"PATHWAYS TO KNOWLEDGE"

SELECTED WRITINGS

Victor P. Karunan, Ph.D.

This book is dedicated to

my Father who was always my role-model as a writer,
orator and leader – who I miss dearly,

my Mother who cultivated in me the basic human values of love,
compassion, respect and sincerity – now in her 95th year,

my Brothers and Sisters – who accompanied me in various stages
of my pathways to knowledge and wisdom since my childhood,

and in a very special way to

my Wife (Wanida) who tolerates my workaholic lifestyle
while safeguarding my health and wellbeing, and

my Daughter (Mallika) and Son (Saran) – for making me proud
of who they are now, and what they will become in the future.

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INTRODUCTION

"To UNDERSTAND something you need knowledge,
But to FEEL it, you need experience"

Everyone of us traverses various pathways of knowledge in our personal and professional life. My own professional journey over these last four decades working with NGOs and community organisations, international agencies, the United Nations, academia and civil society organisations in Asia and around the world has been marked with milestones that have shaped my values, ideas and perspectives about people and society. Over all these years, I have always documented my experiences of working with people and my thoughts and reflections as they evolved overtime, and prepared more formal presentations and speeches for organisational purposes. This book is therefore a result of this process, as well as an opportunity for me to share with you this knowledge and learnings.

My writings in this book reflects my passion for transformative social change that has at its centre human/child rights, people-centred development and harmonious living with people and nature. In these writings, I attempt to share my experiences and insights from addressing and influencing social issues through engagement with a wide range of stakeholders and organisations in so many countries. In this, I firmly believe that knowledge is always original depending on one's intellect and cognitive inclinations. It is not just reproduction or recycling of information and learnings – it is an original contribution of every human person in our attempt to make meaning of life, people and the world around us. Therefore, no one has a monopoly on knowledge, and no institution can control knowledge – it is of the people, by the people and for the people.

I am pleased to put this knowledge and learnings from my own life and work in your hands – so that you may share in this wisdom, learn from its lessons and be motivated to pursue these pathways of knowledge – to both understand and experience our common journey towards achieving peace, justice and dignity for every human person on this Mother Earth.

Victor P. Karunan, Ph.D.
1 August 2019
Bangkok, Thailand

CHAPTER 1
Human Rights

HUMAN RIGHTS SITUATION IN ASIA
National Security vs. People's Security[1]

Dr. Victor P. Karunan

1. INTRODUCTION

The concept of "national security" is one of the most controversial concepts in current political and human rights discourse. The controversy basically revolves around the need to find the right balance between "society's interest" in survival and the "individual's interest", which is fundamental rights and liberty. Some (especially the State) would argue that human survival itself depends on security of society, and consequently, "national security" should take precedence over all other interests. On the contrary, others (defenders of human rights, in particular) would tend to believe that "national security" is but one of the wide range of national interests of society, and hence, national security should necessarily be subordinated to individual liberty. To date, there has been no meeting point between these two diversely opposed points of view.

The concept of "security" emerges within the framework of existing power relations in society. Invariably, it connotes a state of society which is threatened by an internal or external power that is detrimental to its preservation. It is within such a situation - often called an "emergency" - that security laws have been formulated by ruling governments. Therefore,

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[1] Paper presented to the 1st. General Assembly of the Asian Forum for Human Rights and Development (FORUM-ASIA), Bangkok, October 15-17. 1994. This paper is based on a book by the author on "The Security Syndrome: National Security in Asia", published by FORUM-ASIA, December 1995, Bangkok.

"security laws...are usually classified as emergency legislation, i.e., legislation most typically enacted or used during a state of emergency. But such laws can also be found in countries that do not have a declared state of emergency."[2]

Thus, a critical review of the concept of National Security and how it is manipulated by the State and ruling elites is a necessary prerequisite for a review of the human rights situation in this region. National Security constitutes the foundation on which the State defends itself from political threats by exercising its powers over the people through emergency legislation.

There is some reason to justify the need for "National Security", especially when it concerns a real threat to social order and civilian life. However, more often than not, national security has been distorted to make it a pretext for Asian governments to suppress political dissent and curb fundamental freedoms and rights of people in society. In this situation, any citizen subscribing to certain aspirations, performing certain acts or even adopting a certain lifestyle that is counter to the state's perceptions is deemed a "subversive" whose freedom must be stifled for the sake of national security.

In effect, therefore, *"the advocacy of national security by the state authorities is, more often than not, based upon a perception that there is a threat to society which needs to be countered...there is the inherent danger that the threat factor is merely fictitious. In other words, it is concocted as a part of the propaganda to justify utmost discretion in the use of state powers and to ensure a lack of accountability on the part of the state authorities."*[3]

This paper seeks to challenge the traditional notions of National Security in the Asian countries in an effort to re-orient the concerns of security towards a more people-centered vision. In this discussion, we review the state of National Security in some selected Asian countries, with special emphasis on: (i) varied perceptions and interpretations of the concept of National Security, (ii) the role of National Security ideology in civil and political life, (iii) the impact of National Security on the human rights situation, and (iv) the future agenda for human rights organizations in the region.

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[2] VENKATESWARAN, K.S.: "National Security Laws in Asia: An Overview", in "Human Rights Violations under the National Security Laws in Asian Countries", KONUCH, Seoul, p.6.

[3] Munthabhorn, Vitit. "In search of human security", The Nation, Bangkok, June 30, 1994, p.A6.

2. NATIONAL SECURITY: Origins & Nature of the Doctrine

2.1 History
The doctrine of National Security was invented in the USA after World War II and was vigorously experimented and ultimately implemented in the Third World. Its first theoreticians can be considered to be the French military personnel following the Indochina and Algerian wars. But it was the Americans who transformed it into a political doctrine and a military strategy based on counter-insurgency warfare - popularised in the 1970s as the "Low Intensity Conflict" (LIC) strategy. This strategy was first put into use in the Latin American countries following the Cuban revolution. In this region, it was first utilised in Korea, Indonesia, Vietnam, and the Philippines as a planned US-led national strategy of counter-insurgency warfare, and partially implemented to varying degrees periodically in many other Asian countries.[4]

2.2 The "National Security" Doctrine
The "national security" doctrine affirms that "internal subversion" is the most important threat to national security – *"This means that there is a latent and permanent war between the State and an enemy who is identified within the people. The characterization of subversion as the enemy is wide and limitless. Subversion is more than the mere objective emergence of an armed group. The phenomenon of subversion is much more complex, profound, and global."*[5]

National Security, therefore, becomes the ultimate reference point for all aspects of the nation's life and existence. The doctrine empowers governments to adopt its precepts as the "ultimate truth" and the "absolute necessity" in order to ensure society's very survival in the future.

Within this framework, economic development becomes merely a process by which the state may acquire more and better weapons to defend itself against the perceived threat. This is perfectly logical within this framework: *"in a technologically developed world, any handicap implies serious danger: some other nations might be able to accumulate more power. So, for the national security state, the image of development is one of competition among nations, all of which are trying to secure the most favorable*

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[4] "Human Rights Violations under National Security Laws in Asian Countries", KONUCH, Seoul, p.85.
[5] Ibid, p.85.

conditions by means of technological progress and economic growth. In other words, development is the economic side of the war."[6]

Governments in the Asian region have often based their national security ideology on "nationalism" - a concept which is put forward as a fundamental principle which safeguards the sovereignty of society. Citizens are therefore obliged to exercise this principle in their daily lives and bestow upon the government the right to protect and defend civil society in the name of nationalism. It is within this context that national security is justified by governments as an essential prerequisite to preserve and promote nationalism. The point is, however, that there are no definite limits and boundaries within which the concept of nationalism and national security have been defined. Thus, under the pretext of national security, the governments have exercised an extreme form of nationalism in adopting the same as a "State ideology."

2.3 National Security in the Asian region

There are some specific characteristics of National Security as applied in the Asian countries which need to be highlighted, in order to point out how it is interpreted and operationalised in Asia as distinct from the Latin American experience:

(a) National Security laws in Asian societies were first introduced by colonial powers - not only the Americans, but also the Portuguese, Spanish, French, British, Dutch and the Japanese before them. Under the colonial regime, these laws were used by a foreign power to suppress the local population (local royalty and warlords, tribals and indigenous peoples, armed anti-colonial peasant movements, etc.) who sought the overthrow of the colonial rule and the establishment of nationalist rule. National Security laws were used by the colonisers even against non-violent anti-colonial protests by the local populations.

(b) After independence, the nationalist leaders who took over the political reign from the colonisers merely carried over the national security legislation and used it against any form of popular dissent aimed at the government and ruling elites. In order to gain legitimacy, nationalist governments disguised national security under the banner of "nationalism". While in some countries this was undertaken within a specific ideological framework (for

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6   CHURCH TRENDS. (n.d.). "The National Security System in Latin America", p.6.

example, Pancasila in Indonesia), in others it took the form of an extremist state ideology (for example, Buddhist-Sinhala chauvinism in Sri Lanka, Hindu fundamentalism in India, Martial Law under President Marcos in the Philippines).

(c) The 1960s and 1970s was a period when State ideologies and martial law was challenged by burgeoning radical students and people's movements. The State effectively utilised national security legislation to camouflage its strategy of violent suppression of this internal threat - for example, Indonesia (1965), the Philippines (1970 & 1972) and Thailand (1973 & 1976).

(d) In the 1980s with the Communist threat largely under containment, Asian governments began to exercise national security considerations to other potentially organised sections of society which were opposed to their rule - ethnic and religious minorities, tribals and indigenous peoples, middle-class and professional sectors, military factions and opposition political parties. Asian governments became more aware of the threat posed from ethnic, religious, socio-cultural and indigenous ideologies against which conventional national security considerations and legislation were found largely inadequate. It is for this reason that during this period national security legislation in most of our Asian societies were drastically revised and amended in keeping with this changed political scenario. This was also influenced by the urge of Asian governments to ensure rapid economic growth based on the "NIC-model" imposed by the international market. Thus, economic considerations took precedence over political expediency and democratic norms in the attempt to "update" national security laws in Asian societies. This tendency has continued into the 1990s resulting in national security considerations taking first priority in the political agenda of Asian governments and perpetuating the conditions for the continued violation of fundamental human rights of all citizens in society.

Security laws are known by different names in Asian countries – "Internal Security Act" (ISA), "National Security Act" (NSA), "Public Security Act", "Defence of the State Act", "Anti-Subversion Act", "Prevention of Terrorism Act" (PTA). As can be seen clearly from given titles to security laws, they are invariably addressing the requirement of the State to confront a threat to its defence and/or to the interests of the public and/or against

subversion and terrorism. Whatever the case may be, these important concepts have not been defined clearly by governments to enable one to grasp the precise nature of the threat that is perceived to the State. It is this intentional ambiguity on the part of the State to specify the threat that has given it the wide power to exercise such emergency legislation and protect itself from public scrutiny and criticism.

Nevertheless, by whatever name or title "emergency laws" are known in Asian countries, they all share some common characteristics - the salient ones of which are as follows:

(a) widespread powers of arrest, interrogation and intimidation without purview of judicial procedures,

(b) broad powers of detention without charge or trial exercisable by the executive,

(c) stringent provisions for restriction of movement, both individual and collective - such as, curfews, house arrests and internal exile,

(d) provisions for severe penalties - including the death penalty for vaguely defined offenses of terrorism and other politically-motivated acts,

(e) provisions of special courts with special procedures which lack the traditional safeguards available to a defendant under ordinary criminal law,

(f) provisions for the indemnification of members of state security forces against legal action for unlawful exercise of powers under these laws.[7]

The overall ideology and impact of National Security in the Asian region has been well summed in a document published by the Churches' Commission on International Affairs, World Council of Churches in Geneva:

"In the name of national security, political opposition is condemned as sedition, and brutally suppressed. No man can offend this god and get away free. The table surrounding this idol is hard to break by democratic movements. Democratic movements - movements of the people - are most offensive to the

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[7]   VENKATESWARAN, K.S., Op cit, p.7.

cult of national security. They upset internal stability and court the danger of invasion by external enemies. That is why we have seen this god of national security raging in fury in many Asian capitals in recent years."[8]

The Asian region has for a long time experienced military rule and militarization. Under the pretext of national security, governments have armed themselves and waged armed conflict among their own citizens and neighbors. Countries have even been divided along national security lines. Beginning in the late 1960s, Asian governments have become heavily militarized.

This long process of militarization and armed conflicts in the Asian region has resulted in "militarization of civilian life" among the population. In this sense, militarization should be understood: *"as the process whereby military values, ideology and patterns of behavior achieve a dominating influence on the political, social, economical and external affairs of the State, and as a consequence, the structural ideological and behavioral patterns of both the society and the government are 'militarised'."*[9]

The late Senator Jose Diokno from the Philippines went further to analyse the process of militarization in the Asian region and suggest that Asian politics itself had become militarised. His definition of this phenomenon in the Philippines during the Martial Law period in the 1970s, could as well be said of the present reality of most of our Asian countries today:

"Before our politics became openly militarised by the imposition of martial law, the Philippine situation could be summarised in four cruel paradoxes: a country that was a state but not a nation, formally independent but not sovereign, with a democratic constitution that proclaimed equal freedoms for all but which only a few actually enjoyed, a rich land filled with poor people. Much the same, I believe, could be said of other developing nations in Asia."[10]

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[8]   World Council of Churches. WCC-CCIA. (1981). "Doctrine of National Security", p.11.
[9]   World Council of Churches - Churches Commission on International Affairs. (1978). Study on "Militarization and Disarmament" - Quoted in WCC-CCIA. (1981). "Doctrine of National Security", p.7.
[10]   DIOKNO, Jose W. (1987). "A Nation for our Children", p.217.

3. SALIENT ASPECTS OF NATIONAL SECURITY

National Security can also be defined in terms of its two main aspects:

(a) internal aspect: national security relates to the defense of the nation's government against hostile local elements seeking its replacement with their own government. This refers to measures aimed at countering domestic or internal challenges to the existing political and socio-economic order.

(b) external aspect: national security is concerned with safeguard- ing the state against outside or foreign forces, pressures or influence designed to conquer it or undermine its sovereignty, for the purpose of placing it under the domination or control of some foreign state or states. This refers to the defence arrangements directed to ensuring the safety of the state against foreign intervention or domination.[11]

It is important to de-mystify the notion promoted by governments in power that "national security is a fact". On the contrary, it is a "perception" – "a state of obsessive mentality, a sort of crusade mentality at home and abroad." It therefore assumes that the country is always in military preparedness to counter any threat. In other words, the nation must be on a permanent alert against "internal and external enemies."

The emergence of the "corporate State" with the internationalisation of economic forces resulted in national security emerging as the primary centralising force in nation states. In this situation, national security imperatives have gone far beyond militarization and armed conflicts - it now involves a complex alliance of forces among the military, government, industry and civil society.

The permeation of national security imperatives and functions into civil society has meant constant mobilisation of leadership, institutions, resources and values. National Security comes to dominate every aspect of civil and political life of the population. This hegemonic role of national security involves the following:

(a) a much expanded intelligence service,

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[11] Civil Liberties Union. (1983). "A Question of National Security", p.2.

(b) a national realism that will permit the state to start all-out preparations for war when there is aggressive intent from another nation, or internal dissent,

(c) the ability to speedily mobilise for war.[12]

Economic development has been subsumed within the context of national security ideology of most Asian governments. In many cases, the military assumes a dominant role in civil society - including development projects. Under the pretext of promoting economic development, the military imposes its will on vulnerable populations and takes control over resources, civil and political life and civic administration. It is a fact that in many of our Asian countries the military will argue that: "it is the only modernised and useful institution capable of managing rapid economic growth and stability."[13]

Within this scenario of national security and military domination over civil society, popular dissent is stifled and condemned as "subversion". The "enemy" is among and within the population and consequently, the people themselves are a "threat to national security." This threat can come in different forms and from different quarters - but, its essential danger is always the same - a "threat to public order and national security." As Cho Yong Whan aptly notes: *"The most familiar form of them (government-sponsored ideology - like, National Security) is the anti-communist ideology, but its face is able to change from time to time into a threat of imperialism, a hostility against a neighboring state, ethno-centrism or simply glaring racism, or sometimes a 'war of crimes'. People who simply assert democracy or reform of corrupt social structures and people who dream of a future image of their country different form that of those in power are regarded as the 'enemy' endangering the security of the nation."*[14]

It is precisely for this reason that vague terminology is used to define national security and especially the laws that govern it - for example, concepts like, "anti-state organization", "anti-national activities", "prejudicial to the security of the country", etc. This provides enough scope for the implementors to interpret and use these laws any way they please.

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[12] World Council of Churches - Churches Commission for International Affairs. (1981). "Doctrine of National Security", Op cit, pp.3-4.
[13] Ibid, p.9.
[14] CHO, Yong Whan. "National Security or Peoples' Security?: Suggestions for Human Rights and against National Security Laws", in "Human Rights Violations under National Security Laws in Asian Countries", KONUCH, Seoul, p.96.

4. TYPOLOGY OF NATIONAL SECURITY STATES

Three types of country-situations where national security laws have been enforced in the Asian region can be identified:

4.1 Ideological Opposition

Those countries which have used national security laws use these laws to combat threats from groups that are ideologically opposed to the state or the regime in power. The most common opposition groups in such situations have been communist parties and/or extreme right-wing groups. Exceptionally, the law is specifically directed at a particular ideological group - e.g., the Anti-Communist Activities Act 1952 of Thailand.

Another example is Singapore, where the Internal Security Act was used in 1987 to imprison 16 young professionals for their suspected Marxist sympathies and for allegedly plotting to subvert and overthrow the government. S. Korea has also used its National Security Act to specially target communist groups. In contrast, China security legislation has often been used to silence ideological opponents of the ruling communist party. Other countries where special laws have been used to fight ideological opposition include: the Burma, Philippines, Taiwan, Thailand and Malaysia.

4.2 Resistance to Military Rule

The second category consists of those countries which are ruled by the military, or, wherein the military plays a prominent role in civilian life. Here, national security laws have been used to maintain the military regime in power.

Examples include: Burma - which has been under military rule since 1962, Thailand - since 1932 up till 1992 where there has been many coup d'etats, Indonesia - where the military plays a predominant role in the country's politics, and where national security laws have been used against a variety of target groups - separatist movements in Aceh, Irian Jaya, East Timor, as well as students, farmers and suspected communists. Other countries which fall into this category include: Pakistan and Bangladesh.

4.3 Miscellaneous Threats

National Security laws have also been used in a variety of ways and for a variety of reasons in some other Asian countries. For example: India - during the imposition of the Emergency in 1975-77 by the then Prime Minister Indira Gandhi, and to fight separatist movements in Punjab,

Jammu and Kashmir and Assam; Malaysia - in October-November 1987 when over 160 persons were detained under the Internal Security Act; and Nepal - in 1990 during the struggle for democracy.[15]

5. CONCLUSIONS

5.1 "National Security" vs. "People's Security"

In human rights work, it is important to draw a distinction between "national security" and "people's security". The security of the people can be guaranteed only when their fundamental rights are preserved and protected. People's security should not be confused with the security of the ruling elites or the government in power. Human Rights activists can play an important role in highlighting this distinction and exposing the contradiction between the "state/government security" and "people's security".

"People's Security" can be defined as a state wherein: "... there should be greater concern for the security of the ordinary individual and of the community. This concept of the Security of the Human Being is defined as the security that ensues from the effective protection of the political, economic and cultural rights of the people and their dignity. Security of the human being should therefore be the common responsibility and dominant preoccupation of the citizens and governments in the region."[16]

5.2 Monitoring & Control Mechanisms

It is necessary to devise suitable monitoring and control mechanisms on the exercise of arbitrary powers under national security laws. Such controls could be of two types:

(a) Legislative: it is necessary to ensure that laws are drafted with the utmost precision avoiding vague formulations that permit various interpretations. For example: vague formulations such as "any purpose connected with public safety", or, "acting in any manner prejudicial to the security of the state", or, "undermining national peace and security", etc., provide ample scope for misinterpretation and thus questionable enforcement by the State.

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[15] CHO, Yong Wan, Op cit, pp.8-20.
[16] Cited from Press Release: Asian Legal Resource Centre Workshop on "Use of Emergency Regulations in Peacetime in the Region", Kuala Lumpur, October 5-8.

(b) Judicial: depending on the existence of a truly independent and impartial judiciary, it is necessary to ensure that the right balance is struck between the interests of the state and those of the individual. The courts need to "temper the excessive executive zeal in the enforcement of security laws."[17]

An effective social control mechanism is to monitor the relationship between the government's military spending and social development spendings. This will help to establish where the government is locating its priority in policy making and governance in relation to the wellbeing and development of its people. The 1994 Human Development Report of the United Nations Development Programme (UNDP) pointed out that one of the more important indicators to assess political insecurity in a country is the priority that the government sets to military strength. If a government is more concerned about its military establishment than its people, this imbalance shows up in the ratio of military to social spending.

5.3 Challenges for Human Rights Advocates
(i) Conceptual Level:

(a) Need to develop a "holistic approach" to human rights - i.e., integrating civil-political and economic-social-cultural rights & immediate and progressive rights.

(b) To establish the link between Human Rights and Development - focus on the internal and external context/conditions that permit and perpetuate human rights violations - a "preventive" rather than a "curative" approach to human rights.

(c) To adopt a "non-partisan approach" to human rights work - to go beyond given political/ideological orientations and party politics.

(d) Need for increasing attention to gender, indigenous and ethnic identities and cultures and hitherto neglected populations (children, elderly, differently-abled, etc.).

(ii) Strategy Level:

(a) Need for a "multi-pronged strategy" - focused on government/ state, civil society, TNCs, international financial institutions (WB- IMF) and others - all types of violators of human rights.

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[17] Ibid, pp.20-21.

(b) To develop "cross-border alliances" - regional (Asia), sub- regional (ASEAN, SAARC), community-provincial-regional-national levels.

(c) To strengthen "citizens' human rights mechanisms" in civil society - to avoid limitations of NGOs - being primarily capital-city based and urban/middle-class in orientation.

(d) Human Rights activists are often the only force that stand between the ordinary citizens and the powers of the State. They thus have an important role of mediation and advocacy on behalf of human rights victims and vulnerable populations.

(e) Human Rights activists must work to create more space for human rights activism, especially in countries where it is virtually impossible today. This helps to create space in which the institutions of civil society can be built and within which the right to peaceful dissent can be exercised and protected.

(f) The work of human rights activists must contribute towards establishing new laws and institutions that can guarantee fundamental freedom and basic human rights for all, and their actions must ensure that those responsible for human rights violations in the past and the present are held accountable.

REFERENCES

Amnesty International. Report 1991. London.

Amnesty International. Report 1992. London.

Amnesty International. Report 1993. London.

Asian Legal Resource Centre. (1987). "Use of Emergency Regulations in Peacetime in the Region". ALRC Workshop Papers, Kuala Lumpur, October 5-8.

Cho, Yong Whan. (1993). "National Security or Peoples' Security? - Suggestions for Human Rights and against National Security Laws", in "Human Rights Violations under National Security Laws in Asian Countries". KONUCH, Seoul.

Church Trends. (n.d.). "The National Security System in Latin America" (Mimeo).

Diokno, Maria Socorro. (1987). "Preventive Detention in Asia". Paper presented at a conference on 'The Erosion of the Rule of Law in Asia', International Commission of Jurists & Christian Conference of Asia - International Affairs, Kuala Lumpur, December.

Diokno, Jose W. (1987). "A Nation for our Children". Selected Writings of Jose W. Diokno, (Ed.) Manalang, Priscilla S., The Jose W. Diokno Foundation, Inc., & Claretian Publications, Quezon City.

Korea Ngo's Network for The UN World Conference on Human Rights. (1993). "Human Rights Violations under the National Security Laws in Asian Countries". KONUCH, Seoul.

Koshy, Prof. Ninan. (1987). "The Erosion of the Rule of Law in Asia". Paper presented at a Conference on 'The Erosion of the Rule of Law in Asia', International Commission of Jurists and Christian Conference of Asia - International Affairs, Kuala Lumpur, December.

Muntabhorn, Dr. Vitit. "In search of Human Security", in "The Nation". Bangkok, June 20, 1994.

Venkateswaran, K.S. (1993). "National Security Laws in Asia - An Overview", in "Human Rights Violations under the National Security Laws in Asian countries". KONUCH, Seoul.

World Council of Churches - Churches Commission on International Affairs. (1981). "Doctrine of National Security". Paper presented at the Asia-Pacific Regional Meeting, Manila.

CHAPTER 2
Child Rights

SAVING ASIA'S CHILDREN
Save the Children UK's Perspective on Thailand[18]

Rita Bhatia and Dr. Victor. P. Karunan[19]

One would not immediately think of Rogers and Hammerstein in a discussion about the Asian crisis and Thai Children. Yet their much acclaimed Broadway musical the "King and I" parodies the grim reality of the Asian crisis. The musical depicts King Rama IV's drive to open up the Kingdom of Siam. Anna, the royal children's English governess supposedly represents all the virtues of the modernising west. She eventually turns her back on the dying monarch and her many pupils in rebuke for his apparent barbarism and corrupt values. Now the West has again turned its back on Asia. Even months after the Thai government withdrew support for the baht in July 1997, the World Bank/IMF meeting in Hong Kong were celebrating the Asian miracle. A miracle which demonstrated all the virtues of globalization and liberalisation. The conventional opinion among neo-liberal economists is that the crisis is just a setback in Asia's journey towards free market capitalism. The Chairman of the US Federal Reserve, Alan Greenspan recently described this acute financial crisis as merely an "*unfortunate if significant event in the inexorable trend toward market capitalism and political systems which stress the rule of law*".[20] The setback is blamed on Asia's cronyism, that is politically motivated government

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18 Published in: "Economic Crisis: Social Costs - … and our rice pots are empty". Consumers International, Penang, Malaysia, November 1988, pp.226-232.
19 Rita Bhatia is Policy analyst based in Save the Children Fund's London Head Office. Dr. Victor Karunan is Regional Developments Advisor, for Southeast, East Asia and the Pacific at SCF UK's Southeast Asia Regional Office (SEAPRO) in Bangkok, Thailand.
20 Quoted in P.S. Golub. "East Asian hits the Buffers". Le Monde Diplomatique. 10.10.98.

guarantees for firms and banks that resulted in risky borrowing and investments. The implication is clearly that had these countries deregulated their markets more rigorously they might have avoided the crisis.

These assumptions are guiding much of the West's policy towards Asia today. The IMF bailout programmes announced in late 1997 and early 1998 are directed at getting the crisis-affected countries to open their economies further. But the impacts of the Fund's policies have been ignored. Many observers including Jeffrey Sachs and the IMF[21] itself point out that the Fund's policies aggravated the situation by worsening investor confidence. UNCTAD is more forthright, stating that the IMF's policy response has been clearly biased in favour of international commercial banks: *"the Fund's lending has been aimed at ensuring that maintenance of the domestic currency's convertibility and free capital flows, and guaranteeing repayment to foreign lenders. The latter, unlike domestic lenders, emerge from the crisis without substantial loss, even though they had accepted exposure to risk just as the other lenders had done".*[22]

As the economic crisis gathers pace in Russia and Latin America, it becomes clear that the roots lie in the way in which financial markets work, their appetite and incentive for excessive risk taking and herd like tendency towards over-optimism or over-optimism or over-pessimism. The Asian crisis is a crisis of global capitalism. Asia is clearly a victim of the free market. Those who point their fingers at Asia's crony capitalists forget that it is precisely the knowledge that they are "too big to fail" which is responsible for much of the reckless lending and proprietary trading activities of the largest international banks and the highly leveraged speculative activities of large hedge funds. *"The extent of moral hazard is impossible to measure, But with each new financial crisis, and each bail out whether by the IMF, individual central banks or governments, the in-built bias towards excessive risk-taking is reinforced"*[23]

Not long ago, the academic Francis Fukiyama described the triumph of capitalism over communism as the "end of history". In the absence of any countervailing ideologies, the "Washington consensus" - in favour of the free market and a reduced state was pushed upon developing

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[21] A leaked internal IMF memo about the Indonesia operation admits that its programme aggravated the run on Indonesian banks. Reported in the Guardian Newspaper, 21.1.98.
[22] UNCTAD. Trade and Development Report, 1998:70.
[23] "Taming Wild Money" The Financial Times. 20.10.98.

countries through the policies of the IMF, Would Bank and G7 countries. Now in light of the "human crisis" facing us, was financial liberalisation, that is the expansion of globalized, fast-moving financial markets ever justified? For the first time, since the end of the Cold War, the supremacy of free markets is being questioned. The traditionally non-interventionist Hong Kong Monetary Authority recently spent an estimated $15 billion to protect its financial markets from attacks from financial speculators. Malaysia imposed capital controls in September 1998. Many commentators point to a backlash against globalization and the free market.

Ironically as the policy debates shift towards the re-design of the global financial architecture, emphasis moves away from the victims of the crisis. Now is the time to revisit Asia and look at the consequences of the last 12 months of crisis, credit crunch, wealth destruction and the impacts on children.

