of the guidelines since they were introduced. And because the presidency of the EU changes every six months, the NGOs also serve as an institutional memory and briefing presidency on some of the initiatives that were envisaged. In some countries, because of lack of personnel and limited capacity of Commission delegation, NGOs help in contributing to the monitoring and reporting that is done in the EU context which has proved an efficient way of working together.

With regard to relevance of guideline for SEA, there are two SEA countries under EU's priority list under the guidelines: the Philippines and Myanmar. The implementation strategy to the guidelines, however, mentions that the EU would focus primarily on priority countries but could also get active in other countries where relevant monitoring and reporting are being done. Like what was done to work constructively together on the implementation of Paris Principles. This can also be the case in other areas. This harmonization of work also depends on the NGOs and government agencies to approach the member states and the Commission to work together constructively on the same issues.

On constructive collaboration, the OP specifically mentioned in the EU guidelines that the EU will work towards the replication and implementation of the Optional Protocol. If there are forums to discuss such issues in the ASEAN context, that could be a great step forward. At some stage, there could perhaps be an EU-ASEAN cooperation touching on social and human rights issues. This cooperation like other EU cooperation with other regional organizations (African Union) could help in fostering UN standards and working towards their implementation.

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Child soldier Terminology

The Paris Principles has changed the definition of the child soldier. However, since the word “child soldiers” was changed, it can still be found in the Coalition’s name – Coalition to Stop the Use of Child Soldiers. “Children associated with armed forces and groups,” however, is a terminology that is a bit broader both for the ASEAN context and for possible cooperation or dialogue. In EU context, it should be more on how children are affected by armed conflict than just on their being child soldiers.

EU’S Goal of Influencing other Actors to Push for Action on Third States

Also, on the definition, the third countries or first countries in the world, obviously, are not just in Asia. Again, obviously, some EU member states would also have to still learn something in that regard. So if there are forums to discuss these issues, not only the Asian countries could learn something about child protection. In the guidelines, it is phrased as such because it is mainly in the area of the EU’s security policy. It does apply to every third state. In the policy, the EU concentrates more on the priority countries. But if there are initiatives from other countries, such initiatives will be more than welcome within the EU, and dialogue could be established.

Linking Issues of CIAC and Violence Against Children

Another aspect from the EU side is that there will be a second set of guidelines within the EU that will, in the initial phase, focus on violence against



children. At the moment, we are looking from the NGO side how these two sets of guidelines can also have one common direction. Obviously, they are both EU human rights guidelines, but most of the other guidelines are quite different and there is not much overlap. They have been rarely taken together, with two sets of EU human rights guidelines on children rights.

The new guidelines are not even adopted. There is a need to see how they can be taken forward together. If there is a way of integrating them, this could also be a model for possible discussion with third states. In a lot of countries, the issues of child soldiers and children in organized violence are very closely linked. Further, the root cause for children in organized violence are very much the same as with children associated with armed forces or groups in the traditional conflicts. There could be an overlap to some degree, and the two issues can be taken forward together while taking into consideration that the distinction between two – on one hand, international and on the other, national law. There are, however, other areas in other countries where a number of problems on child protection occur, and if there was a body to address child rights in general they could probably address both issues.

So again, on the ASEAN side or Southeast Asia, if there is a forum that would address child rights in general, then some of the issues can then be singled out and some of them can be discussed together.

Engaging ASEAN

NGOs and civil society could play important roles in bridging the gap between policy and practice or with what is actually happening on the ground. It is interesting to note here that it is the non-ASEAN people who keep on talking about the ASEAN. It is a good thing that they are actually the people outside the region who are watching the ASEAN, and what it is trying to do because it is a critical period for the ASEAN. It is important for those in government to take note that the charter that was adopted does mention the provision for human rights body but the actual mechanism or terms of reference are to be discussed. Having said that, the ASEAN is not like the EU. It is not supra-national in the sense the people from government are actually the ASEAN. Therefore, grassroots organizations or people should engage a regional body which is the ASEAN the way they exactly engage their national government. Therefore, it is in the hands

of the government to actually make sure that their respective agenda will be carried out by ASEAN.

The EU guideline was an example but it does not mean in any way that it is a structure and that this could be replicated in the ASEAN context. If there was a common understanding on the drafting of some guidelines and principles within the ASEAN context, they will be very different.

EU Listing of Priority Countries: Philippines and Myanmar

Putting the Philippines and Myanmar on the EU priority list was largely in accordance with what was already happening in the UN context. In the case of the Philippines, the EU realized that there was a lot of readiness to discuss these issues. The EU priority list is more or less the same mentioned in the UN context but is still very different from the list that exists in the UN context. The countries that are at the moment in the annex of the Secretary General Report does not list countries but rather parties to the conflict. The tools that the EU uses are very different from the UN system. Monitoring and reporting is common to both systems but other than that the EU tools are much more geared towards having quality dialogue and cooperation in various

fields. So the EU list of priority countries is not a blacklist tool but rather a list of where children affected by armed conflict is very much present. There can also be several reasons why the EU decides to put the country on the list.