A Case Study of Thailand

"Children are Thailand's Future. How well the country strengthens and preserves their rights in the face of rapid societal changes will indicate how highly the country values its future"[24]

Children make up thirty-three percent of Thailand's population. Prior to the crisis, 8 million Thai's were living under the poverty line, 2-3 million of whom were children with limited or no access to education. Child labour was widespread and official estimates of the number of children in prostitution diverged from between 13,000 to 200,000.[25] In a recent study, Save the Children UK examined the social impact of the economic crisis on vulnerable children in Thailand. The preliminary results of our study demonstrate how the financial crisis has been cruellest to children and will drastically worsen their pre-crisis situation.

SCF UK's study of rural communities in two provinces in Northeastern Thailand focused on migrant workers returning from Bangkok as a result

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[24] Children and Their Families in a Changing Thai Society. UNICEF, December 1997.
[25] Op cit.

of losing their jobs due to the economic crisis.[26] We discovered that the impacts of the crisis are most strongly felt by children, youth and the elderly. Migrants are returning to the North-East faced with a grim future. The possibility of finding new employment in the rural areas is remote and the overstretched farming sector offers parents and uncertain future. Thailand, like the rest of Asia has been reluctant to create the sort of costly social safety net provided by the West. Aid for social services and community development from international organisation is in its final stages or was phased out of Thailand during the boom periods. Now with the crisis, the situation may change for the worse.

The family, the backbone of Asian society, is clearly cracking under the financial stress. Thailand's huge burden of private sector debt is taking its toll on household finances, with families themselves falling into debt. Ninety percent of all the households surveyed are in debt, ranging from Bht 50,000 to 300,000 (US$ 1,356-8,141).[27] Family belongings and productive assets are being seized by creditors and unemployed families cannot keep up their debt repayments. Education is becoming a luxury which children and youth cannot afford. A drop-out rate of 8-10% was recorded in the sample villages. Scholarships, free lunches and milk have all been terminated. The bulk of the dropouts are grade 9 and below, in the age of 12-15. The potential for child labour is therefore very real in these areas. Currently around 0.8-1.1 million children aged between 11-14 are child labourers, representing 3% of the total 32 million labour force in the country. Save the Children is concerned that this figure may increase as families come under increasing financial pressure. Another social cost is the acceleration of drug abuse among youths, both in urban and rural areas. There is corresponding evidence that the number of youth arrests and juvenile court cases pertaining to drug abuse, sale and drug related crimes form 1996-98 has doubled. Increased competition for survival, frustration and psychological stress are all leading to heightened household and community tension. This tension has led to increase domestic violence and family conflict due to both parents losing their jobs or financial

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[26] Save the Children Fund UK is a leading international NGO working for the development, survival and rights of children in over 65 countries, including the UK. SCF's South-East Asian programmes are in Cambodia, China, Laos, Myanmar, Mongolia, Philippines, Vietnam. The draft report. Social Impact of the Economic Crisis in Thailand on Vulnerable Children-Field Study in Khon Kaen and Nongkai. is based on a field study in June-July 1998 by Muanpong Juntopas, consultant to SCFUK-South East Asia and Pacific Office in Thailand, in collaboration with local partners and international agencies.

[27] On the 29th October the exchange rate for the Thai baht was 36.85 to the US dollar.

difficulties-resulting in separation and divorce. The elderly are bearing the brunt of family breakdown. The poorest households are more likely to abandon their elderly and young children to fend for themselves putting intolerable strain on elderly women.

The Asian Crisis is first and foremost a human crisis

We would urge APEC leaders not to lose sight of the human dimensions of this crisis nor to ignore their international obligations to children. As the international community concentrate on saving Asia's financial system, Save the Children UK remains concerned about saving Asia's children. The post-crisis impacts must not worsen the pre-crisis inequalities. Thailand signed the United nations Convention on the Rights of the Child (UNCRC) in February 1992. Prior to the economic crisis, Thailand faced the challenge of fulfilling child rights, development and survival in the context of rapid social and economic change. The economic boom had taken priority over the social development agenda. Now it faces the more immediate challenge of upholding its commitment at a time when its children are most vulnerable. The Committee on the Rights of the Child's recently published Concluding Observations on Thailand's Initial State report[28], stated that:

> *"14. The Committee takes not of the State party's increased allocation in social expenditure, even in difficult economic circumstances, The Committee remains concerned, however, that in light of article 4 of the Convention, not enough attention has been paid in allocating budgetary resources in favour of children" to the maximum extent of (...) available resources". In light of articles 2, 3, and 6 of the Convention, the Committee encourages the State party to pay particular attention to the full implementation of article 4 of the Convention by prioritizing budgetary allocations to ensure implementation of the economic, social and cultural rights of children, to the maximum extent of available resources and, where needed, within the framework of international cooperation".*

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[28]   The Initial State Report from Thailand was submitted on 23.08.98.

"18. The Committee acknowledges the efforts made by the State party to reach vulnerable groups. The Committee is still concerned, however, that measures adopted to ensure that all children are guaranteed access to education and health services and are protected against all forms of exploitation are insufficient. Of particular concern are certain vulnerable groups of children, including girls, children with disabilities, children belonging to minorities including hill tribes, children living in rural areas, children living in poverty, children living and/ or working on the streets and asylum seeking children, illegal immigrant children, children in the juvenile justice system, and children born out of wedlock. The Committee recommends the State party to increase its efforts to ensure implementation of the principle of non-discrimination and full compliance with article 2 of the Convention, particularly as it relates to the vulnerable groups.[29]

International NGOs in the region, such as Save the Children have an important role to play in monitoring the social impacts, building local capacity to do so, documenting the impacts and formulating a civil society response. However, this must be made a priority by all governments in the region. The APEC Human Resources Development Working Group has examined the social and labour-market implication of the crisis, without specifically examining the impacts on children. We would urge all countries in the region to monitor the impacts on children. In the case of Thailand, the Committee on the Rights of the Child remains concerned that the current data collection mechanism is insufficient to monitor the impacts of policies on children.

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[29] Concluding Observations of the Committee on the Rights on the Child. Thailand 09.10.98. CRC/15/Add.97

> *"12. The Committee recommends that the system of data collection be reviewed with a view to incorporating all the areas covered by the Convention. Such a system should cover all children up to the age of 18 years, with specific emphasis on those who are vulnerable, including economically exploited children, children of single-parent families, children born out of wedlock, institutionalized children as well as children of nomadic and hill tribe communities".*[30]

Despite the current crisis, further trade and investment liberalisation continues to be APEC's priority. In light of the social impacts of the crisis and their international obligations to children, we would recommend that governments carry out an impact assessment of trade and investment liberalisation on child poverty and protection. We also call upon all governments to observe internationally agreed standards on child labour and adopt the new ILO Convention on the Worst Forms of Child Labour to be finalised in mid-1999.

We would also urge all governments to recognise the importance of main-streaming good practice regarding policies and programmes concerned with child welfare and protection. Disabled and abandoned children should not be overlooked.

SCFUK's experience shows that structural factors have contributed to the growth in the number of children becoming involved in commercial sex work. Throughout the world, a child's vulnerability to commercial sexual exploitation is often directly related to his or her family's financial circumstances. We are concerned that rising poverty in the region will lead to increasing numbers of children being pushed into commercial sex work. In the case of Thailand, the Committee on the Rights of the Child:

> *"30. expresses concern at the high rate of continued sexual abuse of children, including child prostitution and trafficking and sale of children, which affects girls and boys. In this regard, the Committee recommends that measures be taken, on an urgent*

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[30] Op cit.

basis, to strengthen law enforcement and to implement the State party's national programme of prevention…In an effort to effectively combat intercountry trafficking and sale of children, the Committee suggests that the State party increase its efforts in the area of bilateral and regional agreements with neighbouring countries to facilitate the repartriation of trafficked children and encourage their rehabilitation, including within the framework of the regional Mekong Conference on migration. The Committee urges the State Party to continue implementing the recommendations formulated in the Agenda for Action adopted at the 1996 Stockholm World Congress against Commercial Sexual Exploitation of Children. It also recommends that the State party should envisage the ratification of the 1949 Convention for Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others".

We would urge all APEC governments to uphold their commitments related to the commercial sexual exploitation of children in the UNCRC; to revisit the recommendations formulated in the Agenda for Action adopted at the 1996 Stockholm World Congress against Commercial Sexual Exploitation of Children; and to ratify the 1949 Convention for Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others.

CHILDREN IN ESPECIALLY DIFFICULT CIRCUMSTANCES (CEDC)[31]
Protecting Children is Everyone's Responsibility

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INTRODUCTION

The World Summit Goals for children aims, among others, to provide ***"improved protection of children in especially difficult circumstances and tackle the root causes leading to such circumstances".*** In recent years, we have seen increasing recognition by governments, the NGO community and the private sector of the urgent need to provide necessary protection to children from abuse and exploitation. Although significant steps have been taken to introduce legislation and take legal action against violators, in many countries of this region there are still many children who continue to work in hazardous situations and experience domestic and commercial exploitation and sexual abuse.

This situation has been aggravated with the current economic crisis that is sweeping this region. Children are among the most vulnerable to cutbacks in government's social spending, social safety nets and loss of work and income of parents. There is evidence to suggest in some countries

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in this region, that dropout rates from primary and secondary schools has increased and children are subject to increasing pressure for basic necessities (nutritious food, basic health care, social benefits) due to parents losing jobs and subsidies no longer available. It is therefore feared that the social impact of the current economic crisis will in fact accentuate the problems of the most vulnerable children which in turn will require governments and civil society organisations to address child protection issues on a priority basis.

The UN Convention on the Rights of the Child (CRC) provides both a legal framework and a comprehensive guide to guarantee the basic rights of children and urges governments to collaborate closely with NGOs and civil society organisations to facilitate implementation of its provisions. All governments in this region have ratified the CRC, and have already reported or are in the process of reporting to the CRC Committee in Geneva. Many countries have already received the "Concluding Observations" from the CRC Committee which identifies gaps in implementation and provides guidance to governments towards a more effective realisation of child rights. The time is therefore right to develop appropriate and effective policies and strategies to deal with special protection for the most vulnerable children in our countries.

COLLABORATION BETWEEN UNICEF AND NGOs ON CHILD PROTECTION

In recent years there has been increasingly positive collaboration between UNICEF and NGOs in the field of child protection. This has been at both country and regional levels. Some examples of such collaboration would include, among others:

- supporting partners (local NGOs, government) on joint projects

- exchange and working together at institutional levels on child labour, disabled children, child protection, cross-border trafficking, child participation, etc.

- UNICEF and regional and international NGOs on joint-committees - e.g., on child labour, HIV/AIDS, etc.

- joint technical assistance (TA) to government line ministries incountry - especially Ministries of Social Welfare, Education, Health, Labour, etc.

While these experiences of collaboration have been very fruitful, both in terms of building partnership relations with local NGOs and networks and working together with government agencies and civil society organisations to address child protection issues; in it only very recently that both UNICEF and NGOs have begun to integrate "field experience" with effective "policy advocacy and influencing". There is still much to be achieved in this regard. In this region, it seems important to develop an effective advocacy strategy that is geared towards influencing policy and practice of governments, bilateral and multilateral donors and the private sector. UNICEF can play a key role in providing the lead for NGOs and civil society organistions to be in constructive dialogue with governments, donors and the private sector.

OPPORTUNITIES

- *Increasing Awareness and Changing Attitudes*

  Clearly there is an increasing awareness ("changing attitudes") at both local and national, regional levels on legislation for child protection. Some countries have gone forward with promulgating legislation to deal with child prostitution, child labour, child trafficking. There is also increasing bi-lateral cooperation and exchange among countries in the area of child protection.

- *Cross-Border Issues*

  The media has played a key role in highlighting "cross-border issues" in child trafficking and child protection. More and more NGOs (both local and regional) are now addressing this critical area of monitoring cross border issues related to children. In some cases, effective support systems have been put in place to deal with repatriated abused children - both by governments and NGOs. Although this area remains "sensitive" to most governments, it is today inevitable that policy and practice on child protection needs to go beyond border and frontiers - especially in the Mekong Region of Southeast Asia.

- *Policy Advocacy*

  With governments and the NGO community in this region becoming more aware and open to address child protection on an urgent footing, the time is right for UNICEF to play a key role as initiator and facilitator to influence governments, donors and others to give high priority to child protection issues at both local and national levels.

- *Capacity Building*

  There is the urgent need for UNICEF and NGOs to work together towards capacity-building of law enforcement agencies (police, lawyers) - especially in cross-border areas. This would be a major step towards creating more child-sensitive awareness among the law enforcement officials and provide them the necessary technical expertise to deal with child protection issues.

- *Reliable Information, Documentation and Research*

  In recent years more reliable data and information is being generated on child protection issues - largely by local NGOs supported by regional and international agencies. Yet there remain some key areas where there is the lack of reliable data and information - e.g., cross-border trafficking of children, invisible forms of child labour, the girl child, children of ethnic minorities and indigenous peoples, etc. There is the urgent need to make the available information more accessible to local communities - in their local languages - as well as government agencies, NGOs and the donor community. On the other hand, more effective ways need to be found to use this information for effective advocacy and policy influencing purposes.

CONSTRAINTS

- *Long-term commitment of Governments to the CRC*

  UNICEF has an important role to play in ensuring that governments which have ratified the UNCRC show in policy and practice their genuine commitment for the progressive and full realisation of children's rights. This entails clear political commitment on the

part of ruling governments, especially in situations where new governments and leaders have taken over the responsibility of the State. This is of particular concern to the Southeast and East Asia region where in the recent past we have seen significant political changes in governments and civil society.

Specifically in relation to UNICEF, it is also important that this commitment is seen in relation to the Summit's Mid-Term Goals.

- *Inter-Ministerial Cooperation*

  The goals set by World Summit of Children and particularly the UNCRC cannot be achieved by any one line ministry of governments. It is inevitable therefore that concerned line ministries (Social Welfare, Youth, Health, Education, Foreign Affairs, Trade and Commerce) work closely together to actualise implementation of the CRC provisions towards the best interests of children. Special protection for children calls for a more participatory and "bottom-up" approach to policy and programme implementation by governments and civil society organisations. In relation to governments, child protection needs to be addressed by all concerned ministries, which means that relevant and effective "inter-ministerial committees" need to be established at local and national levels. Here is an important role for UNICEF in providing technical assistance and advice to government line ministries and to facilitate more inter-ministerial collaboration in addressing child protection issues.

THE SOCIAL IMPACT OF THE MACRO-ECONOMIC CRISIS: LINKING PRACTICE, RESEARCH AND ADVOCACY[32]
A Case Study from Southeast and East Asia Region

> *"the effects of the economic crisis may erode the gains made in economic growth and in poverty alleviation over the past 10 years...the government is trying to increase revenue and to cut expenses for social services. The new laws can be expected to put further pressure on poor families and their children and make it even more difficult for poor children to have access to basic health and education services"*
>
> *[SCF-UK, Vietnam, 1998]*

INTRODUCTION: ECONOMICS AND CHILDREN

▸ **Analysis of Macro-economic impact**

- **Globalisation**

- **Trade relations**

- **Structural Adjustment**

- **Debt**

- **WTO**

▸ **Forging Micro-Macro Linkages**

establishing the links/connections between macro-economic policy and children (family & communities)

▸ **Making Children visible in Macro-Economic Policy**

- advocacy and influencing to make economic planners and government agencies include children in their policy and practice

- economic planners fail to see children in their plans because economic analysis fails to analyse children.

- Children are invisible in economic policy when: poor budget allocations and government spending, lack of data and information on human development - disaggregated data on children, failure to analyse children as active citizens.

THE MACRO-ECONOMIC CRISIS: CASE FROM ASIA?

▸ The Asian financial crisis began in July 1997 following Thailand's devaluation of the baht

▸ Severe recession across the region: Nation economies collapse in Thailand, Indonesia, Korea and Malaysia

▸ Dramatic devaluation of curriencies across Asia – resulting in widespread bankrupcies and capital flight: over USD 102 billion of private capital withdrawn from the region in late 1997.

▸ Region continues to be affected by severe "private sector" debt and recession

SCF (UK) – SEAPRO's RESPONSE

▸ **Macro-Economics and Children's Rights Workshop, Bangkok, May 1998:**

- Helped to "de-mytify" macro-economic issues

- Analysed the nature and impact of the economic crisis and its impact on children (Case Studies: Vietnam, Mongolia, Thailand, The Philippines)

- Made the link between macro-economic issues and children's rights (CRC)

▸ **Participatory Research: "Social Impact of the Economic Crisis on Vulnerable Children in Thailand", April to August 1998**

Phase 1: Inventory of responses of regional and international agencies to the social impact of the economic crisis

Provided SCF with information on how others were responding to the crisis and what were the gaps

Phase 2: Field-level data collection and information on the social impact of the crisis on children

PRA, focus groups discussions, interviews with children and vulnerable families in two districts (Khon Kaen & Nong Khai) in Northeast Thailand

Provided SCF with first-hand information and insights into the social impact of the crisis on vulnerable families and communities (children, girls/women, elderly, disabled) – in relation to primary health, education, livelihoods, reverse migration, domestic conflict and violence, drug abuse, family debt, child labour, etc.

▸ **World Bank Meeting: "Regional Meeting on Social Issues Arising from the East Asian Economic Crisis and Policy Implications for the Future", Bangkok, January 21-22, 1999:**

The meeting prioritised on the following areas/issues:

• employment generation and income maintenance

• monitoring poverty impact and income distribution

- maintenance of basic social services small and medium enterprise development and micro-financing

- protecting the social fabric: supporting the copying strategies of the poor and vulnerable groups

- social consequences at the city and community levels

▸ **SCF's Input & Results:**

(a) representative of SCF(UK) and the International Save the Children Alliance were invited to participate in this meeting. We were the only child-focused agency invited to this conference.

(b) SCF(UK) was invited to submit documentation/publications on the social impact of the crisis to be put on the World Bank Webpage on the conference (Thailand study submitted)

(c) Invited to collaborate in further research and policy analysis of the social impact of the economic crisis

(d) Based on our global/regional experience to provide technical input (on request) in areas – such as, Project Appraisals, Participatory Monitoring and Evaluation, Impact Assessments, etc. – for the various Social Funds setup by the WB and other donors in Thailand

(e) Learning from the Thai study, to explore possibilities of studies in Laos and other neighbouring countries to assess the social impact of the crisis across borders in the region

CHALLENGES FOR THE FUTURE

▸ Lobbying on CRC with governments will become more difficult as governments in the region cut back on *social spending* to cope with the economic crisis

▸ The key challenge is to demonstrate through good practice why Governments should *prioritize* rather than *cut back* on social expenditures – especially related to children

▸ To challenge current *market-driven development models* on the basis of its negative social impact – especially on children

▸ To advocate for ***budget relief and budget allocations*** to improve the well-being of children

▸ To influence ***private sector practices*** in order to prevent its detrimental impact on children

▸ To advocate for ***child-centred economic and social policy*** making at global, regional, national and local levels

MOBILISING FOR CHILDREN'S RIGHTS
Towards a Vision & Strategy to Address the Challenges of the New Millennium[33]

HOW A MOVEMENT IS BORN?

The Vision of a Leader: Children as Leaders

A sense of shared Collective Grievance: Challenging Globalization

As a Counter-Response or a Coping Strategy: Child Survival & Development

THE GLOBAL CONTEXT IN THE 21st CENTURY

▸ Global economic paradigm dominated by neo-liberalism, privatization and commercialization of all aspects of human life – detrimental impact on children and young people

▸ Globalization that is based on the expropriation of the "sovereignty" of national governments and citizen's democratic rights by global institutions – WTO, IMF, WB

▸ Erosion of local cultures, livelihoods and human relationships

▸ The socialisation of violence and discrimination

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33 Presentation to UNICEF Civil Society Organisations Consultation, UNICEF Headquarters, New York, February 24, 2000.

▶ Impact of Information Technology on children & young people (Internet, Consumerism, Individualism)

▶ Resurgence of civil society response to globalization (Seattle, Bangkok)

▶ New Alliances: (a) Vertical: Government – Corporate/Private Sector – NGOs & Civil Society, (b) Horizontal: community groups – NGOs – Civil Society Organisations (North-South; South-South)

▶ A "Rights-based" approach: balance between civil-political rights and economic-social-cultural rights – within the framework of the CRC

▶ A mind-shift from a "Negative" to a "Positive" view of children: their needs, capabilities and contributions to society

THE CHILDREN'S AGENDA: BUILDING A MOVEMENT FOR CHILDREN – FROM WITHIN AND FROM BELOW

▶ Children as Advocates – who exercise "ownership of their agenda"

▶ Children's Organisations and Movements at grassroots levels

▶ Promoting Structural Change in favour of children

▶ Linking "Policy" with "Practice" – in Advocacy and Influencing key players – especially governments, UN system, donors, corporate sector

▶ Networking and building Alliances with key partners (allies) of children: peer groups of children, mothers, women, care givers, teachers, elders, cultural and religious groups, etc.

▶ Clarifying on our role (UNICEF – CSOs) in:

ADVOCATING = ENABLING = FACILITATING = MEDIATING = EMPOWERING

ORGANISATIONAL AND INSTITUTIONAL IMPLICATIONS OF A CHILDREN'S MOVEMENT

(1) It challenges our organisational Vision and Cultures (Ways of Working)

(2) It demands more flexibility in our approaches and strategies in working with children (shift from "project" to "programming" work)

(3) Requires "Balance"/"Interface" between:

  - Welfare vis-a-vis Development work

  - Needs vs Rights

  - Protection vis-à-vis Prevention

  - Organisational Performance vs Sustainable Impact on children

  - Policy ("What we say we do") & Practice ("What we actually do")

(4) A "holistic approach" to children implies:

  (a) going beyond "sectoral work" to "child rights programming" (cross-sectoral work)

  (b) addressing "structural causes & constraints" that hinder the full realisation of the rights of the child (CRC)

(5) Calls for "New Alliances": Government – Civil Society, INGOs – Local NGOs & CBOs

(6) Demands more "accountability" to children – setting up of structures and mechanisms to encourage children's participation

THE CHALLENGES

Structural Constraints to realising children's rights: Macro-economics, Social-cultural values and practices, political and social institutions

▸ A System of Global Governance that protects and promotes children's rights – based on accountability and social responsibility –

  • Indicators for Accountability

  • Indicators for Performance Management – as a "child-friendly" agency/organization

  • Indicators for Impact on Children

- Indicators for Social Capital

- Indicators for Cultural Sensitivity

▸ Re-packing of "Rights" and "Childhoods" that is culturally-sensitive and universally valid

▸ "Globalization with a Children's Face" (?) – is this possible in the 21st century?

A PERSONAL COMMITMENT TO CHILDREN

▸ We need a "mind-shift" to recognise and respect the positive contribution of children/youth to society

▸ We need a behavioural change (cultural change): from an "adult world" to a "children's world"

▸ Finally: "OUR PRESENT IS NOT ONLY HANDED DOWN BY OUR ANCESTORS ("that is history"), BUT IS LEASED FROM OUR CHILDREN ("which is a debt we owe our children")

Your children are not your children
They are the sons and daughters of life's longing itself
They come through you – but not from you
And, though they are with you – yet they belong not to you.
You may give them your love, but not your thoughts
For they have their own thoughts.
You may house their bodies, but not their souls
For their souls dwell in the house of tomorrow,
Which you cannot visit, not even in your dreams.
KAHLIL GIBRAN, "The Prophet"

CHILD PARTICIPATION & ADOLESCENT PROGRAMMING IN THAILAND[34]

SESSION 1: PURPOSE & AGENDA OF WORKSHOP

Purpose and Objectives

1. To level-off on our common understanding of children participation in the Thai context.

2. To familiarise ourselves with UNICEF's corporate approach and strategy on promoting child and adolescent participation and development.

3. To review obstacles and gaps in Thai context.

4. To agree on some action points and next steps.

Conceptual confusions:

"Child":   under 18 years of age (CRC)

"Adolescent":   10 to 19 years

"Youth":   15 to 24 years

"Young People": 10 to 24 years

Perhaps a more appropriate term in this region: "Children and Young People"

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34   Workshop. Staff Orientation Training. UNICEF Thailand, 9 July 2004, Bangkok, Thailand.

Tentative agenda

Session 1:   Welcome & Introductions: Purpose & Agenda

Session 2:   Understanding Child Participation – Learning Exercise

Session 3:   UNICEF's Approach and Strategy on Child/Adolescent Participation and Development

Session 4:   Group Work: Review of obstacles & gaps in Thai context

Session 5:   Adolescent Programming – Guidelines & Tools

Session 6:   Action Points & Next Steps

SESSION 2: UNDERSTANDING CHILD PARTICIPATION

Understanding child participation

Learning Exercise 1: Individual and Group Work - Q: What does child participation mean to me? - Q: List three essential elements of meaningful participation of children and adolescents. Write answers on VIPP cards (10 mins) Discuss and agree in groups (20 mins)

What is participation? Participation is: - the process of sharing decisions which affects one's life and the life of the community - an involvement that can differ in form and style when children are at different ages ("evolving capacities") - a skill that must be learned and practiced - a responsibility and an obligation for children and adults alike - put into practice, participation involves adults listening to children

The right to participate. Participation is a human right - a means to an end, as well as an end in itself. Participation is a right for ALL - not an option that can be withheld from children/youth.

Participation is voluntary - children/youth need to be invited and encouraged, not coerced or manipulated. Resistance or non-participation can be an important form of participation. Participation challenges power relations and the status quo Participation does not mean that children/youth make all the decisions on their own: child-adult relationships are important for effective participation.

What is meaningful participation? Must start with children and young people themselves - on their own terms, within their own realities and in pursuit of their own visions, dreams, hopes and concerns. Children need information, support and favorable conditions to meaningfully participate. It is about "valuing people" (children/young people). It is determined by the given socio-cultural, economic and political context.

Understanding participation. An ongoing process of children/adolescent expression and active involvement in decision-making. A process by which children and adolescents develop their knowledge, skills and competencies to engage in society. A process that gives children/adolescents an opportunity to shape both process and outcomes of an event or action.

How to work with children and adolescents? We need to make a "mind-shift" in the way we view children and young people. We need to work towards creating a "safe and supportive environment" - family, school, community, peer group, society. We need to build "equal partnerships" with adolescents and young people.

Pre-requisites for promoting meaningful participation

1. Recognition and respect for children's agency and capacity.

2. Information sharing and dialogue between children and adults based on mutual respect.

3. Understanding and respect for children's evolving capacities.

4. Conducive and participatory environment in family, community and society.

SESSION 3: UNICEF'S APPROACH AND STRATEGY ON CHILD/ADOLESCENT PARTICIPATION & DEVELOPMENT

UN Special Session Follow-up "Road-Map" 2002 (3 Areas)

1. Partnerships: (Office of Public Partnerships) - developing a "strategic approach" to partnerships - assessment of potential partners - MDG/WFFC targets as basis for building partnerships - "broad-based" partnerships: c/yp, youth networks, civil society, faith - groups, media, private sector

2. National Policies: - First Stage: broad-based consensus – representation and involvement of children/young people - Second Stage: develop NPA or National Mechanisms (National Development Plans, PRSP) – by end 2003 - Involvement of c/yp in NPA process – monitoring & reporting (Ref: Save the Children guide)

3. Participation: - Active and meaningful participation of c/yp – in keeping with their "evolving capacities" - UNICEF offices to support capacity development of key government agencies and national NGOs for using participatory approaches

UNICEF Regional Office: Set-up "tracking system" on national actions for WFFC implementation – including innovative approaches to child/ youth participation, partnerships and social mobilisation Regional Meetings, Reviews and Progress Reports – Mid-Decade Review of WFFC 2005/2006 for SG's report to GA in 2006

UNICEF's Corporate Position on Children and Young Peoples Participation. State of the World's Children 2003 on Child Participation - To draw public attention to the importance of c/yp participation - To encourage State, civil society and private sector to promote meaningful participation - Examples of "good practices" around the world - Stimulate actions to promote c/yp participation in MDG/WFFC implementation

Ex-Dir: E/ICEF/2003/CRP.3 11 Dec.2002: Ensure participation of children and young people and civil society in reviews of MDG/WFFC implementation – as well as of national policies/NPAs. Build partnerships for social mobilisation with c/yp, NGOs and civil society groups

Programme Implications - "Participation Guide" – PPP Manual 2003

THE CONTEXT - Negative attitudes/biases towards participation – from govt. agencies, civil society, others - Need for "positive approach" to c/yp participation - Participation rights included in WFFC – thereby committing Govts to fulfill them - C/YP are often "better placed" to analyse situation, take initiatives, design solutions to their own problems - Participation helps c/yp to build their competencies, develop skills and gain confidence

PRINCIPLES & ETHICS - Guiding principles: Human Rights & CRC - Special attention to "marginalised" c/yp - Mutual respect: child-adult - Informed consent - Participatory context/environment (home, school) - Confidentiality - Realistic Expectations: child-adult

HUMAN RIGHTS APPROACH - "Rights" of children and young people vis-à-vis "Duties" of parents/govt - Possible strategies: (a) identify and address unfulfilled rights, (b) claiming of rights, (c) identifying solutions and duties, (d) participating in implementing solutions, (e) monitoring and reporting.

PARTICIPATION IN LOCAL/NATIONAL CONTEXT – Creating "spaces" and "opportunities" for participation - Building capacities and skills of adults and c/yp in participation – including organisational capacities – Creating a wider "enabling environment" – policies, laws

SOME "ENTRY POINTS" FOR PARTICIPATION – Using local structures, mechanisms and initiatives – Creating platforms – e.g., children parliaments – Using settings close to c/yp: home, school, community centre, playground – Partnerships with children and young peoples organisations and networks – Advisory groups/bodies involving c/yp

Understanding Child Participation. Learning Exercise 2:

a. To each question/statement that is read out, choose one answer from four answers displayed in four corners of the room. b. You will be asked "Why?" you have made this choice.

QUESTION 1 You are now taking the very first step to promote meaningful children and young peoples participation. With whom would you start? Why?

QUESTION 2 All children have equal abilities and skills to participate effectively. Do you agree/disagree/not sure?

QUESTION 3 Children and Young People benefit in a variety of ways from participating in activities and programmes. If you have to choose one, what – in your opinion – is the most important benefit to them? Why?

QUESTION 4 Children and adolescents can participate only with the help and support of parents and adults. Do you agree? Why?

QUESTION 5 In Thailand, UNICEF's approach and strategy of working with and for children and young people can be best described as…???

SESSION 4: REVIEW OF OBSTACLES/GAPS IN THAI CONTEXT

GROUP WORK Method: Questions for discussion: (approx. 30 mins)

(1) Discuss in groups at least 2 (two) obstacles to promoting meaningful children and youth participation in each of the following areas • Children & Youth (among peers) • Parents/Elders (in family) • Teachers (in school) • Community (in neighbourhood) • National Context (in national policy/legal context)

(2) Share experiences or lessons learnt on how any of these obstacles or gaps have been overcome or could be overcome. Note key points below

SESSION 5: INTRODUCTION TO ADOLESCENT PROGRAMMING. GUIDELINES AND TOOLS

The concept of "Adolescence" • Adolescence is defined by the Oxford dictionary as being "between childhood and maturity" • A transition stage in life that is not valued or recognised in its own right • Adolescents are defined by "what they are not" rather than "what they are" – a deficit rather than an asset based perception • They are largely a neglected group – their vulnerabilities unrecognised, their potential contributions under-valued • They are often only seen as "problems"…

Importance of Adolescence • Over 30 per cent of total population in EAP are below 18 years • Adolescence is a period of rapid transition and life change • Adolescence is a period of great strengths and capabilities • And yet, adolescents and young people are generally regarded negatively – as "beneficiaries", "victims", "problems"

Why focus on Adolescents?

"Youth are not the sources of problems – they are the resources that are needed to solve them. They are not expenses – they are investments to be made"

Adapted from "A World Fit for Us" – Children's Statement to the UN General Assembly Special Session on Children, New York, May 2002

Adolescent's Rights and Development. Four elements of a framework for programming:

1. Information and Equal Opportunities to develop their knowledge, lifeskills and capacities 2. Equal opportunities to access and benefit from services 3. A safe and supportive environment free from exploitation and abuse 4. Opportunities for livelihoods or social support and economic skills-building

An Approach to Adolescent Programming:

1. Entry Points: - Identifying opportunities at every stage of UNICEF's programming cycle (e.g., SITANs, planning, MTR, etc) - Addressing issues affecting adolescents (e.g., in health, education, emergencies, child protection, HIV) - Developing a cross-sectoral & holistic approach.

2. Opportunities: - Media, government consultants, surveys, schools, conferences and meetings.

3. Methodologies: - Participatory research, surveys, forums, school activities.

4. Range of potential activities: - Youth media, education campaigns, contributing adolescent perspectives to government policy in juvenile justice or child protection, forums for addressing rights, school clubs and youth councils.

5. Key Issues to address: - clarification on concept of adolescent participation and programming among all staff and partners - better data/information on young peoples lives - work with both young people and NGOs as partners - greater awareness of developments in the region and globally - child-sensitive structures and ways of working - capacity building in practice of participation

SESSION 6: FUTURE DIRECTION AND STRATEGY ON CHILD/ADOLESCENT PARTICIPATION & DEVELOPMENT FOR UNICEF THAILAND

- Setting Objectives for programming with children and adolescents in Thailand

- Identifying Key Strategies to achieve these objectives - specific programme areas & country programme as a whole

- Developing a Plan - including monitoring and review of outcomes

- Implementing the Plan - in a given time-frame

Some suggested Objectives for Programming. • To promote personal growth and healthy development of children and adolescents in Thailand • To promote better awareness – including development of a national policy – for the protection of rights of children and adolescents • To address specific violations experienced by adolescents • To promote a more positive approach to adolescents and challenge the tendency to stereotype them and their behaviour • To create opportunities for enabling their voices to be heard and acted upon – including and especially the organization of young people • To engage young people as agents in the realisation of their rights • To create better opportunities for young people to make informed and healthy life choices • To address issues for adolescents not being met by other organizations

Some suggested Areas/Strategies for Adolescent Programming. 1. Building our knowledge base on children and adolescents (e.g., ChildInfo, SITANs, Youth surveys) 2. Planning Process (e.g., Consulting with children and adolescents, setting objectives and outcomes) 3. Developing approach to programming (e.g., programme design and implementation with partners) 4. Assessing impact and outcomes (e.g., MTRs, programme/project evaluations

Other Programming Issues. • Developing a wholistic approach to adolescent programming (e.g., crosssectoral and cross-cutting initiatives and linkages in country programme) • Identifying a focal point person in country office - linked to a cross-sectoral team of programme staff • Optimising partners (government, NGOs, youth groups) knowledge and expertise - building equal and strategic partnerships • Ongoing Training and Capacity Building - for staff and partners

How can we meaningfully involve children/young people?

Step 1: Understanding the "context" of participation: - Generally a skeptical or negative attitude towards participation in society - government agencies, civil society, others - Need for a mind-shift to a "positive approach" to child/youth participation - Children/young people are often better placed to analyse their situation, take initiatives, design solutions to their own problems - Participation helps children/youth to build their competencies, develop skills and gain confidence.

Step 2: Adhering to Key Principles and Ethical Considerations: - Using Human Rights and the CRC as the guiding framework for promoting participation - Paying special attention to "marginalised" children and young people - Seeking informed consent of c/yp - Understanding and strengthening the participatory context and environment (at home, school, community, etc.) - Respecting Confidentiality - Setting Realistic Expectations: Adults – Children

Step 3: Using "entry-points": - Use local structures, mechanisms and initiatives in setting up children's groups/networks - Use settings close to the children/young people: home, school, community centre, playground, etc. - Peer-counseling and peer-communications - Involve family, school and community at local levels to support their c/yp participation and development - Involve representatives of c/yp in local structures, project committees to provide input/feedback for project planning, implementation, review and evaluation.

SESSION 7: UNICEF-EAPRO FOLLOW-UP AND NEXT STEPS (2002-2004)

Follow-up & Next Steps Regional Level: East Asia and Pacific

1. UNSS FOLLOW-UP: • Sustain network of c/yp from UNSS process, Regional Childrens Forum and expand links with youth networks - esp. HIV/AIDS, child protection, human rights • Support c/yp participation in implementation of Bali Consensus, WFFC, MDGs • Set-up "tracking system" to document c/yp participation in MTSP priority areas – share good practices and lessons learnt

2. C/P PARTICIPATION IN PROGRAMMING: • Encourage governments to develop or update "National Policies and Strategies on Youth Participation & Development" • Training and Capacity Building of c/yp and adults in meaningful participation and partnership-building in programming – esp, for NPA/National Plan implementation, monitoring and reporting (using Participation Guide, Save the Children Guide on NPAs) • Share good practices and tools/methods of integrating c/yp meaningful participation in programming

3. PROGRAMMING WITH AND FOR ADOLESCENTS: • Majority of population of EAP countries are youth and adolescents - priority for UNICEF programming using "Speak Out" opinion survey •

Drafting "Paper on UNICEF's Approach and Strategy of working with adolescents in EAP region" - EAPRO • Review and document Lessons Learnt of adolescent participation in UNICEF programming at country level

4. HQ-SIDA PROJECT: "RIGHTS-BASED PROGRAMMING FOR ADOLESCENTS" (2004-2005) – Country Projects: 1. CHINA: Review of lessons learnt on youth participation and development across country programme (education, HIV/AIDS, Child Protection and Advocacy, Communications). 2. PACIFIC ISLANDS: Involving young people in SITAN and development of CSEC-NPA in Vanuatu, Solomon Islands and Kiribati. 3. LAO PDR: Developing IEC cultural materials by youth and documentation of good practices in adolescent/youth programming. 4. MALAYSIA: Out-of-school Youth Forum on HIV/AIDS.

5. HQ-SIDA PROJECT: "RIGHTS-BASED PROGRAMMING FOR ADOLESCENTS" (2004-2005) – Regional Projects: 1. Handbook on "Guide to Adolescent Programming" – late 2004. 2. Training Workshops for staff & partners on Adolescent Participation and Development (three sub-regional workshops in Cambodia, Timor Leste, Mongolia) – early/mid 2005. 3. Annual Meetings of Regional Task Group on Youth Partnerships – in 2004 & 2005. 4. Regional Networking with Youth organisations and networks in EAP.

Followup & Next Steps

I. Read SOWC-2003 on Child Participation II. Familiarise with PPP Manual, Chapter 6, Section 13 – "Guidance Note on Participation of children/young people." III. Programme sections to review child participation in country programme – using matrix. IV. Consider developing a "Vision Statement and Strategy Paper on meaningful children/young people participation for UoT"

DAY OF GENERAL DISCUSSION
"To Speak, Participate and Decide – the Right of the Child to be Heard"
Article 12: UN Convention on the Rights of the Child Committee on the Rights of the Child[35]

Mr. Chairman and Members of the Committee on the Rights of the Child, Children and Young People, Distinguished Delegates, Partners and Friends, Ladies and Gentlemen,

On behalf of UNICEF I wish to first of all express our appreciation to the Committee for making the decision to prepare a General Comment on Article 12 and child participation and for dedicating this Day of General Discussion on this theme. This is perhaps the most appropriate time for this General Comment – it comes at a time when experiences and lessons learnt around the world in promoting meaningful participation of children and young people has reached a new stage of advocacy and visibility. This is a time when many Governments, international agencies, donors and the NGO community have come to recognize that children and young people are indeed partners in development and change. This is also a time when – as we approach in 2007 the 5-year Review of the UN Special Session on Children and progress in the implementation of the commitments made by State Parties to *"A World Fit for Children"*, agencies like UNICEF have translated this core guiding principle of the CRC into specific targets to be

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achieved in our global business plan for the next four years. UNICEF is convinced that children and young peoples participation must be an essential feature of all our global, regional and national initiatives and programmes and that we must seriously engage with young people as key partners in order to achieve a "World Fit for all Children".

Today I want to acknowledge the presence with us of over 30 young people (boys and girls) from different parts of the world who have met in a Preparatory Forum in the last two days here in Geneva to discuss and arrive at their conclusions and recommendations on Article 12 which will be presented at this Day of General Discussion. I hope we can carefully listen to their voices and take them into account as we deliberate and agree on our recommendations. I also hope that their participation and contribution today will help us adults to be more practical and relevant in order to better understand the complexity of the contexts and situations in which children and young people seek to advocate on their issues and concerns and actively involve themselves in the family, school, community and national levels.

As the world's leading agency on children, UNICEF champions the child's right to survival, protection, participation and development. UNICEF views its obligation to promote the participation of all children – with special attention to adolescents - as one of its core guiding principles. UNICEF advocates for child participation of both boys and girls, with a special focus on the most vulnerable, to become a fundamental component of all decision making processes affecting children, including in situations of conflict and crises. This advocacy includes supporting States Parties and partners in the design and implementation of policies and programmes that affect children's lives, so that they enable the views of girls and boys to be taken into account and acted upon in the delivery of our programmes.

Starting-point - Understanding Participation

1. **Participation is a human right for all children** – and as such, it is not a gift or privilege bestowed by adults on children, but the right of every child capable of expressing a view. In other words, it is a fundamental right for all children – especially the most marginalized and vulnerable in society. In this sense, it can be argued that participation is a "non-negotiable" right for children

2. **Participation is critical to self-development** – in participating, boys and girls develop their skills, build competencies, form aspirations, gain confidence and attain valuable resources to deal with their own lives and engage in society. The more a child

participates meaningfully, the more he/she develops a sense of self-identity and becomes confident and competent to deal with adults and the external world.

3   **Participation fosters learning, builds life-skills and enables self-protection** – in participating, children are better equipped to deal with abuse and exploitation and cope with harmful situations and crisis.

4.   **Participation helps children to make a positive contribution to society** – children contribute in very important ways in the family and community. They help their parents with domestic chores, secure economic livelihoods, take care of elders, nurture and play with siblings and care for their health and environment. Their abilities, talents and expertise based on their evolving capacities are powerful assets, when appropriately guided and recognized by adults, to make a positive contribution to society.

5.   **Child Participation builds democracy** – children and young people when provided opportunities and spaces to express themselves and exercise their citizenship meaningfully, have contributed towards building democracy and shared decision-making. A boy or a girl cannot experience life in an autocratic manner for 18 years and then suddenly begin to act democratically in adult life.

Why do we need a "General Comment on Article 12"?

There are a number of important reasons why it is important for the Committee on the Rights of the Child to issue a General Comment on Article 12 and child participation:

(a)   for too long, many State Parties and agencies have adopted a tokenistic approach to children – involving boys and girls as mere "decoration" in national ceremonies or conferences. In this perspective, children are used to endorse adult-initiated messages and events with nothing more than mere physical presence and perhaps some songs and cultural performances that children are able to perform to often add variety to these situations. It thus becomes important for the Committee to provide guidance to State Parties to go beyond this "tokenism" and begin to respect and appreciate the positive contribution of children and young people in substantive discussions, active involvement as social actors and in decision-making.

(b) Child Participation is both a General Principle of the CRC as well as one that has specific provisions in articles. As a general principle it is critical that State Parties and other partners understand and recognize the importance of this concept in order to respect its guiding principles and safeguard ethical standards. This will help to ensure that all other articles of the CRC are effectively implemented.

(c) Child Participation evokes much emotion, passion and enthusiasm on the part of children and young people as well as many adults, NGOs and community groups that support them. It therefore becomes important to make sure that there are internationally-accepted standards and protocols that guide this process and that both the rights and responsibilities of exercising Article 12 (child participation) are recognized and taken into account by both children and adults. The General Comment would help in setting these international standards and guidelines.

(d) For over two decades, primarily through the initiative of children and young people themselves, the participation of children and young people has taken a more "organized form and expression" through the formation of children's clubs, working children's movements, youth organizations and networks. In many countries and regions, these organized and collective expression of participation rights have made it incumbent on State Parties, international agencies and NGOs to establish formal partnership relations with organized children. In this context, the General Comment needs to provide adequate guidance to State Parties and partners to work in a more organized way with children and young people and to adopt legal provisions to promote these new partnerships.

(e) Going beyond expression and advocacy, child participation today challenges us to ensure its institutionalisation and sustainability. At the level of the family, school, village councils, the community and society at large, the gradual insitutionalisation of the participation of children and young people needs to be addressed through creating appropriate spaces and opportunities, structures and mechanisms that facilitate and support the ongoing involvement and contribution of children and young people in decision-making. The General Comment needs to underline the importance of this process and provide both legal and social guidance on how Ministries and government agencies, school management, local institutions and bodies, and others could

integrate child participation in a meaningful way in their day-to-day activities and long-term plans.

Key Elements of a General Comment on Article 12

UNICEF believes that a General Comment on Article 12 needs to address both the "legal" and "social" context in which children and young people today live, seek to express their views and participate in decision-making. As a guidance issued by the Committee on the Rights of the Child to State Parties it necessarily needs to be legally relevant and adaptable in national legislation and procedures. At the same time, it also needs to be sensitive to the social, cultural, ethnic and religious contexts in which children and young people live in their society and in ways in which they interact with adults and engage in social change. In this regard, it is particularly important to distinguish between those social, cultural and religious values and practices that support participation and those that inhibit it.

There are three main areas that needs attention:

(a) **Providing Space and Opportunities for meaningful child participation**

Children and young people need space and opportunities to engage with adults and society. Starting with the family, the school and the local community, such spaces and opportunities need to be created to facilitate meaningful child participation. At higher levels, national forums and structures need to engage children and young people in policy advocacy, national reform and development.

(b) **Building capacity among children/young people and adults**

We need to invest in children and young people – to build their skills, capacities and expertise to meaningfully contribute to positive family and community development. Creative learning, social engagement and inter-generational dialogue between children and adults are some of the ways in which this investment can be made. At the same time, we also need to build the capacity of parents, care-givers, teachers, governmental officials and other adults (including organizational capacities) to enhance their skills and expertise to engage with children and young people in meaningful ways. In this regard, there is need to apply accepted ethical standards and guidelines to protect children as well as to ensure that participation is meaningful and relevant.

(c) **Creating a "safe and supportive participatory environment" to promote child particip**ation

A relevant legal and policy framework is essential to promote child participation and to gradually institutionalize participation. National and local laws and policies need to be child-sensitive. Administrative and judicial procedures need to safeguard the "best interests of the child" and ensure that the child's dignity and integrity is respected. The family and the school need to be supportive to creative learning and the holistic development of the child. Adolescents and youth need to be supportive of young children and their growth and development.

CONCLUSION

In conclusion, on behalf of UNICEF, I hope our deliberations today – and particularly the views and opinions of the children and young people present – will provide both clarity and guidance in the drafting of the General Comment on Article 12. It is also our hope that the General Comment will serve as a useful guide for governments to promote the efficient application of Article 12 and support the meaningful participation of children and young people in the implementation of all other provisions of the Convention. Furthermore, the General Comment must also provide a strong legal basis for future technical cooperation and partnerships between State Parties and UNICEF, child rights NGOs, youth organizations and networks to make meaningful child participation an essential feature of national policies and programmes.

The child's right to be **heard, participate and decide** has today become an integral part of our development discourse and an essential feature of many key international and national events, campaigns and initiatives. We need to acknowledge this reality and ensure that with the General Comment on Article 12 a legal and institutional basis is established to safeguard and promote this right. We owe this to the children and young people of today and tomorrow – we owe this to the world that we have inherited from our parents, but even more important - a world that will be shaped by children and young people now and in the future. Thank You.

A CHILD'S FIRST RIGHT
Identity Rights of Indigenous Children and Young People[36]

INTRODUCTION

Problem of Definition – Who are they? - "Indigenous", "Ethnic Minorities", "Hilltribes", "Mountain People"?

The United Nations estimates the world's indigenous population representing over 70 countries to be between 300 and 350 million people, about five per cent of the world's population.1 There is no generally accepted definition of indigenous peoples or ethnic minorities, although some elements of a definition are generally acceptable to all. Most sources refer to the ILO Definition of Indigenous and Tribal Peoples as given in Article 1 or ILO Convention 169 of 1989.

Four main elements contribute towards a possible definition of indigenous peoples: pre-existence (i.e, the population is descendent of those inhabiting an area prior to the arrival of another population), non-dominance, cultural difference and self-identification as indigenous.

Many other terms have been used for Indigenous Peoples: Autochthonous, Ethnic Minorities, Tribal People, First Nations, Fourth World, and so on. In 1982, Jose MartinezCobo, the Special Rapporteur of the United Nations Sub-Commission on Prevention of Discrimination and

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Protection of Minorities put forward a definition that has been generally accepted as a working definition of indigenous peoples within the United Nations:

> *"Indigenous communities, peoples and nations are those which, having a historical continuity with pre-invasion and pre-colonial societies that developed on their territories, consider themselves distinct from other sectors of the societies now prevailing in those territories, or parts of them. They form at present non-dominant sectors of society and are determined to preserve, develop and transmit to future generations their ancestral territories, and their ethnic identity, as the basis of their continued existence as peoples, in accordance with their own cultural patterns, social institutions and legal systems."*

The conventional definition of indigenous peoples - by governments and international development agencies - is "a non-dominant group of people with a shared history, language and culture residing in a common geographical area". Most governments and some international development organisations however strongly oppose or are reluctant to employ the term "indigenous peoples" most probably because of the connotation of original rights - to land, resources, etc

Indigenous self-identification is a critical component of the definition. As the ILO Convention recognized *"Self-identification as indigenous or tribal shall be regarded as a fundamental criterion for determining the groups to which the provisions of this Convention apply".*

In the Asia region, the governments in the Greater Mekong Sub-region (GMS) countries have also adopted varying definitions of indigenous peoples and ethnic minorities. In Myanmar, indigenous peoples are referred to as "national races". In Cambodia, indigenous peoples are referred to as "ethnic minorities" and the classical definition is applied. In Laos, they are called "tribal people" or "ethnic groups" and administratively lumped together into one or two groups depending on their geographical location - upland Lao or highland Lao. In Thailand, indigenous peoples are considered to be "hill tribes", or "highland Thai" (a more recent term used). In Vietnam, indigenous peoples are called "nationalities" to give them a measure of status, as well as recognition.

The term "minority" and "majority" can be understood in relation to each other and the specific context in which they are being used, consequently there are many problems related to accurate and useful definitions of minority peoples as a generic group. Thus when using the term "minority", understanding of the context of use is vital. The term minority is often interpreted with the assumption that they are among the poorer and the disadvantaged. There is no established definition of "ethnic minorities" in international law. Much of existing literature on minorities includes groups that are referred to as "indigenous" or "tribal" peoples.

THE IDENTITY CRISIS OF INDIGENOUS CHILDREN

Indigenous peoples – collectively and as individuals – draw their identity and form their world-view from specific historical and cultural contexts that include their own beliefs, values, social organization, language, customs and practices. This rich cultural heritage is carried over from generation and generation – notwithstanding the erosions from external influences and pressures on their lives and their livelihoods. And yet, around the world – in both developed and developing countries – indigenous peoples, especially children and young people, are among the most marginalized groups in society, and their rights – including those to survival and development, to the highest standards of health, to education that respects their cultural identity, to protection from violence, abuse and exploitation and to participation in decision-making that is relevant to their lives – are often seriously compromised and, in many cases, systematically violated and denied.

Compared to non-indigenous children, indigenous children and young people invariably suffer from high mortality rates, lower vaccination rates, low levels of birth registration, lower school enrolment, higher rates of school drop-outs and grade repetition, and poor access to justice systems. Furthermore, indigenous children are also particularly vulnerable to human trafficking, exploitation and the impact of armed conflict and civil unrest. In short, indigenous children continue to experience their basic identity and human rights challenged on a daily basis.

The problem of birth registration

Article 7 of the UN Convention on the Rights of the Child stipulates the right of every newborn child to be registered – "the child shall be registered immediately after birth and shall have the right from birth to

a name, the right to acquire a nationality and as far as possible, the right to know and be cared for by his or her parents". This fundamental right applies to all children below the age of 18 years.

Birth registration is the official record of the birth of a child by a competent state authority. It is a permanent and official record of the child's very existence. Moreover, birth registration ensures that a child born in society is part of the civil registration system that acknowledges the existence of that person before the law, establishes the child's family ties and tracks major events in the life of that child towards marriage and death.4 The registration of a child at birth ensures a birth certificate for the child – an official and legal document that enables the child to access services from society – including health, education, legal rights, etc.

A child who is not registered at birth does not have proof of its name, its family ties and its legal rights in the society where he/she is born. In other words, an unregistered child is non-existent in society. In some societies where nationality is determined by birth, a birth certificate is the document that generally determines the child's nationality. Even in societies that apply other criteria, a birth certificate is still the most important documentary evidence of a child's nationality – as it states the nationality of its parents.

Lack of birth registration is therefore a violation of the fundamental rights of a child to be given an identity at birth and to be recognized as a citizen in society. Article 7 of the UNCRC implies that States within whose jurisdiction a child is born are obligated to make birth registration accessible to all children – including asylum seekers, refugees and immigrants.

Globally, the birth of over 50 million children go unregistered each year – more than 40 per cent of total births. South Asia has the largest number of unregistered children comprising of over 22.5 million, or over 40 per cent of the world's unregistered children. Sub-Saharan Africa had over 17 million and East Asia and Pacific about 7 million children were unregistered. In the Middle-East and North Africa, nearly one-third of the children born in 2000 – about 3 million – lack legal recognition.

Major constraints faced in achieving universal birth registration include the following

Lack of awareness of local government authorities, parents and community members of the importance of birth registration

- Complicated, often outdated and centralized administrative policies and procedures for civil registration

- Limited infrastructure and resources allocated for birth registration

- High costs of registration

- Lack of legal framework to ensure non-discriminatory and universal registration

- Lack of access for people living in remote and mountainous areas

- Political sensitivities of registration of ethnic groups, refugees, indigenous peoples and displaced populations in some countries.

Birth Registration and Identity of Indigenous Children

Birth registration is lowest among children in remote rural areas and other marginalized communities that are cut-off from mainstream society and health services – which are largely concentrated in urban areas. Indigenous children and children of ethnic minorities constitute a large share of unregistered children in most parts of the world. These include the Kurds in Syria, Tatars in the Ukraine and Russians in Estonia and Latvia, etc. In this sense, children and young people of indigenous communities and ethnic minorities are doubly-discriminated – lacking an identity and claim to their basic rights, as well as discriminated by racism, marginalization and isolation from mainstream communities and societies.

Article 30 of the UN Convention on the Rights of the Child specifically mentions children of minorities or indigenous peoples – "in those States in which ethnic, religious, linguistic minorities or persons of indigenous origin exist, a child belonging to such a minority or who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practice his or her own religion, or to use his or her own language". The Committee on the Rights of the Child pays special attention to the rights of indigenous children in reviewing State Party reports and in its General Comments on the CRC.

Recognising and respecting indigenous identities, languages and traditional knowledge would give strength to indigenous peoples and facilitate their participation in policies and services that affect them.

VULNERABILITY AND EXPLOITATION OF INDIGENOUS CHILDREN AND YOUNG PEOPLE

Indigenous children and young people are among the most marginalized and vulnerable to exploitation, abuse and violence. There are indications that high numbers of the worst forms of child labor among indigenous peoples in many parts of South Asia, Southeast Asia and Latin America. Indigenous and tribal children are found to make up a large part of child labourers in certain risk areas, such as debt-bondage in South Asia, migratory agricultural wage labour in Central America and Mexico, and trafficking in Southeast Asia. In Latin America, it is estimated that indigenous children are twice as likely to work as their peers. The situation in Africa is not well documented.

A Sub-Regional Seminar on Minority Rights held in Chiang Mai, Thailand, in December 2002 concluded that despite some recent positive developments, Governments of the South-East Asia region still paid insufficient attention to the implementation of the Minorities Declaration. As a consequence, "stability, rule of law, friendship and cooperation have not yet been well established in South-East Asia". The meeting acknowledged the complexity of definitional issues within the sub-region, and noted that indigenous peoples and minorities were not only excluded from the process of national development, but also continued to suffer from the effects of alienation and of imposed concepts and an imposed framework of development. They faced multiple problems and human rights violations related to their right to legal status and citizenship, education, freedom of expression and mobility, culture and identity, ownership of land and resources, among others. As a result, indigenous peoples and minorities were the most "disadvantaged, deprived, discriminated, marginalized and excluded". The meeting acknowledged the work undertaken by grassroots civil society organizations and NGOs to address these concerns and problems among indigenous peoples and minorities in South-East Asia. Finally, the meeting adopted a set of recommendations for Governments, UN Agencies, National Human Rights Institutions, International, Regional and National Development Agencies, NGOs and others.

INDIGENOUS ADOLESCENTS SPEAK OUT

The most organized expression of advocacy and social mobilization of indigenous adolescents has been in the region of Latin America. UNICEF has supported workshops and forums of adolescents from indigenous communities in various parts of this region. Most recently, a Workshop of Indigenous Adolescents was held in Costa Rica which addressed the problems of protection, health, nutrition, education, identity, culture and territory among indigenous peoples and its impact on adolescents in particular.9 This meeting was in preparation for the Ibero-American Meeting of Indigenous Children's Rights which was held in Madrid in July 2005. This regional meeting brought together over 80 indigenous adolescents from 17 Latin American countries to discuss issues related to their identity, culture and development, health and nutrition, special protection, bilingual intercultural educatin and their visions for the future. Participants presented their Final Recommendations to Queen Sofia of Spain at the conclusion of their regional meeting – which read, in part

"We are children and adolescents from 34 indigenous communities… we live in concidtions of exclusion, marginalization, racism and discrimination, which prohibit our development as human beings and citizens who possess specific rights. We want to participate in the construction of a more fair world".

POLICY AND PROGRAMMATIC IMPLICATIONS

The Ways Forward

- Enhancing the capacity and involvement of indigenous children and young people in their own development

- Ensuring the rights of indigenous children involved building upon the inherent strength of indigenous communities.

- Families, elders and community leaders play an important role in helping indigenous children and young people discover and positively utilize their potentials and resources – including spirituality, cultural identity and values, a strong bond land and nature, collective memory, and kinship and community.

- Important to recognize the value of indigenous peoples "worldviews"…

- Promote and build upon positive traditional values and practices among indigenous peoples that protects their human rights and empowers them to participate in their own development and the development of society around them.

UNICEF has put forward four key strategic areas where progress can be made in ensuring the rights of indigenous children are protected and promoted. These include:

- Promoting the highest standard of health and nutrition – through a constructive dialogue between "traditional" and "modern" medicine and access to basic health care.