Certainly, the EU list is not a blacklist. In Southeast Asia there are indeed CIAC in the Philippines and Myanmar. In the Philippines, there are CIAC in Mindanao and in some cases in relation to communist insurgency. In Myanmar, there are CIAC coming from ethnic groups. There is, however, a difference on the issue that the EU is responding. In the Philippines, the EU is in discussion with the government about this issue. EU also has many projects on CIAC aside from civilian relations on CIAC in Mindanao. In Myanmar on the other hand, dialogue with the government is not quite as open. But surprisingly, there is a large assistance program in Myanmar addressing the humanitarian needs of the people. There are also efforts to protect the health of the people in Myanmar. These situations are different, but these guidelines reflect the importance of situations of children involved in armed conflict.

Indeed there are problems also in other countries other than these two countries that are currently in the priority list. Ambassador Macdonald mentioned

In a lot of countries, the issues of child soldiers and children in organized violence are very closely linked. Further, the root cause for children in organized violence are very much the same as with children associated with armed forces or groups in the traditional conflicts. There could be an overlap to some degree, and the two issues can be taken forward together while taking into consideration that the distinction between two – on one hand, international and on the other, national law.

a couple of situations and the NGOs will also take that as an appeal. As what have been mentioned, there has been constant lobbying for the EU to enlarge the list of priority countries. However, EU can still also look at other problems in other countries even if they are not on priority list. One of the documents drafted after the guideline clearly says that the EU will not only look at priority countries, it will also look at other countries. Again, if there will be principles or guidelines from ASEAN, it can be much wider and every country can be looked at in the same way and all the problems can be appropriately taken into account.

Maximizing the Space for Participation

On existing mechanism, there are dialogues between specific countries in the ASEAN context. However, at the moment, what has been established between the EU and ASEAN are related to purely economic concerns. Hopefully, the cooperation between two

regional organizations will also have ties in the direction of human rights and child rights.

It is refreshing to hear that EU is talking about engaging ASEAN on matters that is not on the economic side. In most engagements with the ASEAN, the pressure from outside is inclined towards economic matters. That is why EU-ASEAN engagement only focus on Free Trade Agreements (FTAs). Civil society always pushes for the social, cultural and political rights which include human rights, environment, and migration, among others — things that are important beyond economic integration. The push from civil society is to make sure that integration is not just states and markets but peoples and cultures as well. That is the space that was being stressed—that the space should be maximized so that governments and civil society and their own national context can work together to engage the government in ASEAN and international bodies.



The idea of having ASEAN countries adopt a regional guideline related to CAAC is not easy. So instead of just engaging ASEAN, think of how to pursue an alternative regional advocacy strategy that would enhance protection of CAAC in Southeast Asia.

EU Efforts in Maximizing Space for Participation

The EU is very vocal on any human rights issues regarding children, extra-judicial killings and death penalty. So, for sure this was part of the talks. The EU tries, at least for Manila, to empower their Filipino partners. They have witnessed a lot of progress in this regard to raise these issues. The EU can push for reforms but nothing will be achieved if ASEAN countries, national bodies or civil society organizations do not want reforms to be pushed. Having priority countries does not mean the EU does not act on other countries. Together with other UN institutions and civil society organizations, the EU can accept or prioritize other countries to its periodical reporting.

The EU is also considering the issue affected by armed conflict as a cross-cutting issue. As an example, the EU has programs on accessing to justice implemented by the Department of Social Welfare and Development (Philippines). This is part of an official human rights training to police officers, prosecutors and public attorney lawyers. Judges in five provinces in the Philippines are included in teaching on the agreement signed by the government and armed groups on handling of child soldiers. EU also provides training on children caught in border area activities.

Applying the EU Guideline as a Framework

Even though there are limited mechanisms right now, the EU guidelines can be used as a framework for a particular country. From the EU side, it is already happening. But it is also an appeal for both NGOs and government agencies in Southeast Asian countries to also get in contact with the relevant institutions of EU in their countries since this could be promising on bilateral bases until visions of bodies of regional organization come true.

The idea of having ASEAN countries adopt a regional guideline related to CAAC is not easy. So instead of just engaging ASEAN, think of how to pursue an alternative regional advocacy strategy that would enhance protection of CAAC in Southeast Asia.

It will be good to note that that was what happened in the beginning and what is still happening in the EU where member states at the beginning was a merely economic cooperation and has developed into something much more. It is very true to say that civil society and government agencies can put these things forward.

SESSION 5

Proposed follow-up actions for CIAC

The session is aimed at identifying possible policy and programmatic recommendations to strengthen the protection of CAAC in the SEA region. The participants (country representatives, guests and organizers) were divided into three workshop groups for brainstorming, and countries with two or more representatives were distributed to the different workshop groups. Guide questions were discussed before participants joined their respective groups. Each group designated a facilitator and rapporteur.

Guide questions:

1. Given existing regional and international commitments for CIAC, what else do we need to do to enhance protection of children?
2. How can governments in the SEA region support on another to enhance policies and programs for CIAC?
3. What could be three (3) specific, time-bound and concrete action points that could be done within one year?
4. How can we contribute to the realization of these three action points?