- Guaranteeing quality education – through promoting bilingual, inter-cultural, child-centered approaches with community involvement.

- Ensuring effective, culturally sensitive protection and support – through building on traditional family, kinship and community networks and support systems, and

- Giving indigenous children and young people a voice in the decisions that affect them – through providing opportunities and space for free and open communication, advocacy and participation in local, national and global structures and initiatives that affect their lives.

"Indigenous children carry with them a reserve of knowledge that is their special inheritance, and from which we can all benefit".

CONCLUSION

Birth registration is a fundamental human right for all newborn children. It opens the door to other rights – such as education, health care, participation and protection from discrimination, abuse and exploitation. Effective birth registration ensures the child's name and nationality.

Birth registration or the lack of it also has implication for State policy and programmes. The official data and statistics of the country must capture

a new member of society who is entitled to the rights and the responsibilities of a valued citizen. Only then can the State fulfill its obligations of providing basic services and protection for the citizens. An unregistered child, therefore, is not reflect in official government data and statistics, and consequently, does not benefit from services and protection from the State or other official policies and programmes.

Unregistered children as often invisible, and in some cases, undervalued members of society. Lack of registration and therefore legal identity prevents many of the abuses against children from being adequately monitored and addressed. Lack of registration is both a contributing factor to vulnerability anda result of being discriminated or violated.

REFERENCES

Aga Khan, Sadruddin & TALAL, Hassan Bin. (1987). Indigenous Peoples - A Global Quest for Justice. A Report for the Independent Commission on International Humanitarian Issues, Zed Books, London.

ILO-IPEC. (2003). "Indigenous and Tribal Children: Assessing Child Labor and Education Challenges" by Peter Bille Larsen, Child Labor and Education Working Paper, Geneva.

Oxfam – International Youth Parliament. (2003). "Indigenous Youth" in "Highly Affected, Rarely Considered – The International Youth Parliament Commission's Report on the Impacts of Globalisation on Young People". Sydney.

UNICEF Innocenti Research Centre. (2002). "Birth Registration – Right from the Start". Innocenti Digest, No.9, March.

UNICEF East Asia and Pacific. (2003). "Regional Atlas". Bangkok.

UNICEF Innocenti Research Centre. (2003). "Ensuring the Rights of Indigenous Children". Innocenti Digest, No.11, October.

UNICEF-Costa Rica. (2005). "FORO ADOLESCENTE". Newsletter, Issue No.4, July-August.

United Nations. (2002). "We are the world's indigenous peoples". New York.

United Nations. (2003). "Chairman's Summary of the High-Level Panel and Dialogue on Indigenous children and youth". Agenda Item 3, Permanent Forum on Indigenous Issues, Second Session, New York, 12-13 May.

United Nations. (2003). "Conclusions and Recommendations of the Sub-Regional Seminar on Minority Rights – Cultural Diversity and Development in South-East Asia, Chiang Mai, December 2002". Asbjorn Eide, Chairperson/Rapporteur, ECOSOC, E/CN.4/Sub.2/AC.5/2003/2, 25 April.

THE CONVENTION ON THE RIGHTS OF THE CHILD (CRC)
18 Years On: Global Progress and Challenges Ahead[37]

Ladies and Gentlemen

Four days from now – on 20 November 2007 – the Convention on the Rights of the Child (CRC) will turn 18. A whole generation of children and young people have grown up under the CRC all over the world in all countries that have ratified the CRC – as well as those that have not – the USA and Somalia.

The CRC is both a vision for children in the world as well as a legal framework for State Parties or Governments to respect, promote and protect the rights of all children. As human beings, children have rights – and as rights holders, they can play an active part in the enjoyment of their rights. Every child should be respected. Children should be respected no matter what its abilities, origins or gender. Their views and opinions are important for decision making. They are social actors who make a positive contribution to society. Their development should be nurtured and encouraged through education, health and other services to give them the best possible start to life. They should be allowed to develop in an atmosphere of freedom, dignity and justice. That's the vision of the CRC. It is a vision which sets this universal standard for the realization of children's

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[37] Presentation. Child Rights Policy Forum of New York. The Campaign for United States Ratification of the Convention on the Rights of the Child (CRC), Brooklyn College, New York (Fri) 16 November 2007.

rights and for the holistic development of children. Many have questioned that this vision or standard is often western, is often based on a conception that is applicable in some societies and not others. There are some very good reasons why certain governments and individuals hold that opinion. Because what was not done in terms of translating this vision into reality so that we can discover how that vision is shared across the world in different cultures in different contexts.

Last year for the first time was held a regional conference in Asia, in Singapore. The first ever Asian Childhood Conference, which brought together scholars from the Asia-Pacific countries to look at childhood, child development and child rights from an Asia-Pacific perspective. For the first time last year again the office of the Organization of Islamic Conference (OIC) with the support of UNICEF organized the first ever conference on children for the Islamic countries. Here too perceptions, analysis provided by scholars, intellectuals and peoples from those countries who have specific context, religious, cultural in which they tried to understand child rights and child development. I think we need to do a lot more in this application of the CRC in Africa, Central and Eastern Europe and Latin America where that process has yet to begin. That will help us then develop really a "universal standard" for the Convention.

What I am going to today is to highlight some of the main progress we've made globally since the CRC was adopted 18 years ago, but focus particularly on the challenges and the way forward. How can the CRC influence countries to address the needs and the rights of children in different areas and I will pick a few examples as I go along. I will focus on about four or five challenges that we face globally which are also relevant here in the United States and for Somalia, countries that have not yet ratified the Convention on the Rights of the Child. There is much "unfinished business" in spite of great progress we have made.

So let's look at the progress first, and I am going to do that in different topical areas where we have experience within UNICEF so that we can speak with evidence and effectively argue the case for why there has been progress in some areas.

The first is the area of child survival. Child mortality has reduced considerably over the last eighteen years, that is clearly significant progress as far as the Convention is concerned. In 1990 there were about 13 million children who died before they were five years of age. This fell to about 9.7 million in about ten years. Some countries have made marked progress

and these are not the developed countries, but developing countries like Benin, Ghana, Mali and Senegal. These countries have made progress using high-impact interventions at the local district levels where the sources and services have been put in place by which about three million people have benefited, reducing infant mortality by as much as 20% in these last ten years preventing the deaths of about 5,500 children per year. This is significant progress.

Secondly, in education. A few examples, the number of out of school children of prime school age has decreased in many countries. In Ethiopia, for example UNICEF has supported alternative basic education centers in eleven regions, again a decentralized program, having access to about 1.5 million children. Education programs have also become standard element of emergency relief operations in like Iraq, Afghanistan or the Tsunami affected countries in Asia.

Thirdly, in child protection some major achievements have taken place over the last eighteen years. Three major international conferences have been held during these eighteen years which have brought a significant shift in the thinking of governments about the protection of children, promoting the rights of children and setting an agenda to commit governments based on the CRC. The first was the World Conference Against Commercial Sexual Exploitation in Stockholm which put the commercial sexual exploitation, trafficking, etc… on the agenda. Second was a U.N. study on the impact of armed conflict on children which was done by Graca Machel ten years ago which put the spotlight on child soliders and children in armed conflict. The third one, and the more recent, the U.N. study on violence against children done by Prof. Pinhero which was just submitted a few months back to the United Nations again putting the spotlight on violence in the schools, in the community and other settings. So these three conferences in a way helped to move the CRC further forward in laying a global agenda and getting governments to commit themselves to clear goals and targets. There has also been significant achievements and progress done in eradicating the world forms of child labor, with an International Child Labor conference held in Oslo during which a global agenda was agreed under the leadership of the ILO for the elimination of the worst forms of child labor. Clearly, a lot more needs to be done but there has been some progress in the elimination of child labor. Significant developments have also been seen in some regions, in particular in Asia which have been cross border agreements between governments to combat trafficking of children and young people. Benin and Nigeria in Africa

for example, China and Cambodia in Asia are examples of how governments have come into cross border agreements to combat trafficking.

Lastly in the area of participation major achievements have also been recorded. Article 12 of the CRC has been in some ways the article that has become the most famous, drawing attention of not just governments or child rights organizations but children and young people themselves – including their organizations and networks. Over these last ten to eighteen years we have witnessed that youth organizations, young people advocates, child rights advocates who are below eighteen or youths are taking upon themselves the responsibility to advocate for their own rights. *"Participation is not just a gift or privilege bestowed on children by parents – it is an inherent right of every child"* – Gerison Lansdown. She also authored a major study for UNICEF on the "Evolving Capacities of the Child" which I recommend as essential reading for all of us. at, which for the first time tries to spell out what that means in the spirit of the CRC. The participation of young people has become widespread in many countries, in schools, in communities, in media and local governments, and has received increased attention. The UN Special Session on Children held in New York in 2002 was an unprecedented event in the UN. For the first time, the halls of the General Assembly of the United Nations was filled with over four hundred children below eighteen years of age. Two of them from Bosnia and Bolivia, two girls, I think they were about fourteen and sixteen years old, for the first time stood on the podium – which is normally used by President, Prime Ministers and Heads of Government and State - and addressed the general assembly. They presented the "*We The Children*" which was a statement that they adopted at the end of the children's forum. In one month from now we are convening the five year review of the special session and the World Fit For Children at the United Nations in New York and UNICEF and my unit is taking the lead to organize a children's forum which is going to bring together about one hundred young people at a gathering here in New York on 9 and 10 December. The children will review what progress has been made by governments in the implementation of the commitments made in the World Fit for Children, and they will present their conclusions and recommendations - both of the opening and the closing session of the general assembly. That's the extent to which young people's participation has reached today. Next week in Florence UNICEF is convening a meeting of experts who are providing advice and technical assistance to the Committee on the Rights of the Child for the drafting of the General Comment on Article 12. This is expected to be adopted next year in May by the Committee on the Rights of the Child in Geneva. For the first time

governments are going to have a guidance note from the CRC committee on how to implement Article 12 and related articles on child participation in the CRC. This will be a major achievement. This will in the future guide the reporting process of countries when they present their reports to the CRC Committee - so no government can now say that we are not obliged to report on article 12 and child participation. At the same time it provides a strong weapon and tool in the hands of the committee to be able to ask governments what they have done about article 12 in their implementation, so this general comment is going to be one of the landmarks of the work of the Committee and for progress on children's rights.

Let me move on now to the challenges and I will focus on the four challenges that I mentioned earlier. Let me preface what I am going to present as the four main challenges in promoting the Rights of the Child and the Convention globally by saying that what is going to be critical in the coming years and coming decades is the role of children and young people themselves in promoting and in using the Convention on the Rights of the Child. I see in the coming decade a shift of responsibility, a shift of ownership in a way, of the Convention from adults to children and that is why child participation and young people as advocates is going to become extremely important. In fact there are many lessons here for this country, the United States, as to how young people in a way are going to shift the agenda of this country in the future and that the onus is very much on young people in this country in terms of the US government ratifying the CRC.

The four challenges are the following:

(1) First is the CRC as an international standard vis-à-vis national laws. There are many examples from the developing world where countries have adopted laws that are compatible with the standards provided for in the CRC. For example, the Children and Adolescents Act in Brazil, the Children's Act in Ghana, Children's Charter in Sri Lanka and the National Strategy on Child Participation in Mongolia. Mongolia - one of the poorest countries in that region of Asia Pacific coming out of Soviet domination, in the last six to seven years has reached a point where - for the first time ever - a national strategy on children's participation is now before parliament for ratification. The importance that Mongolia gives to young people and their participation in decision making has reached that limit in a country like Mongolia, and that is an example for many other countries. The challenge for us is how we can support governments to strengthen the national legal systems

and mechanisms for implementation of the CRC. In addition, how to build national and global capacity of governments, of teachers and schools and others working with young people and in that context it is extremely important especially in the developing countries and in diverse cultural and religious context how to build on global knowledge and expertise, and build the capacity of young people to work with children and young people. Another challenge is resources and investment in children. Governments are not adequately resourcing their commitments for children.

Furthermore, challenges in relation to monitoring and reporting of governments to the CRC Committee. The committee is the only mechanism which as such reports on implementing to the CRC but it has no powers of sanctions or imposing penalties on governments that are non-performing. So the Convention has no formal complaints mechanism unlike the human rights committee, and no effective sanctions like the security council that is enforced on nonperforming State Parties, and that is a significant weakness of this instrument. Despite the great vision that the CRC has, it is extremely weak in terms of monitoring and reporting mechanisms that is binding on State Parties.

(2) The second main challenge is to interpret, understand and communicate child rights. Maybe we need to speak a different language, maybe we need a different way of conveying this message about the rights of children. This is true not just for the United States but it is true for many other countries as well, including countries where UNICEF works around the world. The universality of the content of the CRC is very difficult to translate in many national cultures. Interpretations in local languages, local vocabulary and nuances do not often convey the same message as the rights in the CRC. In some ways it is also contradictory to the spirit of the Convention on the Rights of the Child. So a lot of work needs to be done on how we can help people in societies in different context understand and interpret this vision and rights. There is also the lack of understanding of the CRC by the law enforcement agencies themselves, who in some ways should be the guardian and the protectors of the rights of children; so also, local government officials, teachers and schools. The CRC is not a mandatory part of the education curriculum in most of the 193 countries that have already ratified the CRC. Where else can you teach children's rights first, but in schools, and certainly at home.

I was in Istanbul a couple of weeks back and we visited a youth organization there. In the office of this youth organization there was this poster with a quote from young people: "you don't have to grow up to gain your rights". So as a child you have rights and you should be able to exercise them. You don't have to necessarily grow up in order to gain these rights. Such an understanding of child rights in the schools, in the family in the settings where children and young people live and grow is very important.

The third challenge is child rights as part of the broader human rights discussion. Child rights and democracy, child rights and local governments will mean a shift towards the rights of children and the ability of children to exercise that right. It will mean a shift in our relations within the family, within the school, within society, and this is perhaps what is most threatening to us – as adults - and in institutions. This is a shift in power relationship where young people start exercising that right to be able to participate and influence decision making. In many countries, this discussion on child rights is also very closely linked to democracy and governance – not just in the families and in the schools but in wider society.

And finally, the fourth challenge that we face in terms the rights of the child and CRC is the political will of governments. Inspite of the fact that many governments have ratified the Convention there is still a serious lack of political will to implement and fulfill the rights of the child. Furthermore globalization, the free market economy is eroding the power of governments. Governments are no longer the main player in decision making at the national or the global level. It is the private sector, the multinational corporations and the corporate world which are more powerful, manage far more resources and influence and extend beyond boundaries far better than any of our governments. And therefore many governments, and the United Nations as well, lack the ability and the resources to be able to fully implement all the Treaties and Conventions because they are not in total control. The challenge therefore is to go beyond just the government - to look at broader alliances and social mobilization and how to work in partnership with private sector, with public players who can influence decisions, to work with youth organizations themselves, religious, cultural leaders who inform and influence public opinion, the opinion makers, and those that will and can make a difference. There is need for a truly "Global Movement for Children".

I want to conclude with a few statements here on this adolescent (CRC) which is now 18 years old. The life history of the CRC from birth in 1989 to adolescence in 2007 has been very much like the birth of a child and it evolving into adolescence. As it grows into adulthood in the coming years it is going to be even more important to move from the small steps taken to giant leaps in advocacy and social mobilization for the realization of children's rights. I believe that legal implementation alone is not going to make the difference. We need to galvanize social organizations and propel a broad social mobilization around the rights of children. Legal implementation and compliance alone is not going to be enough. We need to create a movement for children involving the children and young people themselves as the leaders and key stakeholders in that process.

Finally a vision itself is not enough we need to experience that vision in our daily lives. Young people especially want to experience that today and now – this message comes to us loud and clear. "We no longer need promises - we need action". We need to make a difference in the lives of those children in the future.

One of my favourite quotes from which I always draw inspiration is this: *"I would rather have a mind open by wonder than one closed by belief."* *The CRC opens our minds to children – let us not close it because of belief".*

PANEL PRESENTATION:
HUMAN RIGHTS COUNCIL
Rights of the Child – Protecting Boys and Girls
from Sexual Violence – Prevention and Response[38]

INTRODUCTION

The Human Rights Council this afternoon concluded its annual full-day meeting on the rights of the child on the theme of the fight against sexual violence against children by holding a panel discussion called "Protecting boys and girls from sexual violence: prevention and response".

The panellists were Susana Villaran De La Puente, Member of the Committee on the Rights of the Child; Victor Karunan, Chief of Adolescent Development and Participation at the United Nations Children's Fund; Najat M'Jid Maalla, Special Rapporteur on the Sale of Children. Child Prostitution and Child Pornography; Maud De Boer-Buquicchio, Deputy Secretary General of the Council of Europe and Eliana Restrepo, Deputy Director of PLAN Colombia.

Victor Karunan, Chief of Adolescent Development and Participation at the United Nations Children's Fund (UNICEF), said one of the worst and most degraded forms of exploitation and abuse that children could experience was that of sexual violence. It was a scar on humanity that children were sexually abused at home, in the workplace, on the street

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38   Panel Presentation. Human Rights Council - Annual Meeting: Rights of the Child - Protecting boys and girls from sexual violence – prevention and response, 10 March 2010, Geneva, Switzerland.

and in brothels. Sexual violence against children remained a neglected and hidden issue and only recently had the magnitude of the problem begun to garner the attention of policymakers and the public. Children themselves were the best advocates against sexual violence, and child-led initiatives should become an integral part of policies and protection mechanisms to combat sexual violence against children.

VICTOR KARUNAN, Chief of Adolescent Development and Participation at the United Nations Children's Fund (UNICEF), said one of the worst and most degraded forms of exploitation and abuse that children could experience was that of sexual violence. It was a scar on humanity that children were sexually abused at home, in the workplace, on the street and in brothels. The scars of that violence and abuse were forever embedded in the child's life, his or her identity, behaviour and relationship with others. And yet, sexual violence against children remained a neglected and hidden issue. In fact, only recently had the magnitude of the problem begun to garner the attention of policymakers and the public through the United Nations Study on Violence and the World Congresses on Sexual Exploitation against Children. But, more importantly, international attention had also begun to focus on that issue because children themselves and youth organizations and networks had become more organized. The participation of children and young people was indeed a fundamental right, as highlighted by article 12 of the Convention on the Rights of the Child, which set out the principle that children should be listened to on any matter concerning them. Consulting with children and taking their views into account was important to ensure that relevant policies and other measures were child-friendly, adequate and appropriate for children.

Mr. Karunan underscored that it was important that they were guided by the practice standards on child participation to combat sexual violence against children, which included ensuring an ethical approach to participation; providing a child-friendly, enabling environment to promote participation; providing equal opportunities; promoting the safety and protection of children; and ensuring an effective follow-up and evaluation system to monitor progress and assess outcomes of participation. In the regional consultations for the United Nations Study on Violence, boys and girls had further presented 10 key messages which were sharp, simple and to the point. Those messages included that sexual abuse was bad and should not happen; that it was difficult to get out of sexual exploitation and exit the sex trade; and that children victims should not be labelled,

and should be allowed to go on with their lives. Children themselves were the best advocates against sexual violence, and child-led initiatives should become an integral part of policies and protection mechanisms to combat sexual violence against children. Furthermore, all efforts to curb and eradicate sexual violence against children had to have the children's best interests at the centre, as well as children's agency and empowerment as central guiding principles.

DISCUSSION

VICTOR KARUNAN, Chief of Adolescent Development and Participation at the United Nations Children's Fund (UNICEF), said, in response to Spain's comments, that he had given examples of child-led initiatives in Southeast Asia. Those were often effective and relevant at the community level. However, few such initiatives were reaching the national level. In terms of how those could be scaled up to the national level, it was noted that cross-border initiatives had proven successful. It was crucial to look at how UNICEF and others had facilitated direct contact across borders. Secondly, reinforcing Norway's comment on the importance of child participation, he noted that the worst-exploited child was the one that was least aware and often came from the most remote and vulnerable communities. Finally, in response to Peru's comments on using information and communication technologies to protect children, there was a flip side. Those could promote pornography and abuse. Yet they had also been able to connect young people online. They were exploring SMS technology, which could be used for hotlines. Many adolescents had access to that. That was something they had to look at.

CONCLUDING Remarks by Panellists

VICTOR KARUNAN, Chief of Adolescent Development and Participation at the United Nations Children's Fund (UNICEF), in concluding remarks, noted that insufficient attention was paid to the demand dimension; that should indeed be addressed both at the national and the global level, not least because the demand was a root cause in itself. He reiterated that child-led initiatives were of utmost importance; children should not only be consulting to seek their views, but they had to be considered as equal partners in addressing violence against them. In moving forward, more

needed to be undertaken to share good practices within the United Nations system and civil society; there should be a stronger focus on the immediate environments where sexual violence occurred, including schools and homes; a more integrated approach should be adopted, also including the media and the private sector; and children should be treated as equal partners in the struggle to combat sexual abuse.

BEST BUSINESS PRACTICE CIRCULAR NO 2
Nursing Mothers Programme
at the Workplace – Malaysia[39]

It is a great pleasure to be here today and launch, together with the Companies Commission of Malaysia (SSM), our second Best Business Practice Circular (BBPC) which is titled: Establishing a Conducive Working Environment for Women: Nursing Mothers Programme at the Workplace. It is highly appropriate to launch this important BBPC at the SSM's Annual Dialogue here in Kuala Lumpur as it brings together the leaders of business and industry: people that are in a position to take decisions in the best interest of children in order to achieve both social and financial results. This is also a good followup to a very successful launch of BBPC-2 in Kota Kinabalu, Sabah, last week.

The purpose of this BBPC is to promote family and child-friendly business practices. In today's business world the working mother is more of a norm than an exception. This is why it is so important to support and foster a family and child-friendly environment for staff at the workplace. Increasingly, employers need to take the needs of the female workforce into account in order to stay relevant in a competitive business environment.

The key to achieving this is CSR, corporate social responsibility. While many businesses have taken important steps by engaging in corporate philanthropy, businesses need to look beyond corporate charity and philanthropy and bring their comparative advantages as actors in their

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[39] Speech at the Launch of Best Business Practice Circular No 2: Nursing Mothers Programme at the Workplace at SSM Annual Dialogue, Menara SSM, Kuala Lumpur, Malaysia, 1 December 2011.

respective business areas to bear. Providing funding could indeed be part of a company's CSR initiative - perhaps a starting point; but full CSR engagement means thoroughly considering how business is conducted and investing in strategic long-term initiatives to optimize the role a company can play beyond just generating profit.

CSR is of course about maximising benefits for both individual businesses and society at large. It is about creating synergy and finding shared values in order to achieve a win/win situation for both business and society.

Let me take step back into history to share with you how UNICEF and SSM began this still evolving – but encouraging - partnership to create a win/win for both children and Malaysian businesses.

At the beginning of 2010, our first year of collaboration, we launched the first Best Business Practice Circular on the Establishment of Child Care Centres at the Workplace. This circular was accompanied by a Toolkit launched later in same year that provided a check-list of necessary steps for businesses to take in establishing child care centers.

That initiative was a call to action by SSM and UNICEF for employers to provide child care for employees often torn between work duties and family responsibilities. The central message was the importance of promoting work-life balance and family well-being by keeping staff happy, focused, productive and fulfilled.

Today we are launching BBPC-2 which once again demonstrates the importance of child and family wellbeing. Most importantly, it acknowledges the role that the mother plays in the life of a child, and shows how businesses can support this role. The Circular calls on businesses to support and sustain female workforce participation, promote women's economic empowerment, initiate CSR support through a nursing mothers programme, and by doing this, support the national health agenda: that is, the promotion of exclusive breastfeeding practices. All of these elements are examples of synchronizing business objectives and the social objectives for family and community development.

One of the core elements in this circular is a set of implementation guidelines for nursing mothers programmes, aimed at helping individual businesses identify what is needed for a successful implementation of this kind of CSR initiative. It also describes the benefits that employers stand

to gain by establishing nursing mothers programmes. In short, it outlines why this is good for women as well as business, and how to go about getting it started.

I am very proud and excited about the UNICEF/SSM partnership and the development of the Best Business Practice Circulars as a unique Malaysian example of CSR in action. This partnership provides a model I believe the international community can learn from and adopt within their respective national contexts. The collaboration between UNICEF and SSM in the production of this 2ⁿᵈ BBPC on Nursing Mothers Programmes in the workplace is a concrete example of a how businesses can do just that. The BBPC encourages business leaders to commit to the support of children, women and families, thereby not only improving people's lives but also retaining happier and more efficient employees and yielding higher returns on investment. But most important of all, it provides the means through which businesses can seize the opportunity to champion children's rights.

At the international level, there is growing recognition of CSR as an integral part of business strategies and operations. As part of this momentum, over the past two years, UNICEF has partnered with the UN Global Compact and Save the Children to establish a set of "Principles on Business and Children's Rights" – which is currently being finalized for launch later in 2012.

These Business Principles makes the case that integrating children's rights into business culture and management systems. There are a total of 7 principles identified linked to a number of benefits for companies, such as expanding markets for products or services, building trust, enhancing reputation, attracting investment, improving the recruitment, retention and motivation of the workforce and contributing to a sustainable future.

By contrast, this document claims that failing to respect children's rights may cause a company to lose its social license, damage its business and reputation and, in some instances, even expose it to legal liability.

These key principles are derived from the UN Convention on the Rights of the Child (CRC) – viz, the best interests of the child, non- discrimination, child participation, survival and healthy development. They are intended both to safeguard and to advance business; while also promoting sustainable development.

Let me conclude with the words of UN Secretary-General, Ban Ki-moon:

Quote: "We need business to give practical meaning and reach to the values and principles that connect cultures and people everywhere"

Herein lies a great opportunity for business to be relevant, socially-responsible and committed to safeguarding and promoting the well-being of its employees – especially women and young girls, and share these human values across cultures and people around the world. UNICEF hopes that businesses in Malaysia will rise up to this challenge.

Thank you.

CHILD-FRIENDLY JUSTICE
The Rights of Children in Conflict with the Law[40]

INTRODUCTION

More than 1 million children world-wide are deprived of their liberty by law enforcement officials. Most of these children are under arrest or awaiting trial and the majority of them are not serious criminals. In fact a significant number have not even committed a criminal offence. They are instead detained for the so-called '*status offences'* such as vagrancy, begging, smoking, dropping out from school and alcohol use. Other cases show children detained because they were accompanying a parent to detention or seeking asylum in another country. Some children are jailed for reasons such as race, religion, nationality, ethnicity or political views.

Depriving children who are in conflict with the law of their liberty is often unnecessary or even counter-productive.

The notion that children deserve special attention in the legal system is not a new one, and has taken on various forms and a number of different names throughout its development. You may come across other terms that reference the ideas and principles related to children and justice system - "child-friendly justice" and "child-sensitive justice" to "justice for children" and "children in contact with the law." Recognising that these

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[40] Panel Presentation. The Rights of Children around the world – including the concept of Restorative Justice, Commonwealth Magistrates and Judges Conference 2011. "Judicial Independence – Diversity, Pluralism and Challenges in the Commonwealth", Kuala Lumpur, Malaysia, 18 to 21 July 2011.

terms all cover similar ground, I prefer to use the term "child-friendly justice" in my presentation today.

International standards

There are many international laws relevant to juvenile justice:

- *Convention on the Rights of the Child (CRC)1989*

- *United Nations Standard Minimum Riles for the Administration of Juvenile Justice 1985 (Beijing Rules)*

- *United Nations Rules for the Protection of Juveniles Deprived of their Liberty 1990 (Havana Rules)*

- *United Nations Guidelines for the Prevention of Juvenile Delinquency 1990 (Riyadh Guidelines)*

The CRC reflects the basic principles and standards contained in the above rules and guidelines, which provide more detailed guidance on juvenile justice. Articles 37, 39 and 40 of the Convention on the Rights of the Child pertain to children's rights with respect to the juvenile justice system and, more generally, the criminal justice system as a whole.

Article 37: Torture, capital punishment, deprivation of liberty
Obligation of the State vis-a-vis children in detention.

Article 39: Recovery and reintegration
State obligations for the reeducation and social reintegration of child victims of exploitation, torture or armed conflicts.

Article 40: Juvenile justice
Treatment of child accused of infringing the penal law shall promote the child's sense of dignity.

Other articles of the Convention (arts. 2, 3, 6 and 12) set out the general principles that must be taken into account in addressing the situation of children in conflict with the law.

The Committee on the Rights of the Child has produced a General Comment in 2007 on Children's Rights and Juvenile Justice – which lays down the core principles for juvenile justice policies. In 2009 the Committee also produced a General Comment on Children's Right to be Heard, which provides ample guidance on the implementation of child-friendly justice principles before, during and after legal proceedings.

Apart from the above, there is the 2005 Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime. While this does not specifically focus on juvenile justice, it still applies to proceedings involving accused juveniles when the victim is also a child. In addition to these, the UN Commission on Human Rights has adopted a number of resolutions in relation to children and juveniles in detention.

Creating a protective environment

UNICEF believes that in order to create a protective environment for children in conflict with the law, the following core elements must be addressed in any policy for juvenile justice:

1. Prevention

Preventing offending is an essential part of any juvenile justice policy. Prevention policies should facilitate the successful socialisation and integration of all children. In practice this means that prevention programmes should focus on supporting vulnerable families, providing services to most at risk young persons and developing programmes for children repeatedly in conflict with the law amongst others. The Committee on the Rights of the Child also emphasize that measures should also focus on the promotion of the social potential of parents, given the important role of parents in the upbringing of children. The Riyadh Guidelines provide more guidance on measures to prevent offending.

2. Minimum Age of Criminal Responsibility

The CRC requires State parties to establish a minimum age below which children are presumed not to have the capacity to commit a crime. Meanwhile, the Beijing Rules state that the beginning of that age shall not be fixed at too low an age, and should be based on children's emotional, mental and intellectual maturity. In its General Comment # 10 on Children's Rights in the Juvenile Justice System (2007), the UN Committee on the Rights of the Child recommended that the age of 12 years be set as the absolute minimum age and that States continue to increase this to a higher age level.

Evidence from countries show that there exists a wide range of minimum ages of criminal responsibility, starting from as low as 7 to a high of 14 or 16. It should be noted that the level at which this age is set is no indication of how the child in conflict with the law is dealt with. Certain countries have a low minimum age of criminal responsibility but in practice adopt a non-punitive approach.

3. Diversion and other interventions

As part of a comprehensive policy on juvenile justice, it is necessary to develop a wide range of measures for dealing with children in conflict with the law without resorting to judicial proceedings as well as develop measures in the context of judicial proceedings. This has been emphasised in the CRC, which also provides that any measures must ensure respect for human rights and legal safeguards. In addition to avoiding stigmatization, this approach has also proven to be cost-effective.

In the context of interventions without resorting to judicial proceedings, a variety of community-based programmes have been developed, such as community service, supervision and guidance, family conferencing and other forms of restorative justice approach to diversion which can include restitution, and compensation of victims.

The Beijing Rules which provides guidance on diversion state that police, prosecutors or other agencies dealing with children's cases must be empowered to dispose of cases at their discretion without initiating formal proceedings, in accordance with the criteria laid down for that purpose. The Rules further state that any diversion involving referral to an appropriate community or other services must require the consent of the child and must be subject to review by a competent authority. In order to facilitate the discretionary disposition of children's cases, efforts must be made to provide for community programmes, such as temporary supervision and guidance, restitution, and compensation of victims.

Meanwhile, with respect to interventions in the context of judicial proceedings, measures such as guidance and supervision orders, probation, community monitoring or day report centres, should be used. A restorative justice process can also be used at this stage.

4. Detention

The CRC and the Beijing Rules clearly provide that detention should be used as a last resort and only for the minimum possible period. The Beijing Rules further states that, whenever possible, alternatives such as close supervision, placement with a family or in an educational or home setting should be used.

Pre-trial detention must only be used in exceptional circumstances, and all efforts should be made to impose alternative measures. Furthermore, as emphasized by the Committee on the Rights of the Child, State parties

should take adequate legislative and other measures to reduce the use of pre-trial detention and limit the duration of pre-trial detention.

When detention is used, courts and investigators must give the highest priority to expediting the process to ensure the shortest possible period of detention. Additionally, every child who is detained must be guaranteed their procedural rights. Meanwhile, children detained at the pre-trial stage must be separated from convicted juveniles, and should have opportunities to pursue work and to continue their education or training.

5. Fair Trial

The CRC states that children alleged or accused of a violation of law have the right to have the matter determined without delay by a competent, independent and impartial authority in a fair hearing. Throughout the proceedings, children have the right to have a parent present, and to have appropriate legal or other assistance. In addition, children must be provided the opportunity to express their views and to be heard in any judicial or administrative proceedings affecting them. Children also have the right to be presumed innocent until proven guilty, not to be compelled to give testimony or to confess guilt, to examine adverse witnesses, and to obtain the participation and examination of witnesses on his or her behalf under conditions of equality. These are a few of the many guarantees for a fair trial that are contained in the CRC.

The Beijing Rules furthermore state that proceedings must be conducive to the best interests of the juvenile and shall be conducted in an atmosphere of understanding, which shall allow the juvenile to participate fully and to express herself or himself freely. In addition, both the CRC and the Beijing Rules require that juveniles' right to privacy be respected at all stages of the criminal proceedings in order to avoid harm being caused to them through publicity or by the process of labelling.

In order to promote a more specialised approach to court proceedings for children, many countries have established special children's courts, and have developed separate procedures designed to reduce formality and facilitate the participation of children and their parents. Specially designated and trained magistrates and judges help ensure a consistent, child-sensitive approach to handling children's cases.

6. Sentencing

Deprivation of personal liberty shall not be imposed unless the juvenile is adjudicated of a serious act involving violence against another person or of persistence in committing other serious offences and unless there is no other appropriate response. A wide variety of sentencing options should be available, allowing for flexibility so as to avoid institutionalisation to the greatest extent possible. Furthermore, in order to promote minimum use of detention, appropriate authorities should be appointed toimplement alternatives, and volunteers, local institutions and other community resources should be called upon to contribute to the effective rehabilitation of juveniles in a community setting.

The CRC clearly prohibits the use of the death penalty as well as life imprisonment without the possibility of parole or release for any crimes committed when the person was under the age of 18. This is irrespective of the age the person was at the time of the trial or sentencing or of the execution of the sanction.

UNICEF and Children in Conflict with the Law

Juvenile justice is part of UNICEF's overall commitments to Child Protection, an area which addresses prevention and response to violence, abuse and exploitation of children, as well as the particular rights of children not in the care of their families.

In the majority of countries where UNICEF works, activities are underway to promote the reform of justice systems for children in conflict with the law. This work is undertaken in various legal and social contexts, including areas undergoing armed conflict, where instrumental use of children can put them in conflict with the law and endanger their rights to due process and child-specific treatment before the law.

UNICEF works to support the reform of legal systems by encouraging local actors to revise and implement legislation that is in conformity with international standards. UNICEF also builds the capacity of actors within the juvenile justice system so as to specialise in a child rights-based approach to their work. In order to coordinate inter-sectoral reform, UNICEF acts as a convenor among NGOs and the various ministries of government, including Justice, Corrections, Social Welfare, Youth, and Interior. UNICEF

also works with the media and NGOs to support child justice reforms and educate the public about children's rights.

UNICEF has recently also issued a *"Toolkit on Diversion and Alternatives to Detention"*, available online. The toolkit provides clear, user-friendly guidance and practical tools for those who work in the area of juvenile justice.

UNICEF is also partnering with the UN Office on Drugs and Crime to strengthen juvenile justice systems to promote reforms and to protect the rights of child victims and witnesses worldwide. As part of the collaborative efforts, the two organizations have issued a number of joint tools and online training modules.

Some Good Practices from the region

Bangladesh

Aparajeyo, a local child rights NGO, has been promoting alternatives to pre-trial detention in selected districts through its Juvenile Justice Project. The project is staffed by a team of legal advisers, social workers and child rights officers. The social workers regularly visit the target police stations to facilitate the monitoring of children in conflict with the law and to negotiate the release of children from police stations. The legal advisor and panel of lawyers represent the children in court and advocate for the release of the child on bail. In some cases, Aparajeyo provides funding for bail bond if the child's parents cannot be located, or cannot afford to pay.

Children released from police custody or granted bail by the Court are taken to one of Aparajeyo's 24 safe shelters. The social worker attempts to locate the child's parents and turn the child over to them, and provides follow-up visits to check on the child after he/she has been returned.

India

Through new legislation passed in 2000, India has introduced an innovative partnership approach for the management of children's institutions. Under the law, State governments must establish special children's homes on their own, or under agreement with voluntary organizations or NGOs. This partnerships approach is being actively encouraged by the central government, and has shown considerable success. In some cases, NGO personnel are providing education, vocational training and other programmes in institutions that are managed and staffed

by the government. The state of Andhra Pradesh has put into practice a scheme of co-management of the state's children's institutions, under which each institution will have a key NGO co-managing the institution. In other cases, the State government has certified institutions that are fully operated and managed by a trusted NGO, with State funding support. This has reportedly improved the quality and range of services being provided to the children, since NGOs generally have specialised staff and are able to mobilise community involvement and volunteer professional services from doctors, lawyers, etc.

The Philippines

ABAY is a unique, church-based initiative that endeavours to help juveniles in conflict with the law by promoting restorative justice through community-based alternative programmes and services. ABAY applies diversion approaches for disputes of a non-serious nature. As soon as the Family Court Diversion Committee completes conferencing, and the proceedings are signed by all parties (the juvenile, guardians/parents and complainants), the Family Court social worker refers the juvenile to ABAY for community-based rehabilitative services (the Family Court provides ABAY with a copy of the document signed by all the parties). ABAY immediately conducts a home visit and orients the juvenile and his/her family regarding the programme to be provided by ABAY for the juvenile.

CONCLUSION

In conclusion, let me summarise the leading principles of a comprehensive policy on juvenile justice based on the Convention on the Rights of the Child.

These include the following:

- Non-discrimination – all children in conflict with the law are treated equally

- Best interests of the child – in all decisions taken within the context of administrative juvenile justice, the best interests of the child should be a primary consideration

- The right to life, survival and development – the inherent right of every child should guide national policies and programmes on juvenile justice – the death penalty and a life sentence without parole are explicitly forbidden

- The right to be heard – the right of the child to express his/her views freely in all matters affecting the child

- Dignity – treatment that takes into account the child's age and promotes the child's reintegration and the child's assuming a constructive role in society

It is very important that when children come into contact with the law as victims, witnesses, offenders or complainants, they are met with a system that understands and respects both their rights and their unique vulnerability. Child-friendly justice embraces the idea that courts can be a powerful tool to positively shape children's lives and at the same time recognises the reality that contact with the legal system is all too often more a source of additional trauma than a remedy for children.

Child-friendly justice demands of us to appreciate and minimise the challenges that children face at each step in each aspect of a legal proceeding, building confidence in the view of the justice system as a solution to children's legal issues rather than another of an already long list of problems. Respecting child-friendly justice principles will not only eliminate many of the traumatic experiences children face in the legal system, it will foster greater respect for their rights by providing children the full access to justice they need to bring violations of these rights forward.

There is no shortage of international standards, legal principles and guidance to assist Government and courts seeking to reform the system of juvenile justice in the country. What is needed is an effective and rights-based approach to juvenile justice and children in conflict with the law – based on the principles and provisions of the CRC.

GLOBAL AND REGIONAL TRENDS
IN EARLY CHILDHOOD CARE AND EDUCATION[41]

What is ECCE?

- The glossary of the 2006 edition of the EFA Global Monitoring Report (UNESCO, 2005a) defines ECCE as follows:

  "Programmes that, in addition to providing children with care, offer a structured and purposeful set of learning activities either in a formal institution or as part of a non-formal child development programme. ECCE programmes are normally designed for children from age 3 and include organized learning activities that constitute, on average, the equivalent of at least 2 hours per day and 100 days per year."

In this definition ECCE encompasses pre-primary education but also includes "non-formal child development programmes" as well.

- ECCE programmes encompass very diverse arrangements, from parenting programmes to community-based child care, centre-based provision and formal pre-primary education, often in schools. Programmes typically aim at two age groups: children under 3 and those from age 3 to primary school entry.

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[41] Presentation: Forum on World Trends in Early Childhood Care and Education, 5 March 2011, Kuala Lumpur, Malaysia.

Why ECCE?

- ECCE is a right for all children, recognized in the Convention on the Rights of the Child. ECCE can improve the well-being of young children, especially in the developing world, where a child has a four in ten chance of living in extreme poverty and 10.5 million children a year die from preventable diseases before age 5. Early childhood is a time of remarkable brain development that lays the foundation for later learning.

- ECCE contributes to the other EFA goals (e.g. it improves performance in the first years of primary school) and to the Millennium Development Goals, especially the overarching goal of reducing poverty, as well as the education and health goals.

- It is more cost-effective to institute preventive measures and support for children early on than to compensate for disadvantage as they grow older. Affordable, reliable child care provides essential support for working parents, particularly mothers.

- Investment in ECCE yields very high economic returns, offsetting disadvantage and inequality, especially for children from poor families.

Goal of Universal Primary Education compared to ECCE

	UPE	ECCE
Target	All primary school age population into school	Expansion, with a focus on vulnerable and disadvantaged children. Different interpretations of 'expansion': more children enrolled, more time spent on programmes per year, more years, etc.
Delivery	Predominantly formal	A range of modalities from sparsely supported home-based to formal pre-school
Staff required		Professionals, paraprofessionals, parents, siblings, nannies, babysitters. However, untrained carers may gradually reach higher levels of professionalism
Focus of the intervention		Children and/or parents (e.g. mothers attending literacy programmes that address child upbringing)

	UPE	ECCE
Entry age		At the earliest, ECCE starts soon after birth. At the latest it starts one year before entry in primary school
Frequency and duration		Very diverse: from once a week to 5 days a week, from just a few hours to a full day, etc. The duration also varies widely.

What is the current global situation?

(From: Strong Foundations for ECCE - EFA Global Monitoring report 2007)

- About 80% of developing countries have some sort of formally established maternity leave, although enforcement varies.

- The youngest children have been neglected. Almost half the countries in the world today have no formal programmes for children under 3 years.

- Enrolment in pre-primary education has tripled since 1970, though coverage remains very low in most of the developing world.

- Most OECD countries have at least two years of free pre-primary education.

- Among developing country regions, Latin America, the Caribbean and the Pacific have the highest pre-primary gross enrolment ratios; far behind come East Asia, South and West Asia, the Arab States and sub-Saharan Africa.

- After sharp declines in the 1990s, pre-primary enrolments in transition countries are slowly recovering in Central and Eastern Europe but still lag in Central Asia.

- Among developed and transition countries, and in Latin America, most ECCE provision is by the public sector. The private sector is prominent in sub-Saharan Africa, the Arab States, the Caribbean and East Asia.

- Most regions are near gender parity in pre-primary education.

- There are large disparities within countries. With a few notable exceptions, children from poorer and rural households and those socially excluded (e.g. lacking birth certificates) have significantly less access to ECCE than those from richer and urban households.

- The children most likely to benefit from ECCE programmes – those most exposed to malnutrition and preventable diseases – are the least likely to be enrolled.

- ECCE staff in developing countries typically have minimal education and pre-service training, and are often relatively poorly remunerated.

- Governments accord relatively low priority to pre-primary education in their spending. The broad mix of public and private providers and a lack of data make it difficult to calculate total national expenditure on ECCE. Countries can estimate the cost of reaching the goal by developing scenarios that differ in terms of coverage, quality and nature of provision.

- ECCE is not a priority for most donor agencies. Almost all allocate to pre-primary less than10% of what they give for primary education, and over half allocate less than 2%.

Overview: Early Childhood Care and Development

- At least 200 million children aged under 5 years fail to reach their potential in cognitive and socio-emotional development, because of following main causes: (a) malnutrition that leads to stunting, (b) iodine and iron deficiency, (c) inadequate stimulation in their first 5 years of life.

- The beneficial impact of early childhood care and education (ECCE) on several of the Millennium Development Goals (MDGs) is undisputed. Investments in ECCE pay for themselves by improving children's performance later on in education, and in terms of a number of more broad social outcomes such as a good health, a stable family life, higher chances of employment, lower crime rates, and so on. Yet, the majority by far of public investment in basic education is committed to primary education. Sadly, the

same can be said about the international aid community which allocates most of its funding for basic education to primary education. (Ravens and Aggio: Working Paper on Expanding Early Childhood Care and Education, 2008).

- While Education for All (EFA) Goal One sets no numerical target, its text is very clear about the required focus of governments' policies: *"Expanding and improving comprehensive early childhood care and education, especially for the most vulnerable and disadvantaged children"*. Our focus should be on excluded groups as the present enrolment concerns mainly the more privileged children. This is also in keeping with the "Equity Agenda" of UNICEF.

- Within education, early learning strongly enhances success in further phases of education. In Jordan it was found that kindergarten attendance had a bigger influence on scores on an early years evaluation test than the place where children live (urban versus rural), gender and even family income (Hussein, 2005). In other words, ECCE has the potential, over time, to help to bridge gaps that exist between groups in a society.

- Enhanced levels of school readiness should eventually translate into lower drop out rates and lower grade repetition rates. In a study covering sub-Saharan Africa, Jaramillo and Mingat (2006) estimated that investments in ECCE would be offset by up to 87% as a result of higher efficiency within primary education alone. This suggests that the full 100% of investments, and probably much more, will be recovered if the benefits that accrue at higher levels of education and beyond are taken into account.

- The evidence of the benefits of ECCE and its capacity to 'pay itself back' was reviewed in the EFA Global Monitoring Report (UNESCO, 2006). This review underscores that ECCE contributes, more or less directly, to all of the other EFA goals, and to several of the eight MDGs, and that it is clearly worth the investment. However, some of ECCE's benefits take a long time to materialise, and this limits the extent to which the gains can be used as political arguments to enhance investment in ECCE today.

Early Child Development Scale – A Regional Initiative in Asia Pacific

- To have a tool, based on Asian children, that allows for holistic child development to be assessed.

- We are using the ELDS indicators and information from country's validation studies to develop a scale to assess child development in countries in the Asia Pacific.

- To capitalize on the enormous energy put into the development of national ELDS in the region and use them at a regional level for a tool which can be used by academics, researchers and ECD implementers.

What have we done:

- Developed categories and sub-categories under which indicators are clustered

- Established reliability of coding categories for each indicator.

- Calculated frequency of indicators by category, subcategory, and child age for each country and total countries

- Eliminated indicators in the following cases:

  - if the item is unique to one country,

  - item is not clearly defined,

  - item is difficult to operationalize.

  - is reflected in more than one domain.

- Now we have 1410 indicators with 7 categories for ages 3, 4 and 5

  - Motor

  - Self-care

  - Culture Knowledge and Values

  - Self and Social Understanding

  - Cognitive Development

- Language and Emergent Literacy

- Approaches to Learning

• Next, we are creating a list of about 100 indicators and we would like to assess children to see if they demonstrate the associated competencies

• Pilot study – end of 2011.

The Way Forward

• Complete the national and regional standards on ECCE in order to comprehensively assess the holistic development of children during the early years

• Advocate and promote early childhood learning and education both as a right in the CRC and a pre-requisite to positive childhood and human development - with Government, donors , policy makers and the private sector – especially the medical and public health authorities

• Build capacity of ECCE personnel at all levels in the required knowledge, skills and competencies

• Implement early interventions for childhood development – with families and caregivers – particularly for disadvantaged children

• Expand pre-school educational and learning programmes – with components linked to health and nutrition

• Incorporate early childhood development into existing services and systems at all levels – again, with special focus on the most marginalised and disadvantaged children and families.

By way of conclusion:

"Five and six-year-old children are the inheritors of poverty's curse and not its creators. Unless we ACT these children will pass it onto the next generation like a family birthmark"

(President Lyndon B. Johnson)

OUR CHILDREN - OUR ASSET AND OUR FUTURE[42]

INTRODUCTION

It gives me great pleasure to speak to you this afternoon at this 4th National Early Childhood Intervention Conference being held here in Sibu, Sarawak, from 7 to 9 June 2012. I am particularly pleased that this conference on ECCE is focusing on children with special needs – an area that is critical, lacks attention and is often ignored in ECCE policies and programmes in the country.

No one will dispute the fact that the early years, from birth to age 6, are ones of extraordinary physical and intellectual development for the child. This is an age where children discover the world, acquire language and comprehension skills, learn to reason and express ideas, relate to others and live together. It is a time of remarkable brain development, but also an extremely vulnerable time for young children, especially in the developing world, where a child has a four in ten chance of living in extreme poverty and 10.5 million children under age of 5 die from preventable diseases every year.

There is also growing evidence about how critical the early years are to a child's development. It is becoming increasingly clear that the development of the brain in the early years is a pathway that affects physical and mental health, learning, and behaviour throughout the life cycle. Evidence shows that children who are well nurtured during this period

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tend to do better in school and stand a better chance of developing the skills required to contribute productively to social and economic development.

Early childhood care and education programs yield greater investment returns than any other level of education. Strong foundations for children form strong foundations for building more equitable societies in which all may prosper.

Well nurtured and cared for in their earliest years, children are more likely to survive, to grow in a healthy way, to have less disease and to develop thinking, language, emotional and social skills. Yet, today over 200 million children under five worldwide do not receive the appropriate care and support of their development to become physically healthy, mentally alert and emotionally secure adults. Because of poor health, under nutrition and poor learning environments that fail to provide adequate responsive stimulation and nurturing, too many children around the world are entering school late, perform poorly in school and are not able to achieve their full potential. The effects reach far beyond the individual lives of children. They impact families, communities and the development of entire nations.

Research findings in neuroscience and genetics, supported by nutrition and child development studies, point to the critical early childhood phase as the foundation for the child's entire life. Sound investments in ECCE offer outstanding returns – both in human and financial terms. At the global level, ECCE programmes have helped to reduce social and economic disparities and gender inequalities that divide societies and perpetuate poverty. According to World Bank economists, "well targeted ECCE programmes cost less and produce more dramatic and lasting results than education investments at any other level".

School – the rite of passage

Going to school is one of the few rites of passage shared in countries the world over. School is where we learn the skills to prepare us for our responsibilities as adults. School is where we make friends to last a lifetime. School is where we learn about the rules that govern our communities and our nations. Article 26 of the Universal Declaration of Human Rights guarantees "the right to education…directed to the full development of the human personality and promot(ing) understanding, tolerance and friendship." Yet 77 million children are not in school – and at least 25 million

of them have a disability (UNESCO,2006). Even more appalling, no more than 5% of children with disabilities complete even a primary education (World Bank, 2003). Most of those children live in developing countries.

On the global stage there is a coordinated effort which recognizes education as one of the major tools for the eradication of poverty. Embedding the goal of universal primary education in the Millennium Development Goals (MDGs) adopted by the United Nations (UN) in the same year helped to focus investment in education. *Education for All* (EFA) has become a universal goal and a basis for investment. The World Education Forum in Dakar, Senegal in 2000 acknowledged the Salamanca Statement and admitted how far there was to go to meet the goals of *Education for All* – towards providing access to education to more than 113 million children.

More recently, the UN adopted the Convention on the Rights of Persons with Disabilities (CRPD). Article 24 calls for States parties to "ensure an inclusive education system at all levels." UNESCO, the United Nations Children's Fund (UNICEF), the OECD, the World Bank and others have given their support to the concept of "inclusive education." At the same time that international policies and law have endorsed the concept of inclusive education, people at all levels and in every region of the world have helped to bring about change. Our members report on positive examples of students with disabilities being educated in inclusive settings in all parts of the world—from the best equipped schools in North America and Europe to some of the poorest communities of India.

The 1994 Salamanca Statement recognizes education a fundamental right of ALL children, including children with disabilities. It calls for education systems to be inclusive and designed to take into account the diversity of all children.

The Statement calls on governments to – among others:

- give the highest <u>policy and budgetary priority</u> to improve their education systems,

- adopt as a matter of law or policy the <u>principle of inclusive education,</u> enrolling all children in regular schools, unless there are compelling reasons for doing otherwise,

- develop <u>demonstration projects and encourage exchanges</u> with countries having experience with inclusive schools,

- establish <u>decentralized and participatory mechanisms</u> for planning, monitoring and evaluating educational provision for children and adults with special education needs,

- encourage and facilitate the <u>participation of parents, communities and organizations</u> of persons with disabilities in the planning and decision making processes concerning provision for special educational needs,

- invest greater effort in <u>early identification and intervention strategies</u>, as well as in vocational aspects of inclusive education,

- ensure that, in the context of a systemic change, <u>teacher education programmes</u>, both pre-service and in-service, address the provision of special needs education in inclusive schools.

Inclusive Education

UNESCO, in 2006, describes inclusive education as a process of addressing and responding to the diversity of needs of all learners through inclusive practices in learning, cultures and communities and reducing exclusion within and from education. It involves changes and modifications in content, approaches, structures and strategies, with a common vision which covers all children of the appropriate age range and a conviction that it is the responsibility of the regular system to educate all children. (UNESCO, 2006)

These descriptions of inclusive education have helped to highlight the needs of children with disabilities. They have resulted in many innovative and progressive efforts to support children with disabilities in the regular education system in many countries. However, other policy documents have clouded this mandate. They have shifted the focus from "inclusive education" to a focus on simply providing children with disabilities with an education. The "inclusion" factor is sidelined and the provision of education to students with disabilities remains in separate special education programs. While some of these initiatives have helped some previously excluded children to receive an education, they have needlessly been at odds with the vision of the Salamanca Statement and have in some cases seriously undermined it.

The Convention on the Rights of Persons with Disabilities (UN-CRPD) **promotes the goal of full inclusion and guarantees the right of every child to attend the regular school with the supports they require.**

Inclusive education requires that schools are supported to welcome all students with adaptations made for all special needs.

UNICEF & ECCE for children with special needs

Since its inception in 1946, UNICEF has worked with governments to alleviate the suffering and increase the opportunities for the world's most vulnerable children. As nations have developed and become more able to meet their basic survival needs and the security of their children, so UNICEF has been able to expand its mandate with a more comprehensive rights based approach to its programs. In real terms, UNICEF's contribution to the welfare of children will come through the development of strong partnerships with key actors responsible for ensuring that the rights of children are realized.

UNICEF has recently made the promotion of inclusive education a priority for its role in implementing the UN Convention on the Rights of Peoples with Disabilities (UN-CRPD). In a report prepared by UNICEF in 2009, it was acknowledged that it was 'regaining' energy and involvement in promoting inclusion of children and youth with disabilities, including children with intellectual disabilities. It now has a number of initiatives underway at its headquarters and through its various country offices, including larger scale initiatives with donor and recipient countries focused on identification of children with disabilities, teacher training, accessibility of schools, development of information tools and resources on disability, human rights and inclusion.5 The CRPD is having a positive impact on strengthening both the mandate and operations of UNICEF in this area. At UNICEF Headquarters a position paper is being developed on promoting and implementing early intervention and inclusive education for children with disabilities within the framework of UNICEF's Global Education Strategy.

UNICEF & ECCE in Malaysia

In relation to ECCE in Malaysia, UNICEF has over the years engaged in collaboration with the Ministry of Education, Ministry of Rural and Regional Development and other agencies in various initiatives, like Early Childhood Development for Orang Asli communities or the formulation of Early Learning Development Standards (ELDS) for children up to 6 years old. We

have also provided learning materials for children in rural areas and for children in plantations. This kind of engagement needs to be strengthened, intensified and broadened to involve relevant actors in federal and state governments, the private sector as well as NGOs if we want to ensure that all children will have the opportunity to achieve their full potential.

In Malaysia, UNICEF has supported the MOE in improving the Individual Education Plan (IEP) for children with special needs. The new IEP will include those with autism, Down's Syndrome, cerebral palsy, ADD (Attention Deficit Disorder), ADHD (Attention Deficit Hyperactive Disorder), speech and hearing disabilities and the Visually Impaired. Due to be introduced nationwide, the new IEP will provide each child with an individualized education plan according to their skill base and individual capacities. An IEP is meant to ensure that students receive an appropriate placement, not only in special education classrooms or special schools. It is meant to give the student a chance to participate in 'normal' school culture and academics as much as is possible for that individual student.

While Malaysia has done tremendously well over the last 50 years in providing quantitative expansion and qualitative upgrading of the educational system at the primary and secondary school level, it is quite evident that Malaysia still faces challenges in relation to the support of younger children. Some of these challenges, in my view, would include:

- **Access to ECCE**, especially for children in lower income households, rural and geographically remote populations, indigenous communities and children with special needs;

- **Quality of ECCE**, including age appropriate curriculum, trained teachers, facilities for play, books and other educational materials, nutrition, and parental involvement;

- **Effective monitoring and evaluation**, coordination and standardization across different ECCE providers.

While we strive to address the challenges, strengthen existing partnerships and explore new ones within this multitude of actors, including the Ministry of Education, Ministry of Rural and Regional Development, Department of National Unity, the ECCE Council, PERMATA, state providers, universities and individuals, we at UNICEF is also looking into exciting initiatives being implemented at the regional and global

levels. One such initiative is the mother tongue based bilingual education or MTBBE at the preschool level. There is growing evidence from across Africa, Latin America and Asia that mother tongue based multilingual education is the most appropriate solution for children who do not use national languages in their home life. Good quality MT-based starts education in the children's first language and gradually introduces second or third languages as subjects. Children build up a strong conceptual picture of the world and academic concepts through a language they understand first, and later on transfer that to a second or third language. There is clear evidence that good quality MT-based MLE works, resulting in substantial efficiency savings to the education system and leading to better learning competencies and proficiency in both second languages and local language. Hence, in Sarawak, in collaboration with Sedidik SEDC and the Dayak Bidayuh National Association (DBNA), we aim to develop quality materials and support education in Bidayuh at the preschool levels, and we hope to extend this initiative to other ethnic communities in Sarawak, as well as the Orang Asli communities in Peninsular Malaysia.

Strategic Partnerships and Alliances

Policy development and change does not only happen at the top, resting solely in the hands of lawmakers and ministry officials. The holistic nature of ECCE requires collaboration, consensus and partnership across all the different actors and sectors involved in different aspects of ECCE. Each sector – whether it is health, nutrition, child protection or education – obviously has its own priorities, but each sector also has a significant role to play in the holistic development of young children.