REPORTS

Report of Workshop Group 1:

1. Given existing regional and international commitments for CIAC, what else do we need to do to enhance protection of children?
 - Enhance advocacy programs/efforts at the regional level; particularly tap ASEAN structures/mechanisms.
 - Each country needs forums for discussions on how to enhance child protection.
 - Between ASEAN countries, discussions for programs for children to come up with common objectives and exchange ideas and best practices.
 - Study of ASEAN languages to reduce the language barriers among us.
 - For a special envoy/representative to visit ASEAN countries to discuss the CIAC issue. Appoint envoy/representative to promote this subject to Asian countries (once every six months).
 - Establish focal points (person/s and office/organization and define their functions/mandate) representing both government and civil society. The focal points will report to the appointed envoy.
 - Quarterly reports shall be submitted by every ASEAN country representative on

- progress/developments of the situation of children affected by armed conflict.
2. How can governments in the SEA region support one another to enhance policies and programs for CIAC?
 - Craft enabling laws/programs; review and revise laws/policies as necessary; develop responsive child protection programs in areas of education, health, rehabilitation, and other access to development (skills, livelihood, economic) opportunities, psychosocial support services, among other child-centered approaches.
 - Ensure that policies and programs are translated into concrete actions at the local level. Similarly, local implementing mechanisms and reporting/feedback systems should be in place and operational.
 - Ensure participation/involvement and empowerment of civil society/non-government and private sectors/IP groups.
 3. What could be three (3) specific, time-bound and concrete action points that could be done within one year?
 - Establish/appoint focal points at the country level (both national and sub-national/local levels) to correspond with the regional level mechanism (country assessments); to identify the priorities at the local and regional levels and for a vision and mandate to be given.
 - Come up with a SEA Regional Action Plan (Strategic Plan and Operations Plan) as basis for engaging with the ASEAN in the light of recently signed ASEAN Charter particularly on child protection.
 - Do country-level assignments and other regular functions (e.g., data gathering, situation analysis of children in armed conflict in the region, what are the common aspirations in realizing their dreams, information education on child rights, exchange programs, declaration of ASEAN Day/Week/Month for Children).
 4. How can we contribute to the realization of these three action points?
 - Country-level responsibilities and counterparts.
 - More active engagement of each country with the ASEAN accordingly.
 - More cooperations among multisectoral groups in the country to pursue/implement programs and services for children.

Report of Workshop Group 2:

1. Given existing regional and international commitments for CIAC, what else do we need to do to enhance protection of children?
 - Each country should have an inter-agency child protection committee or a central focal government agency that would
 - be the resource center for data and information (including child protection issues).
 - bring down into application the policies up to the level of the child
 - disseminate to stakeholders the international commitments on children, including children affected by armed conflict
 - include child participation in the committee

- Translate international commitments to domestic laws, policies, and guidelines
 - Resources needed to maintain the said inter-agency child protection committee (e.g. UNICEF support in Cambodia)
2. How can governments in the SEA region support one another to enhance policies and programs for CIAC?
- Promotion and relentless pursuit of the Vientiane Action Plan
 - Follow up/ask updates from our country Ministry on Foreign Affairs regarding the Vientiane Action Plan
 - Each country to propose capacity building activities for stakeholders and government officials
 - Sharing of best practices to enhance policies and programs for children involved in armed conflict
- Establish a Child Protection Desk in the ASEAN Secretariat
 - ASEAN regular meetings should include child protection issues in the agenda
 - Implementation of the policies of the government as stipulated in the OPCRC-AC
 - Allocate budget for child protection (dissemination and promotion of the Optional Protocol)
3. What could be three (3) specific, time-bound and concrete action points that could be done within one year?
- For those countries with existing inter-agency child protection agency, maximize their role as such
 - In Thailand, there is an ongoing preparation of the initial report on the Optional Protocol



- Each country should launch a communication/advocacy campaign on emerging child protection issues, including children affected by armed conflict
 - Indonesia should campaign for its country's ratification of the Optional Protocol (e.g. ASEAN and UNICEF Indonesia to remind the Indonesian government to ratify the Optional Protocol)
4. How can we contribute to the realization of these three action points?
- Be the main convenor, organizer of the inter-agency child protection agency
 - Distribute the recommendations of this conference to respective ministries/agencies that could take up the said recommendations
 - Provide a directory and maintain an e-group to keep the communication of conference participants

2. How can governments in the SEA region support one another to enhance policies and programs for CIAC?
- Constant and regular communication among countries using different media and actual country visits
 - Meetings of the countries
 - i. Top/high level (government)
 - ii. Implementors level
 - iii. State bodies/agencies, including special meetings for CIAC concerns
 - iv. Discussion points:
 - capacity building
 - learning and sharing experiences
 - issues and sectoral concerns
 - advocate for inclusion of CIAC in government discussions
 - v. Strengthening relationship among countries
 - vi. Coordinate and cooperate

Report of Workshop Group 3:

1. Given existing regional and international commitments for CIAC, what else do we need to do to enhance protection of children?
- Securing implementation and monitoring of existing instrument
 - Regular evaluation of the progress of the Optional Protocol – needs tools/instruments, resources and plan
 - Encourage other ASEAN countries to ratify international instruments
 - Invite international communities to support implementation of programs for children
3. What could be three (3) specific, time-bound and concrete action points that could be done within one year?
- Follow-up meeting of this meeting, probably in 2009
 - i. discuss of monitoring instruments
 - ii. planning for capacity-building, especially on the dissemination of the different international instruments
 - iii. invite potential donors
 - Workshop on developing instruments in monitoring CAAC, probably in 2009

- Training on socializing CAAC/ knowing different international instruments and strategies to disseminate at the country level
4. How can we contribute to the realization of these three action points?
 - Providing recommendation
 - Disseminate the result of this workshop
 - Advocate and integrate the plan into our country program
 - Constant communication

WORKSHOP SYNTHESIS

1. Continue efforts to advocate for the protection of children involved in armed conflict as a concern that should be addressed at the regional and and at the national levels.
2. Translate and mainstream international commitments into national and local policy regulation.
3. Maximize and continue effort to functionalize ASEAN with regard to CIAC issue.
4. Mainstream child participation principles into the policies and program for child protection (CIAC)
5. Involve civil society into dialogue and meeting (ASEAN) and the implementation of program on CIAC
6. Data system establishment
7. Capacity-building for state actors who have a mandate to ensure implementation of

the OPCRC-AC and other relevant child protection policies at the national level.

8. Initiate and continue efforts to establish national focal point, especially in countries where there is none as regards the CIAC issue, as well as a regional focal point initially for information sharing and follow-up action points.
9. Information sharing among participants, starting with setting-up of the e-group and dissemination of workshop reports.

RECOMMENDATIONS

Regional Level

The workshop results pointed to two major areas where efforts at the regional level may be channeled:

- A. Advocacy and capability-building
- B. Promoting Compliance to International Child Rights Instruments

In both areas, cooperation between State and civil society actors must be underscored.

A. Advocacy and Capability-Building

On the aspect of advocacy, lobbying and capability-building, the following steps are proposed:

- Conduct capability-building activities that will help further define programs for the protection of children and align the objectives of the different States in the ASEAN region;
- Implementation of advocacy efforts aimed at raising the consciousness of both civil society or communities and government sectors on

In the aspect of policy reform, it is proposed that Special envoys or country representatives visit their Asian neighbors to discuss areas of policy reforms and regional cooperation. The advocacy efforts must also be aimed at encouraging ASEAN countries to ratify international instruments in child protection and promoting child rights.

- child rights, child protection and pertinent international instruments;
- Conduct activities, such as the development of education tools that will help popularize the issue of protection of children involved in armed conflict in both the regional and national levels; and
- Create for sharing of information and best practices, with the development of a database as one of the projected major outputs.
- Cooperation between governments, NGOs and civil society in the development of ASEAN-wide policies and practices on the protection of CAAC; and
- Encouragement of allies in governments to use training programs to inform the bureaucracies about the need to address child protection in the context of CIAC.

In all these efforts, it is recommended that civil society actors be actively involved and that, instead of creating new ones, the existing ASEAN structures or mechanisms for advocacy and capability-building be utilized.

It was pointed out that identifying CAAC and human rights specialists who can assist member states in developing rehabilitation programs for children affected by armed conflict, and who can provide secretariat support to ASEAN will greatly help in the advocacy and capability building efforts.

Meanwhile, government and civil society cooperation in advocacy and capability-building can be achieved through the following:

- Advocacy for universal signing of OP CRC by civil society and ASEAN member states;
- 1. 2001 Declaration on the Commitments of Children in ASEAN to “protect children from armed conflict, victimization or deprivation of a childhood rooted in peace and peace and joy”
- 2. ASEAN Plan of Action for Children adopted

B. Promoting Compliance to International Child Rights Instruments

In the aspect of policy reform, it is proposed that Special envoys or country representatives visit their Asian neighbors to discuss areas of policy reforms and regional cooperation. The advocacy efforts must also be aimed at encouraging ASEAN countries to ratify international instruments in child protection and promoting child rights.

The following are the international instruments to which ASEAN member countries have made their commitment:

by the ASEAN Social Welfare Ministers in 1993

3. Vientiane Action Plan that contains provisions on protection of children under the strategic thrusts of the ASEAN Security and Socio-Cultural Communities.
4. Convention on the Rights of the Child
5. Optional Protocol to CRC on the Involvement of Children in Armed Conflict

Drafting of a Southeast Asian Regional Action Plan is proposed as a major regional project. The Action Plan can become the basis for engaging the ASEAN in its efforts to realize the commitments it made through the recently-signed ASEAN Charter with significant provisions on child protection.

To enhance ASEAN capability to actualize its commitments to the Charter, it is proposed for ASEAN to:

- Discuss the issue of children involved in armed conflict during regular meetings of its appropriate bodies
- Establish a child protection desk in the ASEAN secretariat, and
- Identify a regional focal person who can raise the profile of the CIAC issue in Southeast Asia.

In the area of international partnerships, pursuit of ASEAN-EU cooperation was also recommended. This may be done through increased engagement with the EU in political dialogues, démarches, multi-lateral cooperative endeavors and trainings, among others.

National Level

At the national level, states and civil society actors are being encouraged to strengthen work in the following areas:

- A. Creation and implementation of child protection mechanisms and programs
- B. Advocacy
- C. Policy reforms, including enactment of new legislations more reflective of the provisions of international instruments.

One of the major recommendations is to establish child protection mechanisms within national governments in countries where such mechanisms are not yet present. These mechanisms will be tasked to monitor national situations of children, particularly situations that bear on children in armed conflict situations.

Other responsibilities and outputs of this child protection mechanism will be:

Drafting of a Southeast Asian Regional Action Plan is proposed as a major regional project. The Action Plan can become the basis for engaging the ASEAN in its efforts to realize the commitments it made through the recently-signed ASEAN Charter with significant provisions on child protection.



- Preventive and responsive child protection programs in areas of education, skills training, health and psycho-social support, including programs aiming to support families and communities;
- National action plan to implement the OPCRC-AC;
- A program for disseminating the OPCRC-AC nationwide;
- Training programs for military and police forces;
- Creation of Child Protection focal points within military and police units; and
- Systematic reintegration programs for released children.

It is recommended that advocacy efforts focus on:

- Raising awareness on child rights and pertinent international instruments promoting them through information dissemination and other cooperative efforts among stakeholders, including children;
- Ensuring participation of civil society, the private sector and other stakeholders in the development and implementation of child protection mechanisms and programs;

- Mainstreaming civil society experiences by using these as bases for policy reforms and strengthening of national programs; and
- Alignment of government and civil society data and information to reflect accuracy and truthfulness so that the right interventions may be formulated.

The workshop highlighted that there is a lot to be done in terms of states and societies improving policies and law enforcement. The following are the aspects underscored in the workshop.

- Prosecution measures for violators, which are in the provisions of the OPCRC-AC, must also be reflected in national laws and policies.
- Translation of international and regional commitments into domestic policies, if there are none yet.
- Review and, if necessary, revise national laws concerning the recruitment of children below the age of 18 years.
- Imposition of a clear ban on direct and indirect participation of children in hostilities and/or paramilitary activities, regardless of whether they have been forced or have voluntarily decided to join the armed group.

APPENDIX 1

Program of Activities

Day 0 (November 26)

Arrival and Registration

Day 1 (November 27)

9:00 – 9:30 Opening Ceremony

Welcome Remarks

Hon. Rafael E. Seguis, Undersecretary for Special Concerns
Department of Foreign Affairs (DFA)

Hon. Jesus G. Dureza, Secretary
Office of the Presidential Adviser of the Peace Process (OPAPP)

Ms. Ana Elzy E. Ofraneo, Director
Human Rights Education and Research Office
Commission on Human Rights (CHR)

9:30 – 10:00 Orientation on the workshop

Introduction of participants
Expectation check
Workshop overview
Mr. Ryan V. Silverio, Regional Coordinator, SEASUCS

10:00 – 10:15 Break

10:15 – 12:00 SESSION 1: Sharing of best practices on the
implementation of OP CRC AC in SEA region

Philippines, Cambodia, Thailand

12:00 – 1:30 Lunch Break

1:30 – 2:45 Continuation of Session 1
Vietnam, Indonesia, Myanmar

2:45 – 3:15	Open Forum
3:15 – 3:45	Break
3:45 – 5:00	Consolidation of inputs & Synthesis
7:00 - 9:00	Welcome Dinner

Day 2 (November 28)

9:00 - 9:30 Recap

9:30 – 10:15 SESSION 2: Review of International Child Rights Instruments for the Protection of CAAC
Mr. Stephane Pichette, Program Manager for MRM, Humanitarian Policy and Advocacy Unit,
UNICEF Headquarters, New York

10:15 - 10:45 Break

10:45 – 11:30 SESSION 3: Paris Principles and Guidelines
Ms. Foroogh Foyouzat, Head, Child Protection Unit, UNICEF- Philippines

11:30 – 12:00 Open Forum

12:00 - 1:30 Lunch Break

1:30 – 5:00 SESSION 4: Building regional support for the protection of CAAC.
Mr. Alec Wargo II, Program Officer
Office of the Special Representative of the Secretary General on CAAC

Amb. Alistair Macdonald, Head of Delegation
Delegation of the European Commission in the Philippines

Mr. Martin Nagler, EU Coordinator, Coalition to Stop the Use of Child Soldiers

Day 3 (November 29)

9:00 – 9:30 Recap

9:30 – 11:00 SESSION 5: Proposed follow-up actions for children involved in armed conflict
Mr. Muhammed Jailani, Executive Director, Yayasan KKSP / Chairperson, SEASUCS

11:00 -12:00 Presentation of Group Reports

12:00 – 12:30 Synthesis and Closing Ceremony Ms. Cristina Lomoljo, SEASUCS

APPENDIX 2

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APPENDIX 3

Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts

Adopted and opened for signature, ratification and accession by General Assembly resolution A/RES/54/263 of 25 May 2000 entered into force on 12 February 2002