Every local solution, successful research project, or advocacy effort has the potential to influence the thinking of decision-makers about what best supports young children and their families. As parents, teachers, community leaders or concerned citizens, we can all impact on robust and effective policy formation.

UNICEF is a strong believer in partnership and collaborative action. It is only through successful partnerships that young children can be reached with services and support. To this end, UNICEF works with a wide range of stakeholders from governments, national and international non-governmental organizations, United Nations agencies, community and local organizations and individual families.

CONCLUSION

At the National ECCE Conference 2011, we had agreed on 12 urgent and critical actions for young children in Malaysia. Among the pertinent actions relevant to this conference include;

- Ensuring equity by providing ECCE for every child in the country irrespective of his/ her origin, social and economic status, geographical location, religion or capability, in particular children in the remote interiors of Malaysia; and

- Enhancing mechanisms for early detection and intervention for children with special needs, including increasing the pool of specialists and equipping early childhood educators with knowledge and competence to assist these children;

I hope through this Conference we will be able to map a course of action that will raise the profile of early childhood programs for children with special needs on Malaysia's national agenda, a course that will lead to more and better learning opportunities for young children with different abilities.

Children are our most precious resource. Let us seize the opportunity of this conference to renew and expand our commitment to a healthy, happy start for all children. By investing in the early years, the whole of society will be enriched. Our Children are our Asset and our Future. We should not let them down.

KEYNOTE ADDRESS
The Breastfeeding Charter and Forum[43]

Ladies and Gentlemen,

I wish to thank the organisers for inviting UNICEF to speak at this Forum and I am very pleased to be here this morning. At the global level, UNICEF has been an active partner with WABA around the world since its inception in 1991. Here in Malaysia, UNICEF also collaborates with the Malaysian Breastfeeding Association – the organisers of the meeting today. This is yet another opportunity to strengthen these partnerships for children.

Breastfeeding – every child's right

Both UNICEF and WHO recommend early initiation of breastfeeding and exclusive breastfeeding until six months and continued breastfeeding for two years or beyond. Breastfed children have **at least six times greater chance of survival** in the early months than non-breastfed children. Breastfeeding drastically reduces deaths from acute respiratory infection and diarrhoea, two major child killers, as well as from other infectious diseases and stunting.

However, despite compelling evidence proving the importance of exclusive breastfeeding and sustained efforts to encourage it, progress in this area is patchy. Global rates of exclusive breastfeeding for infants under

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43   Keynote Address. The Breastfeeding Charter and Forum 2012. Malaysian Breastfeeding Association, Kuala Lumpur, Malaysia, 29 September 2012.

six months of age crept from 32 per cent to a mere 39 per cent between 1995 and 2010.

In Malaysia, Ministry of Health statistics in 2006 revealed that only 14.5 per cent babies were exclusively breastfed below six months, while only 19.3 per cent were exclusively breastfed below four months. The Health and Morbidity Survey 2 in 1996 showed there was a significant decline of 9.7 per cent in the prevalence of exclusive breastfeeding below four months. Sadly, these figures are among the lowest compared to the prevalence in other countries in Southeast Asia where the lowest national prevalence was in Cambodia at 11.4 per cent while the highest was in Nepal at 68.3 per cent.

The 2008 Lancet Nutrition Series highlighted the fact that a non-breastfed child is 14 times more likely to die in the first six months than an exclusively breastfed child. To address this issue we must first identify the barriers that prevent widespread breastfeeding, especially amongst the most disadvantaged communities, then address these obstacles and track our progress. This is especially important here in Malaysia – a high middle-income country which has the resources and institutions to reach disadvantaged communities and mobilise government agencies, the media and the private sector to overcome these barriers and actively promote breastfeeding. What is needed is political will of all key stakeholders, especially government.

The Barriers to Breastfeeding

Why is it difficult to promote breastfeeding among young mothers? There are a number of barriers to breastfeeding – salient among them are the following:

1. Breastfeeding and the working mother

Employed mothers typically find that returning to work is a significant barrier to breastfeeding. Women often face inflexibility in their work hours and locations and a lack of privacy for breastfeeding or expressing milk, have no place to store expressed breast milk, are unable to find child care facilities at or near the workplace, face fears over job insecurity, and have limited maternity leave benefits. Many mothers encounter pressure from co-workers and supervisors not to take breaks to express breast milk and existing breaks often do not allow sufficient time for expression.

A Malaysian study on understanding the reasons behind why women discontinue breastfeeding, published in the International Breastfeeding Journal, observed that it is important for workplaces to provide adequate breastfeeding support to ensure continuation of the internationally recommended time period for breastfeeding an infant.

Another reason is the lack of maternity leave can also be a significant barrier to breastfeeding. Studies show that women intending to return to work within a year after childbirth are less likely to initiate breastfeeding, and mothers who work full-time tend to breastfeed for shorter durations than do part-time or unemployed mothers.

2. Lack of Knowledge

Mothers who are knowledgeable about the numerous health benefits of breastfeeding are more likely to breastfeed. Research has shown that mothers tend to believe that breastfeeding is best for their babies, but they appear to know less about the specific reductions in health risks that occur through breastfeeding and the consumption of breast milk. Without knowing this information, mothers cannot properly weigh the advantages and disadvantages of breastfeeding versus formula feeding, and thus they cannot make a truly informed decision about how they want to feed their babies.

Knowing how to breastfeed is equally as important. Mothers who do not know how to initiate and continue breastfeeding after a child is born may fear that it will always be painful or that they will be unable to produce enough milk to fully feed the baby. As a result, they may decide to formula feed the child.

3. Poor Family and Social Support

A woman's ability to initiate and sustain breastfeeding is influenced by a host of factors, including the family and community in which she lives. The extent to which each of these entities supports or discourages breastfeeding can be crucial to a mother's success in breastfeeding.

Women with friends and family members who have breastfed successfully are more likely to choose to breastfeed. On the other hand, negative attitudes of family and friends can pose a barrier to breastfeeding. In many families, fathers play a strong role in the decision of whether to breastfeed. Fathers may be opposed to breastfeeding because of concerns about what their role would be in feeding, whether they would be able to

bond with their infant if they were personally unable to feed the baby, and how the mother would be able to accomplish household responsibilities if she breastfed. Although they can constitute a barrier to breastfeeding, fathers can also be a positive influence.

4. Health care provider's oblivion

Obstetrician-gynaecologists, paediatricians, and other providers of maternal and child care in clinics and hospitals have a unique opportunity to promote and support breastfeeding. Physicians who are ambivalent about breastfeeding or who feel inadequately trained to assist patients with breastfeeding may be unable to properly counsel their patients on specifics about breastfeeding techniques, current health recommendations on breastfeeding.

Because so many people look to healthcare professionals for advice, it is critical for them to be knowledgeable about breastfeeding. Many healthcare professionals have inadequate training about lactation. The unfortunate consequence of inadequate training is inappropriate management of lactation and a clinical bias toward use of human milk substitutes.

5. The Aggressive Marketing of infant formula

The aggressive marketing of infant formula is another negative influence on breastfeeding. The WHO *International Code of Marketing of Breast-milk Substitutes* declares that substitutes for breast milk should not be marketed in ways that can interfere with breastfeeding. Yet formula is marketed directly to the consumer through television commercials and print advertisements and indirectly through logo-bearing calendars, pens, and other materials in hospitals or doctors' offices. Formula is also marketed through the distribution of gift packs when a new mother is discharged from hospital, which contains samples of formula or coupons. These products are also frequently distributed as free samples to healthcare professionals and through direct distribution to families of young children.

The perceptions that these products are more up-to-date, convenient, or improved are false impressions created through marketing. These tactics have undermined the efforts of governments, nongovernmental organisations (NGOs), individuals, and international organisations to provide mothers and families with accurate information to help them make the right choices for their children and themselves.

6. Weak Public Health Infrastructures

An effective national public health program requires the basic coordination and monitoring of services. Activities to promote and support breastfeeding originate from a wide variety of entities, including federal, state, and local governments; non-profit organisations; and professional associations.

For breastfeeding to be successfully initiated and established, mothers need the active support during pregnancy and following birth, not only of their families and communities, but also of the entire health system. Worldwide, countries that have adopted "baby-friendly" hospital standards have seen dramatic increases in breastfeeding rates.

7. Negative Societal Attitudes

Even as public health officials are pushing for increased rates of breastfeeding, women are reminded over and over again that breastfeeding is not widely accepted in our society. Even among supportive groups of women, plans to breastfeed exclusively or beyond one year are often questioned or frowned upon. Women breastfeeding publicly can face stares, smirks, or inappropriate comments.

A side product of the negative societal attitudes towards breastfeeding is that nursing is not *seen* in our culture. Women who do nurse publicly often cover themselves or nurse in "private" places. By keeping it hidden, breastfeeding stays foreign, taboo, and stigmatised. Women do not see it as a normal or natural part of parenting, and don't see models of breastfeeding moms in their daily lives.

UNICEF's role in the global promotion of Breastfeeding Practice

UNICEF's overall goal in supporting national agenda's on breastfeeding protection is to protect, promote and support optimal infant and young child feeding practices. The expected results are improved nutrition status, growth, development, health and ultimately the survival of infants and young children.

UNICEF and WHO played critical roles at the global level in providing guidance in Infant and Young Child Feeding. The 1990 Innocenti Declaration on the Protection, Promotion, and Support of Breastfeeding focused

attention on four areas (national breastfeeding committees, maternity practices, maternity legislation, and the regulation of marketing of breastmilk substitutes). The Baby-friendly Hospital Initiative (BFHI) flourished in many countries in the early years due to intensive advocacy by UNICEF and WHO and the dedicated work of breastfeeding professionals.

WHO and UNICEF also jointly developed the Global Strategy for Infant and Young Child Feeding to revitalise world attention to the impact that feeding practices have on the nutritional status, growth and development, health, and thus the very survival of infants and young children. This exercise provided an exceptional opportunity to re-examine critically, the fundamental factors affecting feeding practices for infants and young children. At the same time, it renewed commitment to continuing joint action consistent with the Baby-friendly Hospital Initiative, the International Code of Marketing of Breast-milk Substitutes, and the Innocenti Declaration on the Protection, Promotion and Support of Breastfeeding.

An Agenda for Action

Given the importance of breastfeeding for the health and well-being of mothers and children, it is critical that we take action across the country to support breastfeeding.

The Protection, promotion and support of breastfeeding

The protection of breastfeeding is largely based on the full implementation of the International Code of Marketing of Breastmilk Substitutes and subsequent relevant World Health Assembly resolutions, including mechanisms for enforcement and prosecution of violations and a monitoring system that is independent of commercial vested interests.

Promotion depends on the implementation of national policies and recommendations at all levels of the health and social services system so that breastfeeding is perceived as the norm. Effective support requires commitment to establish standards for best practice in all maternity and child care institutions and services.

At an individual level, it means access for all women to breastfeeding supportive services, including assistance provided by appropriately qualified health workers and lactation consultants, peer counsellors, and

mother-to-mother support groups. Family and social support through local projects and community programmes, based on collaboration between voluntary and statutory services, should be encouraged.

The right of women to breastfeed whenever and wherever they need must be protected. All protection, promotion and support activities should be geared in particular to women less likely to breastfeed and their families.

Communication for Behaviour and Social Change

Adequate communication for behaviour and social change is also crucial for the re-establishment of a breastfeeding culture in countries where artificial feeding has been considered the norm for several years or generations. Expectant and new parents have the right to full, correct and independent infant feeding information, including guidance on safe, timely and appropriate complementary feeding, so that they can make informed decisions.

Develop systems to guarantee continuity of skilled support for lactation between hospitals and health care settings

Upon discharge from their stay in the hospital, many mothers are unable to find and receive skilled breastfeeding support. Mothers often are left on their own to identify resources to help with questions and problems they may have with breastfeeding. Furthermore, hospitals, clinicians in the community, and community organisations typically lack systems to help connect mothers to skilled persons who can offer support for breastfeeding. Ideally, there should be a system to ensure that breastfeeding mothers and their infants would receive skilled support with lactation from informed and available health care teams. Hospitals, primary care clinicians, and community organisations share responsibility for creating such systems.

Provide education and training in breastfeeding for all health professionals

Clinicians are consistently identified by patients as preferred sources of information and guidance on breastfeeding. Therefore, clinicians need to demonstrate competency in supporting lactation and breastfeeding. Competency in lactation care among health professional disciplines and specialties is required to ensure optimal breastfeeding management and support. In addition to developing standards, certifying boards and other professional organisations can ensure competency in lactation care through training, continuing education, exams, and quality improvement programs.

Use community-based organisations to promote and support breastfeeding.

Organisations that are based in communities are aware of the specific barriers that women in their communities face and can identify workable solutions for these women. In most cases, these organisations understand the culture and customs of the residents in the community, as well as their needs and opportunities. Questions and concerns about breastfeeding may be handled by organizations whose primary mission is to promote and support breastfeeding or by other organisations involved in family health.

Curbing the marketing of infant formula

The *International Code of Marketing of Breast-milk Substitutes* (the Code) establishes rules for the protection of mothers from the influences of false and misleading advertising, including unethical marketing practices of substitutes for breast milk. The Code, developed in concert with manufacturers of infant formula, spells out both appropriate and inappropriate marketing practices. Although its provisions are not legally binding in Malaysia, various means of encouraging voluntary adherence should be developed.

The distribution of materials on infant feeding provided by manufacturers and distributors of products under the scope of the International Code of Marketing of Breastmilk Substitutes that is not approved by appropriate government authorities should be prevented.

International Code of Marketing of Breastmilk Substitutes precludes advertising directly to consumers and does not allow for distribution of free samples to the public. Public health entities could help by making information on violations of the Code publicly available.

With the proliferation of new kinds of infant formula, a variety of claims are being made about their contents and health benefits. The validity of these claims should be reviewed. Furthermore, research is needed on how consumers perceive the claims being made, whether they think messages are believable, and how these claims affect consumers' behaviour. The findings should be used to identify the marketing practices likely to have a negative impact on exclusive breastfeeding.

The distribution of materials such as free samples, pamphlets, notepads, growth charts, or gifts that bear logos from companies marketing infant formula implicitly endorses formula feeding. Given the health consequences of not breastfeeding, clinicians should not implicitly promote infant formula by providing venues for its advertisement.

Lactation support programs for employees

Evidence demonstrates that supportive policies and programs at the workplace enable women to continue providing human milk for their infants for significant periods after they return to work. High-quality lactation programs go beyond just providing time and space for breast milk expression, but also provide employees with breastfeeding education, access to lactation consultation, and equipment such as high-grade, electric breast pumps.

Monitoring

Monitoring and evaluation procedures are integral to the implementation of an action plan. To ensure comparability, monitoring of breastfeeding initiation, exclusivity and duration rates should be conducted using standardised indicators, definitions and methods.

Monitoring and evaluation of practices of health and social services of implementation of policies, laws and codes, of the coverage and effectiveness of communication for behaviour and social change activities, and of the coverage and effectiveness of training, using standard criteria,

should also be an integral part of action plans. The results of monitoring and evaluation activities should be used for re-planning.

Improve national leadership on the promotion and support of breastfeeding

Low rates of breastfeeding are a public health problem of national significance. Although many organisations and public health agencies have contributed to improvements in breastfeeding over time, coordinated leadership of these efforts is still lacking. Increased efforts are needed to develop and implement an action plan on breastfeeding.

No single federal agency can take full responsibility for breastfeeding because activities occur in many different agencies, including those devoted to health, agriculture, labour, defence, and education. All of these agencies have roles and responsibilities related to the promotion and support of breastfeeding.

Breastfeeding – A Baby's Right no matter where

For the preservation of life, for the future of nations, and in defence of the most beautiful act in the world, we must protect the dignity of motherhood and the right of the child to be breastfed after birth.

We must be bold, proactive and innovative with our actions to institutionalise support for the practice of breastfeeding and establish a culture of breastfeeding as the normal, natural and preferred method of feeding infants and young children, regardless of location.

While it is mothers who breastfeed, we all have a duty to share in her responsibility. As fathers, brothers and sisters, as members of society, as policy makers and as employers, as friends and as colleagues, we must step forward in defence and in support of mothers who breastfeed.

In June this year, governments and partners from over 80 countries met in Washington DC for the *"Child Survival Call to Action: A Promised Renewed"* to pledge their support, commitment and end preventable child deaths. Breastfeeding, especially exclusive breastfeeding in the first six months of an infant's life, plays a critical role in preventing illnesses and death. Today, as we gather here to renew our commitments to childhood

survival, we also want to stress the crucial need to accelerate and scale up programmes to improve breastfeeding practices – for this to be a priority for government agencies, private sector, NGOs and other development partners.

UNICEF joins the Malaysian Breastfeeding Association in urging all partners to step up efforts to protect and promote breastfeeding practices in Malaysia. Together, we can reach mothers everywhere and help give their children the right start in life which they deserve and which is their basic right.

The five principles of the Malaysian Breastfeeding Charter and Plan of Action that we are adopting today provides an excellent platform for sustained advocacy and influencing with Government agencies, private sector, NGOs, community groups, fathers/mothers and the public.

To recall these five principles:

1. ***Breastfeeding is a Human Right -*** Women and children have the right to a safe and supportive environment for breastfeeding

2. ***Breastfeeding is Healthy for Babies! -*** Breast milk is the complete food for infants

3. ***Breastfeeding Empowers Women!*** -Breastfeeding is an act of strength, power and pleasure for women by being in control of their own body and increasing their confidence in their ability to meet the needs of their infants

4. ***Breastfeeding is the Best Investment!*** - Breastfeeding contributes to household food security and saves unnecessary purchase of breast milk substitutes, feeding equipment and medical care

5. ***Breastfeeding is Nature's Way!*** - Breastfeeding is a natural and renewable resource - there is no substitute for breastmilk!

Let us all make a firm commitment today to promote breastfeeding and to support the Malaysian Breastfeeding Charter and Action Plan.

Thank you.

STOP IT NOW!
End Violence Against Children Campaign[44]

Esteemed Guests, Ladies and Gentlemen

A very warm greeting to all of you.

I am honoured to be here with you today and particularly pleased to participate in the Malaysia launch of the #ENDviolence initiative – which is rapidly gaining momentum throughout the world.

By virtue of your presence here today – representing government officials, civil society, childcare providers, parents and children themselves – I recognize there is a deep commitment to end violence against children in Malaysia. We are all a part of a growing chorus calling for an end to the abuse of girls and boys …not just today but every day.

There is no adjective that can adequately describe the depth of the anger we should feel about violence that children have to suffer. From our work at UNICEF and with all of our partners across the world, we know all too well that violence against children – be it physical, emotional or sexual abuse -- happens everywhere, in every country, every community and every segment of society.

Violence does not discriminate. It cuts across race, religion…country, class, and culture. It flourishes, hidden in plain sight … in homes and families…schools and workplaces… care homes and communities. Too

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44   Speech. Stop It Now – End Violence against Children Campaign. Malaysia, 23 November 2014.

many people turn a blind eye. And far too many children lack the confidence and the means to speak out, to tell a trusted adult, to find a safe space.

When violence occurs, the physical wounds or bruises may disappear but the mental scars may not. The impact of this violence against children can be lifelong, and even passed from generation to generation. When young people experience violence, the likelihood of their becoming future victims and of acting violently themselves as adults increases. Victim can become perpetrator.

Violence affects children's physical and mental health, compromises their ability to learn and socialize, and undermines their development as functional adults and good parents later in life. It is a gross violation of children's rights and every standard of civilised behaviour. As long as it continues, it diminishes us all…wherever it happens.

We were all children once. This is something we all have in common. Many of us have a child or are involved in the lives of children in some way. We want children to grow up to be happy, healthy, strong and productive. We want them to thrive.

Children are both the present and the future. They represent the next wave of parents, grandparents, caregivers, teachers, doctors, police officers, judges, community leaders, faith-based leaders, politicians and decision-makers. How we address the violence affecting children today will have a direct bearing on future families and societies.

We know that violence is not inevitable. It is possible to break the cycle of violence against children, and it is our moral and human rights imperative to act now. We can prevent violence and we can start today.

Protecting children from harm is at the heart of UNICEF's mandate, and has been since the organization's inception. The United Nations Convention on the Rights of the Child, which guides UNICEF's work, specifies that every child, everywhere, has the right to survive, grow and be protected from all forms of violence.

From our experience across the world, we know that we CAN protect children from violence. That it is preventable. There are six strategies that are critical for success 1:

1. START FROM FAMILY - We must support parents, caregivers and families. By educating families, caregivers and parents on their

child's early development, we increase the likelihood that they will use positive disciplining methods. This reduces the risk of violence within the home.

2. EMPOWER CHILDREN & ADOLESCENTS - We must giving children and adolescents the skills to cope; and manage risks and challenges without the use of violence. And we must encourage them to seek appropriate support when violence does occur. This is crucial for reducing violence in schools and communities.

3. ADDRESS SOCIAL NORMS - We must change the attitudes and social norms that hide violence in plain sight. This is the surest way to prevent violence from occurring in the first place.

4. PROFESSIONAL SERVICES - We must promote and provide quality professional support services for children; and encourage children to seek these services and report incidents of violence. This will help them to better cope with and resolve experiences of violence.

5. LAWS & POLICIES - We must implement and enforce laws and policies that protect children to send a strong message to society that violence is unacceptable and will be punished.

6. DATA & RESEARCH - We must carry out data collection and research. Knowing about violence – where it occurs, in what forms, and which age groups and communities of children are most affected – is essential to planning and designing intervention strategies, and setting numerical and time-bound targets to monitor progress and end violence.

We all have a role to pay to END violence. Not just the governments and lawmakers; but parents, extended families, teachers, religious and community members and the media. We must all begin by shining a light on violence and speaking up no matter where it occurs. By making the Invisible Visible.

In 2013, UNICEF's Executive Director Anthony Lake launched the #ENDviolence campaign to mobilise actions across to world in support of children. In some 12 months, the movement has grown and nearly 70 countries and hundreds of thousands of people from all walks of life have joined the call. They are speaking up and are taking action to end violence against children by making the Invisible Visible.

I am honoured to be here today to participate in Malaysia's official launch of this campaign. I congratulate our dear friends in the Association of Registered Childcare Providers Malaysia for their leadership in putting together this year long campaign; and thank our mutual partner DiGi Telecommunications for championing this.

What cannot allow violence to remain invisible, any more. UNICEF remains committed to supporting the national efforts in ending violence against children. Together, let us commit by making certain that every child counts, to ensuring that every girl and every boy in Malaysia can grow up in a world feeling secure and protected.

Thank you.

STRENGTHENING THE JUVENILE JUSTICE SYSTEM IN MALAYSIA[45]

Ladies and Gentlemen,

Thank you for inviting UNICEF to provide our perspective and share our experiences on the juvenile justice system in Malaysia and the rights of children in conflict with the law.

The theme that you have chosen for Law Awareness Day comes at the right time, as the Government of Malaysia just launched in March 2014 a report on the Juvenile Justice System in the country, detailing the mechanisms for handling children in conflict with the law.

This report, prepared by the Ministry of Women, Family and Community Development in collaboration with UNICEF, provided an overview of current practices in the juvenile justice system and identified opportunities to apply innovative new approaches based on international best practices.

The term "juvenile justice" refers to legislation, norms and standards, procedures, mechanisms and provision, institutions and bodies specifically applicable to juvenile offenders. In Malaysia, the principal Act governing the handling of children in conflict with the law is the Child Act 2001, which outlines the main structure, processes and procedures for responding to children who commit criminal offences.

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[45] Keynote Address. Taylor's University Law Awareness Day 2014. Detention of Juveniles under the Criminal Justice System, Kuala Lumpur, Malaysia, 29 May 2014.

Why children enter the juvenile justice system

When exploring issues within the juvenile justice system, we should first consider why and how children enter the system. Children come into conflict with the law for many reasons. For the most part, however, engaging in rebellious or low-level criminal behaviour is a normal practice when growing up. Most young people will "age out" of this behaviour without necessarily harbouring criminal tendencies.

It is important to look at the situation holistically when children get into trouble. Certain factors like abuse, neglect, family problems, learning disabilities, mental health problems as well as drug and alcohol abuse, make children vulnerable to situations where they could get into conflict with the law. Child offenders often come from poor families as well, largely because they have restricted access to protection services, among others.

Each time children come into conflict with the law, they are at a crossroads. Each crossroad is an opportunity to change the direction taken by the child – we need to give children a "second chance". In the right environment, with the right guidance and the right approach, children who come into conflict with the law can be supported towards a life that fulfils his or her potential and re-integration into society.

An effective juvenile justice system

The Malaysian Government has recognised that a comprehensive juvenile justice system is the key to giving opportunities for children in conflict with the law to turn their lives around. How children are handled in the justice system – from arrest to detention, sentencing and rehabilitation – can have a profound impact on their future, and may determine whether they grow up to become productive citizens or fall into a life of crime.

An effective juvenile justice system has to be rooted in the principles of the Convention on the Rights of the Child, which states that the human rights of the child should be respected throughout the juvenile justice process. The child has the right to receive legal help and fair treatment, and to be treated with dignity.

Malaysia has made good progress, in terms of legal frameworks that protect the rights of children, measures to safeguard children within the

criminal justice system and improving community-based supervision and rehabilitation programmes, among others. Yet, many challenges remain….

Legislation to safeguard children

Please allow me to elaborate on some of the positive steps towards protecting children in the Malaysian juvenile justice system.

(1) First of all - the most crucial one is the recognition that there has to be a separate and distinct approach to handling children in conflict with the law.

Some important protections have been introduced in the legislation to safeguard children who are formally processed through the justice system, starting from the initial stages of arrest and investigation. For instance, the Child Act stipulates that:

- When arresting a child, the police must immediately inform a probation officer and the child's parent or guardian.

- Where a child is detained at a police station, children must be prevented from coming into contact with adult offenders.

- A child who is arrested must be brought before a Court for Children or a magistrate within 24 hours, and should be released on immediate bail.

(2) Secondly, significant progress has been made in promoting separate court proceedings for children by dedicating special days for children's cases to be heard by designated Magistrates.

(3) Thirdly, community-based supervision and rehabilitation programmes have also been improved, particularly through the introduction of interactive workshops.

These are important measures that lay down the foundation for an effective juvenile justice system that protects the rights of the children.

Recommendations of the Juvenile Justice Report

There have been concerns that children are not always given the special protections to which they are entitled.[46] For instance, there are still children who are held on remand for very minor offences, which make up most of the offences committed by children. Property-related crimes made up 50% of offences in 2009 and 2010,[47]. We have also received many reports from our partners that there are many children being held on remand and in detention for lengthy periods of time – who have not yet been found guilty of a crime.

In light of these realities, the juvenile justice report identified several areas where the system can be strengthened to better serve the interests of children.

(1) One of the most significant findings of the juvenile justice report is that many stakeholders in Malaysia have highlighted the need to <u>move towards internationally recognised practices such as diversion</u>, particularly for children committing minor offences like vagrancy, running away, and being beyond control, which includes involvement in drugs or illegal motorbike racing, or being repeatedly disobedient to parents. This is in line with the principle that detention should only be a measure of last resort and for limited periods of time. To cement this idea in practice, the Ministry of Women has established a multiagency Task Group on Diversion to further explore such community-based responses.

(2) Raising the minimum age of criminal responsibility to 12 years, as recommended by the UN Committee on the Rights of the Child.

(3) Developing a comprehensive, specialised police response to handling children in conflict with the law

(4) Reducing the number of children who are held on <u>remand for very minor offences</u>

(5) Reducing the number of children in prisons who have not yet been found guilty of a crime

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[46]   MOWFCD & UNICEF. The Malaysian Juvenile Justice System. p 47.
[47]   Justice Audit Malaysia, 'Desk Research Juvenile Justice' http://malaysia.justicemapping. org/docs/new/Desk%20Research%20Juvenile%20Justice.pdf

(6) Prioritising the principles of proportionality and institutionalisation as a measure of last resort when sentencing children

(7) Introducing individualised assessment and care planning, and investing more resources in community-based supervision and rehabilitation programs

(8) Increasing training and resources to enhance efforts by the highly-dedicated district-level probation officers and professional counsellors

(9) Extending protection of privacy to children who are adjudicated by the High Court or regular Magistrates Court

(10) Facilitate and support the participation of children in any reform, changes or new measures that will affect their rights and wellbeing and taking their views in consideration for decision-making.

Collective responsibility to protect children

Children who come into conflict with the law are already disadvantaged, often bearing multiple burdens of poverty, family problems, abuse or some sort of disability. They should not be further disadvantaged by the justice system.

An effective juvenile justice system is one that can protect children's rights. A holistic reform of the system, as recommended by the juvenile justice report, offers children opportunities to change their behaviour and attitudes, while serving the best interests of society.

As members of the legal profession, the academia, the public sector and civil society, you represent the thinkers and movers who have the opportunity and the authority to champion the rights of children in conflict with the law. You have a role to play in ensuring that we protect children today from aspects of the justice system that would rob them of opportunities to realise their full potential. You also have a role in helping children to chart a course for a constructive life, so that being in conflict with the law does not stigmatise them in the future.