The States Parties to the present Protocol,

Encouraged by the overwhelming support for the Convention on the Rights of the Child, demonstrating the widespread commitment that exists to strive for the promotion and protection of the rights of the child,

Reaffirming that the rights of children require special protection, and calling for continuous improvement of the situation of children without distinction, as well as for their development and education in conditions of peace and security,

Disturbed by the harmful and widespread impact of armed conflict on children and the long-term consequences it has for durable peace, security and development,

Condemning the targeting of children in situations of armed conflict and direct attacks on objects protected under international law, including places that generally have a significant presence of children, such as schools and hospitals,

Noting the adoption of the Rome Statute of the International Criminal Court, in particular, the inclusion therein as a war crime, of conscripting or enlisting children under the age of 15 years or using them to participate actively in hostilities in both international and non-international armed conflicts,

Considering therefore that to strengthen further the implementation of rights recognized in the Convention on the Rights of the Child there is a need to increase the protection of children from involvement in armed conflict,

Noting that article 1 of the Convention on the Rights of the Child specifies that, for the purposes of that Convention, a child means every human being below the age of 18 years unless, under the law applicable to the child, majority is attained earlier,

Convinced that an optional protocol to the Convention that raises the age of possible recruitment of persons into armed forces and their participation in hostilities will contribute effectively to the implementation of the principle that the best interests of the child are to be a primary consideration in all actions concerning children,

Noting that the twenty-sixth International Conference of the Red Cross and Red Crescent in December 1995 recommended, inter alia, that parties to conflict take every feasible step to ensure that children below the age of 18 years do not take part in hostilities,

Welcoming the unanimous adoption, in June 1999, of International Labour Organization Convention No. 182 on the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour,

which prohibits, inter alia, forced or compulsory recruitment of children for use in armed conflict,

Condemning with the gravest concern the recruitment, training and use within and across national borders of children in hostilities by armed groups distinct from the armed forces of a State, and recognizing the responsibility of those who recruit, train and use children in this regard,

Recalling the obligation of each party to an armed conflict to abide by the provisions of international humanitarian law,

Stressing that the present Protocol is without prejudice to the purposes and principles contained in the Charter of the United Nations, including Article 51, and relevant norms of humanitarian law,

Bearing in mind that conditions of peace and security based on full respect of the purposes and principles contained in the Charter and observance of applicable human rights instruments are indispensable for the full protection of children, in particular during armed conflicts and foreign occupation,

Recognizing the special needs of those children who are particularly vulnerable to recruitment or use in hostilities contrary to the present Protocol owing to their economic or social status or gender,

Mindful of the necessity of taking into consideration the economic, social and political root causes of the involvement of children in armed conflicts,

Convinced of the need to strengthen international cooperation in the implementation of the present Protocol, as well as the physical and psychosocial rehabilitation and social reintegration of children who are victims of armed conflict,

Encouraging the participation of the community and, in particular, children and child victims in

the dissemination of informational and educational programmes concerning the implementation of the Protocol,

Have agreed as follows:

Article 1

States Parties shall take all feasible measures to ensure that members of their armed forces who have not attained the age of 18 years do not take a direct part in hostilities.

Article 2

States Parties shall ensure that persons who have not attained the age of 18 years are not compulsorily recruited into their armed forces.

Article 3

1. States Parties shall raise in years the minimum age for the voluntary recruitment of persons into their national armed forces from that set out in article 38, paragraph 3, of the Convention on the Rights of the Child, taking account of the principles contained in that article and recognizing that under the Convention persons under the age of 18 years are entitled to special protection.
2. Each State Party shall deposit a binding declaration upon ratification of or accession to the present Protocol that sets forth the minimum age at which it will permit voluntary recruitment into its national armed forces and a description of the safeguards it has adopted to ensure that such recruitment is not forced or coerced.
3. States Parties that permit voluntary recruitment into their national armed forces under the age of

18 years shall maintain safeguards to ensure, as a minimum, that:

- (a) Such recruitment is genuinely voluntary;
 - (b) Such recruitment is carried out with the informed consent of the person's parents or legal guardians;
 - (c) Such persons are fully informed of the duties involved in such military service;
 - (d) Such persons provide reliable proof of age prior to acceptance into national military service.
4. Each State Party may strengthen its declaration at any time by notification to that effect addressed to the Secretary-General of the United Nations, who shall inform all States Parties. Such notification shall take effect on the date on which it is received by the Secretary-General.
 5. The requirement to raise the age in paragraph 1 of the present article does not apply to schools operated by or under the control of the armed forces of the States Parties, in keeping with articles 28 and 29 of the Convention on the Rights of the Child.

Article 4

1. Armed groups that are distinct from the armed forces of a State should not, under any circumstances, recruit or use in hostilities persons under the age of 18 years.
2. States Parties shall take all feasible measures to prevent such recruitment and use, including the adoption of legal measures necessary to prohibit and criminalize such practices.
3. The application of the present article shall not affect the legal status of any party to an armed conflict.