Our collective efforts will build on steps already being taken by the Government, including various agencies involved in juvenile justice and child welfare. Malaysia has embarked on its reform process to strengthen the juvenile justice system, and is looking at developing an integrated, national strategy that incorporates prevention and early intervention measures.

In conclusion…

I wish you every success in achieving the objectives of Law Awareness Day. I urge you to use the <u>best interests of the child</u> as your guiding principle, in your efforts to protect children throughout the juvenile justice process.

Allow me to finish by honoring the children and young people who had the courage to share their views and experiences with UNICEF in the preparation of the juvenile justice report.

Quote:

"The police should learn to respect young people. Only then will young people respect the police."

"The courts should try to understand why the kid has run and what the situation is like at home."

"For cases where a person is from divorced parents or problematic families, the courts should try to bring the family together."

MONITORING OF CHILD WELL-BEING IN MALAYSIA[48]

Maya Faisal, Social Policy Specialist, UNICEF Malaysia
Victor Karunan, Deputy Representative
& Senior Social Policy Specialist, UNICEF Malaysia

ABSTRACT

Malaysia is committed to addressing inequities of socio-economic development as part of its aspirations to become a high income nation by 2020. The Tenth Malaysia Plan (2011-2015) adopted a socio-inclusive development approach that aimed to contribute to achieve not only the national 2020 vision but also the Millennium Development Goals 2015. The progress towards the achievement of these goals is tracked under the Malaysia Info web data platform.

UNICEF Malaysia is currently in discussion with Malaysia Economic Planning Unit of the Prime Minister's Department and the Department of Statistics to establish a centralized database on children (ChildInfo) as a web data platform – under the umbrella of MalaysiaInfo - to compile, analyze and publish information on children rights and development, based on these and other child well-being indicators mutually agreed with the Government.

ChildInfo will ensure adequate monitoring and access to reliable and robust data on children's well-being. This will facilitate the design and

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[48]   Paper prepared by UNICEF Malaysia for the Economic Planning Unit (EPU), Prime Minister's Office, Government of Malaysia, Kuala Lumpur, 2015.

implementation of better targeted and more efficient policies and programmes, which are key to children's survival, protection and development. These policies and programmes enabled by ChildInfo will thus contribute to the achievement of not only Malaysia national 2020 vision, but also the Millennium Development Goals 2015, since children represent a large and vulnerable group for which the above development goals are critical. Most importantly, it will help address the inequity challenges that remain in an upper middle income country.

INTRODUCTION

According to the World Bank Malaysia is categorized as an upper middle income country with a GDP per capita of $10,381 USD and a GDP growth rate of above 5% from 2010 to 2012 (World Bank, 2012). The national development goal stated in the Tenth Malaysia Plan (2011-2015) adopted a socio-inclusive development approach to achieve not only the national 2020 vision but also the Millennium Development Goals 2015 (EPU, 2010). The Plan also outlines areas of growth and the challenges that remain in order to propel Malaysia to become a developed nation by 2020. Monitoring of progress towards the Vision 2020 and the MDGs is tracked under the Malaysia Info web database platform.

The Malaysian government has made substantial investment towards children under the age of 18 years, who make up about 10 million of the 29 million total population (UNICEF, 2013) These investments are reflected in the children and maternal health outcomes. For example, rates of child mortality and maternal mortality have fallen sharply in the last fifty years. Under-five mortality rate a leading indicator in child health dropped from 70.2 deaths per 1,000 live births in 1965 to 17.7 in 1989. The rate drops further to 7.8 deaths per 1,000 live births for 2008. Another indicator that allows to measure child survival and health is maternal mortality rate (MMR) that plummeted from 140 per 100,000 live births in 1970 to 20 in 1990. According to the Ministry of Health's Confidential Enquiries into Maternal Deaths the MMR declined from 44 per 100,000 in 1991 to 27.3 in 2008 (UNCT and EPU 2010).

Malaysia has achieved halving poverty from 1990 at 17 per cent to 8 per cent in 2000 and to below 4 per cent in 2009 (UNCT and EPU 2010). Inequities remain significant in the country in the state of Sabah in eastern Malaysia, based on the Household Income and Basic Amenities Survey

2012, the rural poverty rates declined to 12.7 per cent in 2012 (DOS, 2012). Inequalities also exist for children living in poor households measured by using monetary income based child poverty rates. The 2007 child poverty rate of 9.4 is more than double the overall poverty rate of 4.0. The states that have the three highest child poverty rates are Sabah, Kelantan and Terengganu as compared to the national child poverty rate (UNCT and EPU, 2010).

Addressing inequities is a major factor for successful socio-economic development and this will require continued investment in children. Apart from the morale obligation, measuring a child's well-being is also a pragmatic step to ensure that risks and costs are managed that may burden the country later when children become adults. Some of those cost implications include increase in crime rate and social ills, burden in health conditions and diseases, rise in unemployment and high occurrence of teenage pregnancies to name a few.

Development of the Child Well-Being Indicators Framework In 2011 the Malaysia UNICEF country office initiated a data mapping exercise together with the Economic Planning Unit (EPU), Prime Minister's Department, Malaysia to identify data gaps that exist against international and national social indicators on children. This initiated the work in establishing a national child well-being framework and indicators for policy makers to monitor progress for children, but also a main tool to address inequities in the country. The indicators of the Millennium Development Goals (MDGs) were not holistic enough for an upper middle income country that have a different and new set of economic and social challenges when compared to developing countries. There was also interest to consider adopting international best practices from developed nations that mirror closer to the socio-economic growth of Malaysia.

The development of the framework was undertaken with technical input from the School of Social Policy of University New South Wales (UNSW) in Australia lead by Gerry Redmond and Melissa Huang. Numerous multi-stakeholder consultations took place with government agencies to propose dimensions, components and indicators to understand what set of child well-being indicators would best capture progress in children for an upper middle income country like Malaysia. In January 2013, the final core set of indicators were presented at a national consultative workshop hosted by EPU, Prime Minister's Department, and Malaysia. Outcomes of the discussion lead to a key recommendation to set up a centralized child database. This would allow for the database to systematically monitor child

well-being among all government agencies but also accessible for all relevant stakeholders to encourage to promote child sensitive evidenced based policy making and programme development for children.

DATA AND METHODOLOGY

Data sources mapped for the exercise included national data sources from Population and Housing Census, population based surveys as well as administrative/routine data. Malaysia does not carry out the Demographic Health Survey (DHS) and Multiple Indicator Cluster Survey (MICS) and therefore national population based surveys that capture a variety of child sensitive data from one central data source are non-existent.

The child well-being indicators framework adapted and included proposed core set of indicators from the MDGs with 5 dimensions, 18 components, and 24 indicators. The Malaysia child wellbeing indicators framework was guided by the MDG indicators, Organization for Economic Cooperation and Development (OECD) indicators framework and UNICEF Innocenti Report Card 7 indicators (UNICEF, 2007).

A workshop in January 2013 led to the agreement of the core set of Malaysia child well-being indicators framework. Additional components and indicators proposed by various government agencies were also included in the framework. Refinement and development of the additional proposed indicators are still a work in progress and requires further consultations with selected line Ministries.

Findings

Many of the indicators in the 5 dimensions are already calculated and regularly disseminated by the Malaysian Government and captured in national documents. For example, these indicators include infant mortality, immunization and school enrolment rates. However, there are many indicators that have yet to be calculated under each of the dimensions.

This paper will share some of the indicators to date that have been analysed under a total of 4 dimensions: 1) material well-being, 2) education and development, 3) health and 4) subjective. Analysis of indicators is derived from national data sources except for the subjective indicators that are sourced from the Global School-based Student Health Survey (GSHS), which is a global survey conducted in many Asia-Pacific countries.

At this point the core set of Malaysia child well-being indicators only apply for within country comparison. Many of the data reported is from published sources except for the child poverty indicators which is based on author's own calculation deriving from primary data sets provided from the Household Income Survey 2012.

Material Well-being Dimension

There are two components on poverty and living condition, accompanied with 3 and 4 indicators respectively. For the poverty component, indicator selected is based on absolute income poverty and relative income poverty. The methodology used by Malaysia to report the incidence of poverty is based on absolute income where those who are considered poor are from households having a monthly gross income below the poverty line income (PLI).1 Therefore, child poverty indicators selected are based on the percentage of children living in poor households below the PLI.

The child poverty indicator shows that about 4.4 per cent of children in Malaysia come from poor households or about 400,783 children living in households below the national poverty line.

The indicator on relative poverty is also altered to include percentage of children in households with equivalent income than the agreed median. For 2012, the median used is the bottom 40% of income (<RM 3050/month), a national policy benchmark to address solutions to close the gaps in income inequality and improve the quality of life of Malaysians. The indicator used is on the 2012 PLI for Peninsula Malaysia is RM 830/month; Sabah and W.P Labuan is RM 1,090/month; and Sarawak is RM 920/month.

Education and Development Dimension

For this dimension we have 3 components on school completion, educational achievement, and access to early childhood care and education. The indicator used for school completion is net enrolment ratio in primary education, which was 98% in 2009 (UNCT and EPU, 2011).

For educational achievement, the three indicators selected are the Programme for International Student Assessment (PISA) literary scores and the Trends in International Mathematics and Science Study (TIMSS) math and science scores. The 2009 PISA literary scores the figure is 414 and in 2007 the TIMSS the math score is 474 and science is 471. Early childhood

care and education (ECCE) indicators are enrolment rate of 0-4 years old is 4.7% and pre-school enrolment rate for 5-6 years is 73% (Ministry of Education, 2012).

Health Dimension

There are a total of 12 components under the health dimension. Below are analysis for 6 indicators in the 6 components that are described in this paper based on availability and accessibility of data to date. These indicators are infant and under-5 mortality rates of 6.7 per 1,000 live births and 8.4 per 1,000 live births, which are both, collected systematically and disseminated by the Government of Malaysia (DOS, 2011). Indicator on immunization rates with a figure of 95.2% also regularly collected and disseminated (Ministry of Health, 2012). Adolescent birth rate of 1.4% is a recent indicator being collected and disseminated regularly since the concerns of adolescent health was marked with incidents of reported increase in cases where newborn babies were dumped in public areas (Ministry of Health, 2012).

Subjective Dimension

For subjective well-being the indicator is reflected as percentage of students who are bullied on one or more days during the past 30 days with a figure of 20.9% (CDC and Ministry of Health, 2012). The subjective indicator here is based on school children's self-reported answers of the GSHS recently published in Malaysia 2012. A comparative Asia-Pacific country analysis of this indicator is made later in this paper.

The discussion among stakeholders on the first set of core indicators is on-going. The initiative to develop child well-being indicators continues and the proposed set up of a platform, proposed to be called ChildInfo with intention to monitor and access reliable data on children's well-being, is still a work in progress. This will facilitate the design and implementation of better targeted and more efficient programmes, which are key to children's survival, protection and development.

The policies and programmes enabled by the proposed platform will thus contribute to the achievement of not only Malaysia national 2020 vision, but also the Millennium Development Goals 2015, since children represent a large and vulnerable group for which the above development goals are critical. Most importantly, it will help address the inequity challenges that remain in an upper middle income country.

Comparative Analyses of Child Well-Being indicators

A comparative analysis of selected indicators to assess child well-being development would provide an idea of where Malaysia and other countries stand in terms of socio-economic development and progress made on children. For regional comparison in this paper we sourced data from international published document. For this section, country comparison analysis was made with data from the United Nations Children's Fund (UNICEF) State of the World Children 2013, United Nations Development Programme (UNDP) Human Development Report 2013 and the World Bank, World Development Indicators database. Malaysia was compared with countries like Philippines, Thailand, and Indonesia.

From the various international sources above, information has been compiled in Table 1 to demonstrate selected indicators to compare children's well-being in the respective countries. Other indicators could also be included; however, the ones selected here are close to the indicators proposed in the Malaysia child well-being indicators framework.

Philippines has the highest proportion of children as compared to the country's total population with 41%, while Malaysia and Indonesia is a about a third, and with Thailand the lowest at a quarter. Malaysia is highest with gross national income (GNI) per capita of $9,800 that indicates the rapid economic progress of the country. This is supported by the health indicators where all three indicators infant mortality, under-5 mortality and maternal mortality ratio are lowest among the four Asia Pacific countries.

As for education, it should be noted that the difference in mean years of schooling between Malaysia and Philippines is only 0.6 years. While between Malaysia and Indonesia the difference is 3.7 years.

For the dimension in subjective well-being and peer relationships in the same Asia Pacific countries the indicators are best captured from the GSHS. The survey is supported technically by the Center for Disease Control (CDC), Atlanta and World Health Organization (WHO) and carried out by the respective national governments. The school based survey collects self-reported data from students aged 13-17 years of age. The information measures student's dietary behaviours, alcohol use, hygiene, mental health, protective factors, and sexual behaviours to name a few.

In mental health, schools students in Philippines reported highest among the countries on ever seriously considered attempting suicide during the past 12 month with 16.3%. Philippines also reported highest percentage of 15.5% in drinking alcohol and getting drunk one or more times during their life.

Malaysia in dietary behaviour possessed the highest percentage of 23.7% who were overweight as compared to the other countries, which may link to economic development and implications in changes of dietary practices and lifestyles.

The prevalence of unintentional injury and violence is high. In Indonesia, students reported highest in violence and unintentional injury where 50% of students indicated that they were bullied on one or more days during the past 30 days. Philippines is ranked 2nd with 47.7%, next is Thailand with 27.2% followed by Malaysia with 20.9%.

DISCUSSION

The Malaysia child well-being indicators framework utilized data from national population and administrative data sources, with the exception of the subjective indicators. There are limitations that it serves to only monitor well-being within the national context for now based on the discussions held with stakeholders; therefore, regional or cross-country comparison would not be able to take place unless the country shares the same data sources. This could lead to implications on methodology of indictors where many are not consistent and can lead to disagreement of the final indicators figures. Data source from TIMSS, PISA and GSHS are the only data sources in Malaysia that can allow for regional and even global country comparison.

The GSHS and PISA are the very first sets of surveys conducted in Malaysia that collects subjective information from school children. The practice to utilize subjective information and systematically translate into policy development is still a work in progress. It is timely that the findings from GSHS and PISA are to be used for not only programmatic changes related to school children but also for macro level national planning, monitoring and evaluation for the well-being of all children. For example, these subjective indicators are well suited to be considered as part of Malaysia's upcoming development to produce a Well-Being Index to assess the "happiness" of society and the people.

Furthermore, the proposed ChildInfo, a centralized database can help in improving monitoring and evaluation, which is known to be the weakest link in child sensitive policies and programmes. The centralized database may also serve as a useful tool to strengthen and monitor the implementation of the Convention on the Rights of the Child (CRC) and influence national policy and programme development. Involvement of multiple stakeholders has been apparent in the work of the indicators framework that has facilitated cross-sectoral collaboration among different line government ministries involved in programmatic and policy work.

The leadership of Economic Planning Unit of the Prime Minister's Department has been key in the development of the child well-being indicators framework. This shows that commitment towards child sensitive evidenced based policy making is present in Malaysia and an important factor for becoming a developed nation by 2020. Placing children's needs in the forefront of socioeconomic development shapes the path forward for Malaysia to address inequities efficiently and effectively. When a third of Malaysia's total population is made up of children, monitoring of their progress will not only ensure sustained socio-economic development but also fulfilment in the implementation of the CRC.

REFERENCES

Center for Disease Control. (2007, 2008, 2011, 2012). Global School-based Student Health Surveys Factsheets. Retrieved in August 2013 from: http://www.cdc.gov/gshs/

Center for Disease Control and Ministry of Health. (2012). Global School-based Student Health Survey 2012 Fact Sheet. Retrieved in August 2013 from: http://www.cdc.gov/gshs/countries/seasian/pdf/2012ysah_factsheet.pdf

Department of Statistics (DOS), Malaysia. (2012). Household Income and Basic Amenities Survey Report 2012. Retrieved in August 2013 from: http://www.statistics.gov.my/portal/index.php?option=com_content&view=article&id=1640&Ite mid=111&lang=en

Department of Statistics Malaysia. (2011). Vital Statistic. Retrieved in August 2013 from: http://www.statistics.gov.my/portal/index.php?option=com_content&view=article&id=1640&Itemid=111&lang=en

Economic Planning Unit (EPU). (2010). Prime Minister's Department. Tenth Malaysia Plan 20112015.

Ministry of Education. (2012). Preliminary Report Malaysia Education Blueprint 2013-2025.

Ministry of Education. (2012). Education for All, Stand Alone Report, Goal 1, 2000-2010.

Ministry of Health, Malaysia. (2012). Health Facts. Retrieved in August 2013 from: http://www.statistics.gov.my/portal/index.php?option=com_content&view=article&id=1421&lang=en

Ministry of Health. (2012). Guideline and Management on Teenage Sexual and Reproductive Health at the Health Clinics.

United Nations Country Team (UNCT) and EPU, Prime Minister's Department Malaysia. (2011). The Millennium Development Goals Report at 2010 Malaysia.

UNDP. (2013). Human Development Report. Retrieved in August 2013 from: http://www.undp.org/content/undp/en/home/librarypage/hdr/human-development-report-2013/

UNICEF. (2007). Child Poverty in Perspective Report Card 7: An Overview of Child Well-Being in Rich Countries, 2007. Retrieved in August 2013 from: http://www.unicefirc.org/publications/pdf/rc7_eng.pdf

UNICEF. (2013). State of the World Children. Retrieved in August 2013 from: http://www.unicef.org/sowc2013/

World Bank. (2012). World Development Indicators (WDI) dataset online. Retrieved in August 2013 from http://data.worldbank.org/indicator/NY.GDP.PCAP.CDand http://data.worldbank.org/indicator/NY.GDP.PCA

FAREWELL TO UNICEF
16 Years of Service for the World's Children and Adolescents[49]
Speech to UNICEF Malaysia Staff

Thanks to UNICEF Malaysia Country Office Staff Association for organizing this farewell for me today.

A long journey – 16 years with UNICEF – I was first hired by Mr. Balagopal, Senior Child Protection Specialist in UNICEF-HQ – after 6 years as Regional Development Advisor/Deputy Regional Director Save the Children-UK regional office in Bangkok - in the year 2000 as an International Consultant for UNICEF-EAPRO to organize the participation of about 100 children and adolescents at the 2nd International Conference on Commercial Sexual Exploitation of Children in Yokohama, followed by another assignment as Child Protection Advisor – working on birth registration in East Asia and the Pacific based at EAPRO. My first international staff position was at EAPRO in Bangkok hired by Dr.Kul Gautam and Ms. Mehr Khan, then Regional Directors EAPRO, as the Regional Participation and Partnership Office – a new title then in UNICEF – to assist with organizing the participation of children and adolescents from East Asia and Pacific to the UN Special Session on Children in New York in 2001 (cancelled due to 9/11 when I was in NY stuck for 10 days) and then in 2002. My portfolio in EAPRO also covered managing regional partnerships with ASEAN, PIF, Mekong River Sub-Commission, Asian Development Bank (ADB), World Bank, etc.

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[49] Farewell Speech. UNICEF Malaysia, Kuala Lumpur, 26 August 2016.

After serving UNICEF in East Asia and the Pacific for 4 years, I was appointed as Chief of Adolescent Development and Participation (ADAP) in UNICEF HQ-NY in 2004 and held this position for 6 years until 2010. Highlights included – General Comment Art 12 CRC Committee, SOWC on Adolescents, Global Evaluation of Adolescent programming in UNICEF, children's participation in the G8 Summit of Leaders in UK, Germany, Russia and Japan, among many others.

In 2010 appointed as Deputy Representative and Senior Social Policy Specialist and arrived in Malaysia on 1 January 2011 to stay here five and a half years, until 31 August 2016 when I retire.

During this period I was Acting Representative on two occasions – for 8 months in 2011-2012, and 3 months in 2015-2016 during turnover of the Head of the Office.

In 2011, MCO was a very small office – with only two International Staff (Hans Olsen – Representative, and myself) and 13 national staff. By 2013 we became bigger – with 5 internationals and 23 national staff, and now in 2016 even bigger – 8 internationals and 29 national staff. Yes, we have grown and with it I had my share of the burden of recruitment and change management with the incoming and outgoing Representatives between 2011 and 2016.

So, that was my journey in UNICEF – having entered this door in January 2000 in EAPRO Bangkok and exiting in August 2016 here in Kuala Lumpur.

In this journey I have come a "full circle" in UNICEF – starting at the regional level, then at Headquarters and finally in a Country Office. I cannot ask for more …

16 years of incredible knowledge acquisition, learnings and experience – including many challenges, frustrations and bottlenecks.

So, what have I learnt in UNICEF in these 16 years? Let me highlight 7 key lessons learnt – which I hope will also be of inspiration and guidance to you as you develop your respective careers in UNICEF and beyond in the coming years.

Here are my 7 recommendations to keep UNICEF strong, moving forward, vibrant and always keeping children at the centre of its policies and programmes in the world.

I must acknowledge that I am drawing on the farewell speech of my most important mentor, friend and colleague in UNICEF – Dr. Kul Gautam, former Regional Director in EAPRO and Deputy Executive Director in UNICEF HQ New York – who – in my view – was one of the greatest visionaries in UNICEF and a guru to many staff with whom I had the privilege to work together in many capacities over the years.

1. Learn from History, Don't Rediscover the Wheel:

UNICEF has an amazing history of extraordinary achievements in child rights around the world. Regrettably, however, many new UNICEF staff members, including some in leadership positions, are woefully ill-informed about the proud and inspiring history of the organization. Some attempt to rediscover the wheel, oblivious of lessons of UNICEF's own past experience and proud history.

Same too here in UNICEF Malaysia. Since the first full-fledged country programme started in 2011, a strong foundation has been laid in the country in many areas of programming and policy work. This history and memory is stored in our X-Drive and in the memory and experience of national staff who have served for a long time. So, please, don't forgot the X-Drive …

2. Harness the Commitment of UNICEF Staff – especially national staff:

We often say that staff are the real asset of UNICEF. And if UNICEF is to succeed in its mission, we must learn how to harness the full potential of our staff. UNICEF's wealth is in its "national staff". In all my work in UNICEF and beyond, I have always respected, appreciated and valued the local wisdom, dedication and passion of our national staff. We as international staff in UNICEF often undermine this potential in our organization – we sometimes feel our so-called "international background and experience" overrides and is superior to the local knowledge and experience of our national staff and partners.

I hope we can remedy this situation in UNICEF Malaysia. Let us ensure that we continue to find creative ways to motivate our national staff and harness their full potential to help achieve extraordinary results for children in this country.

3. Work for the Mission, not just for Money:

It is a privilege to work for the United Nations and to serve humanity. Working for UNICEF should be seen as not just a "job", but also as a mission. A mission that we serve with passion and dedication.

UNICEF and the UN are considered among the best employers in most countries. There are thousands of very competent people across the world who would love to have our jobs. So let us not forget - none of us is indispensable.

4. Choose the Moral high ground over Political correctness:

In my work, there have been many occasions where I had to choose the "moral high ground" to give advice or make a decision – rather just be "politically correct" both with our staff and with our partners, especially government. This is not easy – but is critical if we are really committed to achieving the results for children in a context where politics or bureaucracy or red tape is often the main barrier or bottleneck.

I hope UNICEF's senior management and staff will have the courage and wisdom to make this strategic choice and stand by the principle that the "best interests of children" is always paramount and non-negotiable - even when it may seem expedient to do otherwise.

5. Retain the Balance between Fundraising and Development Programming

Over these last years, UNICEF has also achieved remarkable success in private sector fundraising – especially here in Malaysia. This is something we should be proud of – when compared to other UN agencies – which gives us the space, independence and freedom to make the right choices in our work for children and to work with a wide range of partners at the national level.

Especially in a upper middle-income country like here in Malaysia, where UNICEF's programme is a "hybrid" – involving both programming and fundraising; it is ever more important that the right balance is maintained. Without programme, our fundraising will not succeed. So, while we strengthen our fundraising potential and staffing, let us not forget that programming is at the core of UNICEF's work and it also deserves the recognition and the right capacity and financial support to move forward.

Whether UNICEF Malaysia will at some time in the future become a National Committee is yet to be determined. In the meanwhile, the challenge for management and staff in the office is how to keep this balance right.

6. Have Commitment and Passion for Fulfilling the Rights of ALL Children in Malaysia: Our footprints in Sabah and Sarawak

This has been one my most important learnings in my work here in Malaysia. I was so delighted when UNICEF adopted the Equity Approach in 2012 which enabled the organization to focus special attention at some of the most marginalized and vulnerable children.

I have been strongly inspired by this approach and made sure in all the work I do that this special attention is always at the forefront of all policy and programmatic decisions we make in UNICEF Malaysia.

I was quite surprised when I took up this post and arrived in Malaysia in 2o11 that UNICEF did not implement any programmes or had partnerships in the eastern states of Sabah and Sarawak – among the most lowest in terms of economic and social indicators in the country – except some discrete projects here and there.

I therefore made it my top priority to establish our footprint in Sabah and Sarawak. Since 2011 we have not only expanded our partnerships in these two states, but have also implemented key programmes in many areas with the strong support of the State Economic Planning Units (UPEN and SPU) and our civil society partners, which has made this possible.

This footprint in Sabah and Sarawak that we have established is one of my main achievements – with the dedication and support of our national staff - which gives me immense satisfaction that I take away with me. I hope and expect UNICEF Malaysia to continue to build on this strong foundation and reach "all" children in Malaysia – not just "Malaysian children" – especially some of the most marginalized children among indigenous communities in Sabah and Sarawak, including the undocumented, refugee and stateless children.

I believe that developments in Sabah and Sarawak will determine the future of Malaysia in the years to come – not just in economic, political and social development terms, but in terms of the "costs of inaction" and its impact of society as a whole. It is a time bomb ticking …

7. The lives, wellbeing and development of children is more important than UNICEF – "best interests" of children is paramount and non-negotiable

I have always believed that the lives and wellbeing of children we serve is more important than the organization I represent. When I see horrific photos of the Syrian refugee child in a red T-shirt washed on the shores of the Mediterranean Sea, or, the more recent photo of a terrified child from Aleppo strapped in an ambulance – this touches and hurts me even more than a study went wrong or a failed meeting or evaluation in UNICEF. The best interests of children is paramount and non-negotiable. I hope you will have the courage and the spirit to live this in your daily work with UNICEF.

I also hope that one day the time will come when the well-being of children will be regarded as perhaps the most precious global public good, representing the most universally cherished human value in all our countries. On that day or near thereof, UNICEF may not need to exist and we will run ourselves out of our jobs.

So, what awaits me after retirement …?

- 30 August 2016 will be my last working day at UNICEF

- one way ticket to Bangkok on 3 September 2016

- for a few weeks or months … pleasure of doing NOTHING! (I hope) – doing things I love to do – reading, writing, jogging, gardening and spending time and catching-up with family and friends in Thailand

- But then … there are other commitments too … I will go back to part-time teaching – something that I have always done and relish…I will be associated as Senior Professor and Ph.D. Faculty in the Master of Arts (M.A.) programme in Development Studies and Ph.D programme of Chulalongkorn University; and the M.A. programme and Ph.D. Faculty in Human Rights, Democratization and Peace Studies at Mahidol University in Bangkok

- After some months, perhaps, I will be open for international consultancies, research and external assignments.

Dear colleagues – let me conclude with this poem I wrote recently – inspired by a Buddhist friend of mine from Thailand:

> *"Life if a journey*
> *A pathway with may doors*
> *We choose which door we want to enter …*
> *And which ones we want to exit …*
> *Life is a choice*
> *While one door closes – another opens …*

As my UNICEF door closes … my retirement is opening up many new doors …

Thank you and all good wishes to you and your dear families.

Most welcome to visit me and family at our new home in Bangkok – the door is always open for you all…

Dr. Victor P. Karunan

Deputy Representative & Senior Social Policy Specialist (2011-2016)

UNICEF Malaysia

30 August 2016, Kuala Lumpur

VIOLENCE AGAINST CHILDREN IN THE ASIA PACIFIC REGION[50]

Victor P. Karunan & Neelam Singh

INTRODUCTION

Considerable progress has been made in recognizing, exploring, understanding and responding to widespread violence against children (VAC) in the Asia Pacific region[51] 10 years since the United Nations Report on Violence against Children 2006 first provided a first-ever global status report on the overall situation, causes and effects of this phenomenon in various settings. Although today we know more about violence in the lives of children and the numerous global, regional and national policies and initiatives at different levels to combat it, unfortunately the scourge of VAC still continues, often unabated and with impunity.

The Asia Pacific region is the setting for a high incidence of VAC, being the most populous region and with countries at different levels of social and economic development. Globalization and the diffusion of information and communication technologies (ICTs) have led to rapid economic growth in the region influencing and shifting family and community structures, identities and cultural practices towards children.

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[50] Chapter 10 in Violence against Children: Making Human Rights Real, (Ed) Gertrud Lenzer, Routledge Taylor & Francis, USA, 2018, pp.125-147. Re-printed with permission of the editor and publisher, 24 July 2019.

[51] It is always challenging to define the geographical boundaries of the so-called Asia Pacific region. For the purposes of this study, however, we cover the countries in the Asia Pacific region – ranging from Afghanistan in West Asia to the Pacific islands in East Asia, and Mongolia in North Asia to Indonesia in Southeast Asia (excluding Australia and New Zealand).