Article 5

Nothing in the present Protocol shall be construed as precluding provisions in the law of a State Party or in international instruments and international humanitarian law that are more conducive to the realization of the rights of the child.

Article 6

1. Each State Party shall take all necessary legal, administrative and other measures to ensure the effective implementation and enforcement of the provisions of the present Protocol within its jurisdiction.
2. States Parties undertake to make the principles and provisions of the present Protocol widely known and promoted by appropriate means, to adults and children alike.
3. States Parties shall take all feasible measures to ensure that persons within their jurisdiction recruited or used in hostilities contrary to the present Protocol are demobilized or otherwise released from service. States Parties shall, when necessary, accord to such persons all appropriate assistance for their physical and psychological recovery and their social reintegration.

Article 7

1. States Parties shall cooperate in the implementation of the present Protocol, including in the prevention of any activity contrary thereto and in the rehabilitation and social reintegration of persons who are victims of acts contrary thereto, including through technical cooperation and financial assistance. Such assistance and cooperation will be undertaken in consultation with the States Parties concerned and the relevant international organizations.

2. States Parties in a position to do so shall provide such assistance through existing multilateral, bilateral or other programmes or, inter alia, through a voluntary fund established in accordance with the rules of the General Assembly.
3. The Secretary-General, in his capacity as depositary of the Convention and the Protocol, shall inform all States Parties to the Convention and all States that have signed the Convention of each instrument of declaration pursuant to article 3.

Article 8

1. Each State Party shall, within two years following the entry into force of the present Protocol for that State Party, submit a report to the Committee on the Rights of the Child providing comprehensive information on the measures it has taken to implement the provisions of the Protocol, including the measures taken to implement the provisions on participation and recruitment.
2. Following the submission of the comprehensive report, each State Party shall include in the reports it submits to the Committee on the Rights of the Child, in accordance with article 44 of the Convention, any further information with respect to the implementation of the Protocol. Other States Parties to the Protocol shall submit a report every five years.
3. The Committee on the Rights of the Child may request from States Parties further information relevant to the implementation of the present Protocol.

Article 9

1. The present Protocol is open for signature by any State that is a party to the Convention or has signed it.
2. The present Protocol is subject to ratification and is open to accession by any State. Instruments of ratification or accession shall be deposited with the Secretary-General of the United Nations.

Article 10

1. The present Protocol shall enter into force three months after the deposit of the tenth instrument of ratification or accession.
2. For each State ratifying the present Protocol or acceding to it after its entry into force, the Protocol shall enter into force one month after the date of the deposit of its own instrument of ratification or accession.

Article 11

1. Any State Party may denounce the present Protocol at any time by written notification to the Secretary-General of the United Nations, who shall thereafter inform the other States Parties to the Convention and all States that have signed the Convention. The denunciation shall take effect one year after the date of receipt of the notification by the Secretary-General. If, however, on the expiry of that year the denouncing State Party is engaged in armed conflict, the denunciation shall not take effect before the end of the armed conflict.
2. Such a denunciation shall not have the effect of releasing the State Party from its obligations under the present Protocol in regard to any act that occurs prior to the date on which the denunciation becomes effective. Nor shall such a denunciation prejudice in any way the continued consideration of any matter that is already under consideration by the Committee on the Rights

of the Child prior to the date on which the denunciation becomes effective.

Article 12

1. Any State Party may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary-General shall thereupon communicate the proposed amendment to States Parties with a request that they indicate whether they favour a conference of States Parties for the purpose of considering and voting upon the proposals. In the event that, within four months from the date of such communication, at least one third of the States Parties favour such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of States Parties present and voting at the conference shall be submitted to the General Assembly of the United Nations for approval.

2. An amendment adopted in accordance with paragraph 1 of the present article shall enter into force when it has been approved by the General Assembly and accepted by a two-thirds majority of States Parties.
3. When an amendment enters into force, it shall be binding on those States Parties that have accepted it, other States Parties still being bound by the provisions of the present Protocol and any earlier amendments they have accepted.

Article 13

1. The present Protocol, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited in the archives of the United Nations.
2. The Secretary-General of the United Nations shall transmit certified copies of the present Protocol to all States Parties to the Convention and all States that have signed the Convention.

APPENDIX 4

Declaration on the Commitments for Children in ASEAN Singapore, 2 August 2001

We, the ASEAN Ministers Responsible for Social Welfare representing Brunei Darussalam, the Kingdom of Cambodia, the Republic of Indonesia, the Lao People's Democratic Republic, Malaysia, the Union of Myanmar, the Republic of the Philippines, the Republic of Singapore, the Kingdom of Thailand and the Socialist Republic of Vietnam:

RECALLING that the ASEAN Vision 2020, adopted by the 2nd ASEAN Informal Summit held in Kuala Lumpur in December 1997, envisioned ASEAN as a socially cohesive and caring ASEAN where hunger, malnutrition, deprivation and poverty are no longer basic problems, where strong families as the basic unit of society tend to their members particularly the children, youth, women and elderly;

RECALLING the ASEAN Plan of Action for Children adopted by the 3rd Meeting of ASEAN Ministers Responsible for Social Welfare held in Manila on 2 December 1993 to promote regional cooperation for the survival, development, protection and participation of the ASEAN Child;

ENCOURAGED by the Hanoi Plan of Action adopted by the ASEAN Heads of State and Government in Hanoi on 15 December 1998 to implement the ASEAN Plan of Action on Children;

GUIDED by the Convention on the Rights of the Child, the outcomes of the World Summit on Children, the World Summit for Social

Development and other international instruments concerning children;

AWARE that despite significant progress made in uplifting the quality of life of individuals, poverty continues to remain a major challenge to the pursuit of a world fit for children;

MINDFUL that holistic development of children enable and equip them for the achievement of their full potential and shall contribute to a future of prosperity and progress in ASEAN;

DO HEREBY AGREE, IN THE SPIRIT OF ASEAN SOLIDARITY AND MUTUAL ASSISTANCE, TO:

- (1) Promote regional cooperation for the survival, development, protection and participation of ASEAN children, as an integral part of ASEAN's efforts to improve the lives of peoples in the region.
- (2) Intensify ASEAN economic and social development cooperation so as to eradicate the scourges of poverty, hunger and homelessness, which have a far-reaching impact on children, in order to promote their welfare and well-being.
- (3) Protect, respect and recognise the rights of all children, including those of indigenous people, consistent with the customs and traditions of their respective communities.
- (4) Recognise and encourage respect for children's rights through mutual sharing of information on the rights of the child by ASEAN members, taking into account the different religious, cultural and social values of different countries.
- (5) Acknowledge that children with special needs should be granted opportunities to enable them to take their proper place in society and live as independently as possible.

- (6) Create opportunities for children and young people to express their views, advocate their rights and concerns, and participate in community development.
- (7) Encourage the empowerment of children to meet the challenges of and seize the opportunities created by globalisation.
- (8) Create employment opportunities for adult family members in ASEAN countries, as stable families are the key to the social, physical and emotional development of children.
- (9) Develop family support and family life education programmes to help families, the primary caretakers of children, to nurture and protect their children.
- (10) Provide appropriate care, including alternative family care or home with a family environment, to homeless children and those without families.
- (11) Give attention to early childhood education and care through training and sharing of best practices among ASEAN child care professionals.
- (12) Give the ASEAN child a better future by strengthening functional literacy and promoting access to education, and information and communication technology (ICT) skills.
- (13) Ensure the protection of children from HIV/AIDS and drug abuse by instituting broad based programmes and strategies to halt its spread and provide care for its victims.
- (14) Strengthen primary health care services to children.
- (15) Protect children from all forms of violence, abuse, neglect, trafficking and exploitation while at home, in school and in the community.
- (16) Protect children from armed conflict,

victimisation or deprivation of a childhood rooted in peace and joy.

- (17) Give priority to children in rescue and relief operations during calamities and natural disasters in the provision of services to alleviate their trauma and hasten their reunification with their families.
- (18) Establish a child-centred juvenile justice system which fully safeguards children's rights and promotes children's reintegration to society.

Done in English in one copy on this 2nd Day of August 2001 at the 4th Meeting of ASEAN Ministers Responsible for Social Welfare in Singapore.

ANNEX 5

Links to Relevant Documents

EU Guidelines on Children and Armed Conflict
http://ec.europa.eu/external_relations/human_rights/child/caafguidelines.pdf

Paris Principles: Principles and Guidelines on Children Associated with Armed Forces or Armed Groups
http://www.unicef.org/media/files/Paris_Principles_-_English.pdf

ASEAN Vientiane Action Program
<http://www.aseansec.org/Publ-VAP.pdf>

Declaration on the Commitments for Children in ASEAN
<http://www.aseansec.org/579.htm>

About the Southeast Asia Coalition to Stop the Use of Child Soldiers (SEASUCS)

Established in 2002, SEASUCS is a network of national and regional human rights, child-focused and humanitarian organizations working in Burma/Myanmar, Indonesia and the Philippines, that is proactively advocating for the protection of children involved in armed conflicts in the Southeast Asian region.

SEASUCS works to ensure that communities, governments and non-state armed groups in the region respect and implement relevant human rights instruments to end and to prevent the recruitment and involvement of children in armed conflict, and to ensure their effective demobilization and reintegration.

SEASUCS seeks to develop a community of young people in the Southeast Asian region sharing common values and ideals on peace, respect for human rights and sense of solidarity to support the aspirations of other young people affected by armed conflict. SEASUCS is being led by a steering committee composed of the following organizations:

- Human Rights Education Institute of Burma (HREIB)
- Yayasan KKSP Center for Child Rights Education and Information (KKSP)
- Balay Integrated Rehabilitation Center for Total Human Development (BirthDev)

- Psychosocial Support and Children's Rights Resource Center (PST-CRRC)
- Philippine Human Rights Information Center (Philrights)
- Amnesty International Pilipinas (AIP)
- Asia Pacific Regional Resource Center for Human Rights Education (ARRC)
- Child Workers in Asia (CWA)

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