Across the region, physical and emotional violence on children remains pervasive and generally socially accepted as part of their growing up. Research in the region confirms that violence continues to be perceived by both parents and children as an acceptable tool for shaping good behaviour and values among children, and a normal consequence of the failure to meet responsibilities in the home and at school – linking two important spheres in children's lives. The experiences of violence changes, depending on age, gender and setting, with economic shocks – like death, illness or loss of a job in the household – also plays an important role (UNICEF Office of Research, 2016).[52]

A multi-country study by UNICEF on the drivers of violence affecting children's perspectives noted that the patterns and forms of VAC in the Asia Pacific region is deeply rooted in the social, economic, cultural and religious context and traditional practices prevalent in the region. Many of these traditional practices are embedded in the history and cultural context of these countries, especially at the family and community levels. (UNICEF Office of Research, 2016)

This chapter reviews the status of VAC in the Asia Pacific region to track progress and highlight persistent causes and drivers that impede policies and interventions to eliminate this practice. It will conclude by identifying some of the new patterns and trends in VAC in the region, and the urgent actions that are needed, especially by governments, in terms of policy reform and institutional mechanisms and regulations. Such actions gain urgency today as the Sustainable Development Goals (SDGs) now includes a specific target to eliminate violence against children by the global community – viz, *End abuse, exploitation, trafficking and all forms of violence against and torture of children* by 2030.

CHILDREN AND VIOLENCE IN ASIA PACIFIC – AN OVERVIEW

The Asia Pacific region, which comprises of East Asia, South Asia, South East Asia and the Pacific, is home to most of the estimated 120 million girls and 73 million boys who have been victims of sexual violence globally, and almost one billion children who are subjected to physical punishment

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[52] UNICEF Office of Research (2016). Understanding child experiences boosts effort to end violence. Accessed on 2 February 2017: https://www.unicef-irc.org/article/1489/

on a regular basis.[53] While VAC is grossly under-reported and many of its forms are still hidden from public scrutiny, it exists in all countries and cuts across boundaries of culture, class, education, income, ethnic identity and age. Children's exceptional vulnerability to violence is rooted in the patriarchal norms that permeate social and political institutions across the region. Violence seems to be a conscious attitude, act or behaviour among some adults and especially those who are close to them, including parents and other family members, friends and schoolmates, peers and partners, teachers and employers. A growing body of research in many countries in the region in recent years, generally framed around the five settings identified by the UN Report on Violence against Children shows certain distinct features in the pattern of VAC, including violent discipline at home and in school, adult attitudes towards violence as a means of child upbringing and normal way of growing up; and the intergenerational transmission of violence – i.e., experience of violence inherent in the family setting, passed on from parents to children. Some of the main conclusions emerging from these country level studies on various settings of VAC include the following.

Violence within home: While the family is one of the most basic and respected social institutions in the countries of the Asia Pacific region, *"the incidence of violence against children is most pervasive in family and home settings".* (UNICEF EAPRO, Domestic Laws, 2015, p.v). Children are introduced to violence typically when they are young, often through corporal punishment or exposure to domestic violence within the home. When children interact with adults and are exposed to violence, the behavioural script may contribute to the intergenerational transmission of violence (Fry, D., 2016).

Widespread physical, sexual and psychological violence against young children, including neglect and abandonment, have been documented and many studies point out the increase of domestic violence against children in nearly all countries in the region. To a large extent, this increase is a result of higher rates of reporting on domestic violence, which signifies that more families and communities are perhaps more aware and concerned about incidents of violence against children. And yet, some of the most grotesque and inhuman acts of violence against children takes place in the domestic setting, behind closed doors, and often,

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53 Office of the Secretary-General's Special Representative on Violence against Children, New York.

perpetrated by close members of the family, including parents, husbands and partners.

Recent research estimates the prevalence of physical abuse among boys and girls in the East Asia and Pacific Region between 10 per cent to 30.3 per cent, with three in four children experiencing violent discipline at the hands of teachers or parents; the prevalence of sexual abuse range from 1.7 per cent to 11.6 per cent; and prevalence of emotional abuse range from 31.3 per cent and 68.5 per cent.[54]

Violence in the family and domestic settings is one of the most difficult challenges for Governments and other partners to address. The home is a "private sphere" and the family is considered sacrosanct in all countries in the region – this fact poses particular challenges for government agencies and child care-givers to access, to enforce legislation, monitor and provide support.

Violence in Schools: Corporal punishment has been a core issue in the Asia Pacific region.

Several cases of physical violence in schools are reported from across the region but they represent just a fraction of the actual incidences. A large number of incidents are left unreported due to a tacit cultural approval for disciplining children by parents, teachers and school authorities even if that entails violence and abuse. Meanwhile, studies have found that parents and teachers who subject children to corporal punishment lack understanding of the negative impact on their self-esteem and psychology. Information and capacity development on alternative and positive forms of discipline are often not available or utilised in schools and communities.

A Young Lives and UNICEF multi-country study in Ethiopia, India, Peru and Vietnam in 2015 (Young Lives & UNICEF, 2015, pp.5-6) found a high prevalence of corporal punishment in these countries in spite of legal prohibition, significantly increased likelihood of boys and girls from disadvantaged backgrounds to experience corporal punishment, and association with poorer outcomes as children transition from 8 to 12 years (Young Lives & UNICEF, 2015, pp.5-6). Over a quarter of the children surveyed in India and over half in Vietnam, cited physical and verbal abuse by teachers and peers in school as the foremost reason for disliking school (Young Lives & UNICEF, 2015, p.5).

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[54] UNICEF-EAPRO, 2015, p.ii.

Violence in work places: Given the population size of countries like China and India, the Asia Pacific region has the largest numbers of child labour - almost 78 million or 9.3 per cent of child population according to ILO estimates. (ILO, 2013, p.17)

South Asia has the largest child population in any region with about half-a-billion children and a large number of them engaged in child labour and employment. Drawing upon national statistics in 2015, ILO estimated 17 million child labour in the 5-17 year age group in South Asia, including 10 million in the 5-14 year age group. In absolute terms, child labour in India was estimated at 5.8 million, followed by Bangladesh at 5 million, Pakistan at 3.4 million (10-17 year olds) and Nepal at 2 million. (Khan and Lyon, 2015, p.x). In the East Asia and Pacific Region, child labour has been estimated to range between 6.5 per cent and 56 per cent. (UNICEF-EAPRO, 2015, p.ii).

Research has long established the adverse effect of child labour on education. In China, about 90 per cent of child laborers combined work with school. Child laborers worked 6.75 hours per day on average, spent 6.42 hours less per day on study and had higher school dropout rate than children who were not working. A child living in rural areas is significantly more likely to work, as is a child with fewer adults in the house — and given the enormous population of "left behind" children, whose parents have migrated in search of work, this is a sobering statistic. (Tang et al, 2016). Child labour is more prevalent in the relatively poorer western and central regions in China, but as wages rise in coastal areas and manufacturing moves further west, the risk of child labour occurring in the domestic and global supply chains will increase.

Regulating the workplaces has proved to be extremely difficult due to limitations of available institutional mechanisms to operate effectively in the informal sector, where children mostly work. Children work in agriculture or for household enterprises in many instances where the distinction between home and workplace is often blurred and their work is equated with acquisition of practical skills. In some instances, personal circumstances force children to work in conditions of bondage that do not permit them to resist or complain about violence they often experience. In all such cases, the risk of violence is high, hidden and rarely reported.

Violence in Care and Justice Institutions: Lack of national standards or benchmarks for child protection in institutions are a major lacunae in juvenile justice administrations in most countries in the region. Justice is

generally grounded in formal police and court-based interventions and institution-based rehabilitation, rather than ensuring that child-friendly procedures are set in place in the criminal justice system to handle children in conflict with the law, provide special protection, and utilise family/community-based diversion and non-institutional and alternative rehabilitation methods that benefit the child.

There is considerable research that indicates that children in care and justice institutions due to conflict with the law tend to come from socio-economically deprived and marginalized backgrounds, who have themselves been survivors of violence. In welfare institutions and justice systems they encounter biased mind-sets that seek retribution. The worrying trend towards treating juvenile offenders as adults for crimes generally associated with adults and increasing public outrage against some high profile cases of sexual abuse can be discerned in some countries in the region. For instance, India has diluted legal protection for juvenile offenders in the 16-18 years age group, Brunei Darussalam and the Maldives have legislated to introduce the death penalty for child offenders, and Pakistan lifted its long standing moratorium on the death penalty to carry out the executions of people who were children when the offence was committed.

ECPAT reports that children who are sexually abused and exploited are particularly vulnerable when it comes to accessing support and services from law enforcement agencies. While discrimination is a key barrier to children accessing support and services, research points out that fear, discrimination, the lack of information and access to documentation, and the lack of child friendly support all impact on the child's ability to access services they may need to help them in their recovery and reintegration. The lack of sensitive, child-friendly, confidential, consistent support, greatly impacts on children's willingness to engage with services.

Abuse by police and officials in justice institutions is common in many countries. In Malaysia, for example, while the Child Act includes some provisions on the arrest of children, it provides limited guidance with respect to issues such as alternatives to arrest, restrictions on use of force or restraints, duration and conditions in police custody, and the presence of parents, probation officers, or lawyers during investigative procedures. While the police are generally cognizant of the need to handle children's cases more sensitively, they have not been provided the necessary skills, directives, facilities, and oversight to ensure that this happens in all cases. As a result, complaints of police abuse persist. (UNICEF Malaysia, 2013, p.10)

Violence in the community: VAC in situations of conflict and war have received very little attention, although conflict is widespread in several parts of the Asia Pacific region largely aggravated by ethnic separatism, ultra-leftist ideologies and religious resurgence.

In Afghanistan, decades of conflict have led to high levels of gender-based violence and child sexual abuse and with nearly 40 years of armed conflict a "Daesh franchise"[55] has now surfaced as an additional, deadly component.

Major attacks on civilian population in the neighbouring Pakistan have caused deaths, injuries and trauma among children. Children in India have been exposed to violence due to the civil disturbance in the Kashmir valley, the conflict of ultra-leftist groups with the State in parts of the central region, and ethnic tensions in the North East. Nepal is emerging from a decade long Maoist insurgency while Bangladesh has seen a resurgence of religious fundamentalist groups that have been recruiting young people. The Philippines has experienced Moro insurgency in Mindanao region for over a century. Timor-Leste experienced nearly three decades of conflict that killed about 250,000 people before the restoration of independence in 2002, which was soon followed by political instability and civil war in 2006. Papua New Guinea experienced conflict in the Bougainville region for almost a decade. In many of these countries, children have been caught in the cross-fire, killed or seriously injured, forcibly recruited to the paramilitary forces and subjected to violence and abuse.

The UN High Commissioner for Human Rights recently reported that children have been killed, blinded, crippled – or inadvertently caused the death of their friends – while playing with unexploded ordnance that is negligently left behind by parties to the conflict. The consequences of each act of violence ripple through families and entire communities that are left broken, unable to sustain themselves and largely failing to obtain any semblance of justice or reparation.[56]

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[55]   Daesh is the Arabic acronym for ISIS while "Daesh Franchise" is a term increasingly used for its mode of operations for expanding its influence globally that *"seeks control both of the action of its scattered affiliates and of the territorial base that legitimates its claim to caliphal status."* See Edwards, David B., (2017). Caravan of Martyrs: Sacrifice and Suicide Bombings in Afghanistan. University of California Press, p.200.

[56]   Zeid Ra'ad Al Hussein, United Nations High Commissioner for Human Rights, Geneva, February 2017.

Ascertaining the costs of conflict on children is difficult due to insufficient and reliable data and research in the region. Every conflict has directly contributed to the vulnerability of children to death, major injuries, psychological trauma or disabilities. More important, war and conflict has decimated large numbers of children and youth thereby wiping out potential social capital for these societies.

One of the most prevalent forms of VAC in a family or community setting is child marriage, which is gaining increasing attention in the Asia Pacific region. Child marriage undermines a child's right to education, entrenches gender inequality and heightens the vulnerability of girls to physical, sexual, and emotional abuse.[57] Although there has been some decrease in child marriage over the past 30 years, it continues to occur albeit unevenly across the Asia and Pacific region, and cuts across countries, cultures, religions and ethnicities. About 45 per cent of girls under age 18 are married in South Asia.[58] India and Indonesia have featured in the top ten countries with the highest absolute number of child brides in the world.[59] Recent data however shows a significant decline in women aged 20 to 24 who were married before the age of 18 years from 47.4 per cent in 2005-06 to 26.8 per cent in 2015-16 (NFHS, 2016).[60]

The main factors that cause child marriage include poverty, absence of security and protection of girls, lack of education, gender discrimination, cultural traditions, and religious traditions. Other elements that can influence the practice include the lack of an adequate legislative framework that can be enforced to address cases of child marriage. While many countries legislate for a minimum legal age for marriage, this is often not effectively enforced at the local and community levels. In some countries, child marriage practices are often condoned in communities and societies that uphold customary laws, especially in countries where domestic legislation is neither harmonized nor implemented efficiently. It is generally more prevalent in jurisdictions that offer fewer protections for women and girls. Child marriage is more common in the poorer countries and regions

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[57] Malhotra, A., Warner, A., McGonagle, A., and Lee-Rife, S, *Solutions to End Child Marriage: What the Evidence Shows*, International Center for Research on Women, 2011.

[58] http://www.girlsnotbrides.org/wp-content/uploads/2017/01/Child-marriage-around-the-world-Nov-2016.pdf

[59] Analysis of The State of the World's Children, 2016, by UNICEF's Data and Analysis Section, for Girls Not Brides. http://www.girlsnotbrides.org/wp-content/uploads/2017/01/Child-marriage-around-the-world-Nov-2016.pdf

[60] http://rchiips.org/nfhs/pdf/NFHS4/India.pdf

and is often concentrated among the poorest households. Economic factors are, therefore, not the only sole factor in the prevalence of child marriages.

In Papua New Guinea, for example, about 21 per cent of women aged 20-24 years were married by the age of 18 years and two per cent were married before the age of 15 years in 2014. Customary and traditional practices permit the marriage of girls as young as 12 even though the legal age of marriage for girls is 16 years, and 14 years with the consent of parents and the court. A survey in 2013 found that 11 per cent of unmarried young males and females aged 15-24 years had had sex before the age of 15 years.[61] Cultures, traditions and customs are frequently invoked to justify early marriages, the payment of bride-price and polygamy. Polygamous marriages have been used as an excuse for initiating girls and young women into adulterous relationships or commercial sexual exploitation.

During the civil war in Tajikistan from 1992 to 1997, many girls were forced to marry by their parents who saw marriage as a form of protection against rape and as a way to safeguard the family's reputation. The growing religious influence after the civil war saw promotion of a misinterpretation of girls' and women's status in Islam with an increasing numbers of the religious leaders (mullahs), many of whom lacking in adequate religious and secular knowledge.[62] Girls from poor families are nearly twice as likely to marry before 18 as girls from wealthier families, as marriage is often seen as a way to provide for a daughter's future.

A study by the Al-Azhar University and UNICEF has argued that child marriage is unacceptable under Islam by highlighting that Shariah sets a fixed standard of mental maturity and sound judgment by differentiating between the biological fact of puberty and the mental ability to judge things reasonably and to manage life, and recognizing that both husband and wife must be enlightened and sensible. Islam demands the consent of the bride for validating the contract of marriage but in practice girls and women are rarely consulted in the decision of marriage or the selection of their spouse and any resistance can have tragic consequences (Al Azhar University and UNICEF, 2005).[63]

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[61]   Tingim Laip Periodic Survey round 1, 2013.
[62]   http://www.girlsnotbrides.org/wp-content/uploads/2013/11/UNFPA-Child-Marriage-in-Tajikistan-2014.pdf
[63]   Al-Azhar University & UNICEF. Children in Islam – their care, upbringing and protection.

CYBER-SAFETY AND ONLINE PROTECTION

In recent years, increasing attention has focused on cyber-safety and online child protection given the rapid penetration of the internet and the easy access to mobile technology, especially for children and young people in the Asia Pacific region. The internet and social networking is a "double-edged sword" – on the one hand, it is a powerful tool for communication and accessing information for learning and knowledge development; on the other hand, it is also the rapidly growing and popular platform through which children are at high risk of being exposed to online pornography and sexual exploitation. Over the last 15 years, internet pornography has become the predominant channel through which young people learn about sex. (IDS Bulletin, 2016, p.1)

ECPAT International states that this is exposing children in the Asia Pacific region to sexually exploitative situations through increasingly unmonitored and unguided use and access of information technology. The explosion of social networks and SMS technology and other online platforms is making protection and counter-action ever more challenging. The dynamics of proximity to an offence and the perceived anonymity of on-line interactions are also potential drivers to offending behaviour. In addition, the increasing production and distribution of child abuse materials has shifted the availability and access to child pornography from static images and traditional videos to easy on-line, chat and real-time pornography. While in the past, much of the sexual exploitation of children was done by western paedophiles, research indicates that the more common form of sexual exploitation is perpetrated by domestic abusers as well as social networking through smartphones and live streaming of pornographic materials. (ECPAT International, Annual Report 2016).

The Global Kids Online Research[64] conducted in 2015-2016 concluded that: *"children predominantly access the internet at home and on mobile devices; the majority of children learn something new by searching the internet; younger internet users lack the digital skills of their older peers; younger children's internet safety skills also needs support; a substantial majority of young internet users have had contact with unknown people online; countries vary with the risks encountered and the balance with online applications;*

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[64] The Global Kids Online 2015-2016 report included studies conducted in Argentina, the Philippines, Serbia and South Africa, with support from UNICEF country offices, which piloted the Global Kids Online research toolkit and prepared national reports.

and children are most likely to seek support from a friend, and rarely from a teacher". (Global Kids Online, 2016, pp.8-10)

Few countries in the Asia Pacific region have developed appropriate legislation to combat online sexual exploitation and provide online child protection. (UNICEF EAPRO – Legal Protection, 2015, p.240). There is an urgent need for all Governments in the region to learn from the good examples of some countries to undertake policy reform or draft new legislation, in collaboration with private/corporate sector, to combat online pornography and sexual exploitation. It is also important in addressing cyber-safety and online protection to pay special attention to the more vulnerable children, such as, indigenous or ethnic minority children, migrants, children in poor or rural settings or those who have some form of disability (Global Kids Online, 2016, p.11).

In recent years, a number of initiatives on cyber-safety have been taken by international development agencies and local civil society. At the global level, the WePROTECT Global Alliance to End Child Sexual Exploitation Online is one such initiative that has secured high-level commitment from Governments, the information and communications technology industry, international organizations and civil society to tackling this issue by supporting comprehensive national action on prevention and response, to informing and empowering children and to fighting impunity, including through cross-border cooperation. (UNGA-SRSG, 2016 report, p.3)

While these initiatives are commendable, internet governance by and large has not taken into account the distinct needs and rights of children and young people – who are the majority of internet users mostly from the developing countries. Moreover, even where legislation and policy has been developed, they seem to be "age-blind" – dealing with the population as a whole - and not taking into account the age-specific needs and behaviours of children and young people. The more that Governments and other stakeholders understand the "evolving capacities of the child", the more relevant and appropriate will be the policy and legal provisions needed to cater to the specific challenges faced. Furthermore, a clearer demarcation between the "positive" and "negative" use and effect of the internet on children in relation to their growth and development vis-à-vis the need for protecting them from harm and exploitation, is a pre-requisite for a balanced approach to dealing with children's engagement with the internet.

SOCIAL NORMS AND HARMFUL TRADITIONAL PRACTICES IN ASIA PACIFIC

Harmful traditional practices are those *"acts carried out as part of a particular tradition, custom, religion or culture that have the potential to result in physical or emotional harm to a child are considered harmful traditional practices. These practices often serve the purpose of expressing and reinforcing the subordinate role and diminished value and position of children, particularly girls, within a given culture or society".* (UNICEF-EAPRO, 2015, p.vi).

The General Comment No.13 issued by the UN Committee on the Rights of the Child in 2011 – "The Right of the Child to Freedom from all forms of Violence" - mentions that the term "harmful practices" can be applied to a wide variety of practices within diverse cultures and traditions. These include: corporal punishment, female genital mutilation/cutting (FGM/C), violent and degrading initiation rites (including virginity inspection), forced and early marriage, so-called 'honour' crimes, accusations of witchcraft (and associated rituals), and binding, scarring, burning and branding parts of the body.

South Asia is faced with a situation where many forms of VAC are backed by traditional social norms even as newer forms are increasingly visible and growing. Ethnic and indigenous groups in many countries have their own harmful practices that are sought to be protected as a means of preserving their identity. Legal provisions when in conflict with these traditional practices are usually weak or poorly implemented. For instance, child marriage, sexual violence, domestic violence, karo-kari[65], kidnapping and harassment are strictly prohibited by laws in Pakistan, but these are not enforced effectively and awareness on addressing the complaints through a proper channel is lacking.[66]

The South Asian countries share a number of similarities related to VAC, including a lack of social value given to girls, discrimination based on gender, caste and class and patriarchal societal structures embedded in

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[65] **Karo Kari**' is a Sindhi term used for honor killing, specific for the province of Sindh. **Karo** means black man, and **Kari** means black woman; the term means they have blackened themselves by committing this sin, dishonoring the family.

[66] Statement of Zia Ahmad Awan, founder of Madadgar National Helpline 1098 and National Commissioner for Children. Retrieved from: https://tribune.com.pk/story/1348833/93-pakistani-women-experience-sexual-violence/

culture, religion and history. The intergenerational transmission of gender norms and socialization processes force women in many parts of South Asia to justify domestic violence. The MICS[67] conducted in Afghanistan in 2010-11 reported that 92 per cent of women justified the hitting or beating by husband of his wife for at least one of the following reasons: going out without telling the husband, neglecting the children, arguing with the husband, refusing sex, and burning the food. In addition, 78 per cent believed that going out without telling the husband is justification for beating, while 31 per cent think the same about burning the food. Similar surveys in other South Asian countries also found women justifying domestic violence. http://www.prb.org/Publications/Articles/2012/afghanistan-domestic-violence.aspx

In India, there are also serious legal loopholes that prevent the government from eradicating child marriage. For example, the fact that the colonial era Indian Penal Code (IPC) allows a man to have sexual intercourse with his child wife, has resulted in the Indian Supreme Court to issue a directive to the Central Government. An exception to Section 375 in the IPC does not find a man guilty to having sexual intercourse with his 15-year-old wife. This exception ensures that he will not be charged for rape even though child marriage is a crime. The Protection of Children from Sexual Offences (POCSO) Act of 2012 defines 'children' as those aged below 18. It has specific provisions declaring that 'penetrative sexual assault' and 'aggressive penetrative sexual assault' against children below 18 is rape.

The above practices are the most formidable structural and cultural constraints in many countries across the Asia Pacific region that prevent the elimination of VAC. All countries in the region are historically traditional and based on values, beliefs and practices that have existed for centuries and which continue to persist, notwithstanding the rapid economic growth and development over the past decades.

At the same time, it must be noted that some Governments in the Asia Pacific region have tried to address these harmful traditional practices through laws and legislation,[68] but find it extremely challenging to implement, monitor and enforce the regulations. This is primarily because,

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[67]   Multiple Indicator Cluster Survey (MICS).
[68]   For an excellent review of laws and legislation in ASEAN countries, see UNICEF-EAPRO – Legal Protection from Violence – Analysis of Domestic Laws related to Violence against Children in ASEAN Member-States – Strengthening Child Protection Systems, Series, No.5, 2015, pp.56-79.

at the family or community level, these traditional practices are embedded in the family and traditional social structures in the community as essential cultural forms of social control. In this way, they enforce and justify rigid and hierarchical norms and legitimise identities and roles in the family and community setting – including relationships between adult-child, man-woman, boy-girl.

This is another important area which has received little attention and lacks research in Asia Pacific. A recent literature review of the drivers of VAC in the Philippines, for example, discovered that there were no studies on the social norms and VAC in the Philippines, although the research on corporal punishment and violence in the home recognised that social norms and traditions are in many cases responsible for accepting the kind of violence children may experience at home, and the prevailing culture of silence that discourages speaking out against VAC. (UNICEF Philippines, 2016, p.98).

There is the urgent need, therefore, for national and cross-national studies and research on the social norms and traditional practices prevalent in the countries of the Asia Pacific region and how it impacts on VAC. This alone will address the root causes of VAC and enable Governments to apply laws and policies effectively at the local and community levels. Moreover, it is also important to build capacity of researchers and development partners in undertaking research on social norms, including development of communication for development (C4D) approaches and methods to address social and behavioural change at the family and community levels.

PROGRESS IN THE ASIA PACIFIC REGION

Over the last 10 years or more since the Global Violence against Children Study, much progress has been made by Governments in the Asia Pacific region. A major achievement has been the regional collaboration and inter-governmental bodies that have been setup in South Asia and Southeast Asia and the Pacific to combat VAC. Notably, the Global Violence against Children study has provided the impetus for this region to work towards policy development and country and regional actions.

Regional Mechanisms to combat Violence against Children

A major positive development in the region over the past decade, has been the establishment of regional institutional mechanisms at an inter-governmental level to combat VAC.

In South Asia[69], soon after the launch of the UN Study on Violence against Children, the South Asia Coordinating Group on Action against Violence against Women and Children (SACG) organized a Regional Consultation in May 2005 in Islamabad, hosted by the Government of Pakistan. Participants included high level officials from the South Asian Association for Regional Cooperation (SAARC) and government delegates together with representatives from INGOs, UN agencies, experts, children and young people and the media. The Consultation reviewed the status of VAC in South Asia, including legal frameworks and good practices, as well as the inputs from children and young people themselves. This was provided as input from the region to the UN Study on Violence against Children. The highlight of this Consultation was the formation of the "South Asia Forum for Ending Violence against Children" (SAF). SAF worked for over five years and held four major consultations during this period in Pakistan (2006), India (2007), Nepal (2008, 2010 and 2011).

At the 3rd Ministerial Meeting in June 2010, on the recommendations of the 4th SAF Consultation, the representatives of SAARC and SACG agreed to endorse a new institutional framework for ending VAC in South Asia – viz., the South Asian Initiative to End Violence against Children (SAIEVAC). SAIEVAC is an inter-governmental body which includes the 8 SAARC governments and civil society representatives, including children in its Governing Body, with a Regional Secretariat hosted by the Government of Nepal in Kathmandu.

The relationship between SAIEVAC and SACG is still evolving with more work to be done on clarifying respective roles and the coordination mechanisms. Organizational mandates and leadership and conflicting views regarding scope, transparency and accountability appear to be key impediments to collaboration. However, notwithstanding these organisational constraints, SAIEVAC has provided a common platform for Government representatives from the conflictive South Asian region despite deep political divisions and growing tensions and agree on

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[69] The South Asian Region comprises the countries of: Afghanistan, Bangladesh, Bhutan, India, Maldives, Nepal, Pakistan and Sri Lanka.

a common agenda to combat violence against children in the region. It has also helped to "localise" the global agenda and create a sense of ownership among Governments and other stakeholders in the region. Such an achievement is worthwhile noting.

In South-East Asia, all ASEAN member states have ratified the CRC and the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW),[70] and their commitments have been reflected in the following: Resolution on the ASEAN Plan of Action for Children in 1993, Declaration on the Commitments for Children in ASEAN in 2001, the ASEAN Human Rights Declaration in 2012, and the Declaration of Elimination of Violence against Women and Elimination of VAC in 2013. The purposes and principles of the ASEAN Charter, including the Cha-am, Hua Hin Declaration on the Roadmap for the ASEAN Community (2009, 2015), the Hanoi Declaration on the Enhancement of Welfare and Development of ASEAN Women and Children 2010, have adopted the elimination of VAC and women as a key strategy to be achieved in the region.

The two key regional mechanisms are the Commission for the Promotion and Protection of the Rights of Women and Children (ACWC) and the ASEAN Intergovernmental Commission on Human Rights (AICHR). A key landmark for this region was the adoption in October 2013 of the "Regional Plan of Action on the Elimination of Violence against Children". The major objectives of this Regional Plan was for each ASEAN member-state to have policies to address the elimination of VAC and sustained support across key sectors; and to establish effective preventive and protective mechanisms and services supported by national legal frameworks and institutional mechanisms. The Plan covers eight key areas of action for Governments in the ASEAN region: prevention; protection, response and support services; legal framework, prosecution and justice system; capacity building; research and data collection; management, coordination, monitoring and evaluation; partnership and collaboration; and review and communication. At the 27th ASEAN Summit in Kuala Lumpur in November 2015, ASEAN member-states adopted the Regional Plan of Action on the Elimination of Violence against Children (2016-2025) which is aligned to the SDGs and proposes concrete actions including,

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[70]   The Association of Southeast Asian Nations – ASEAN – comprises of the following countries: Brunei Darussalam, the Kingdom of Cambodia, the Republic of Indonesia, the Lao People's Democratic Republic, Malaysia, the Republic of the Union of Myanmar, the Republic of the Philippines, the Republic of Singapore, the Kingdom of Thailand and the Socialist Republic of Viet Nam.

among others, the promotion of non-violent approaches to child discipline; the deinstitutionalization of children; the protection of children from online abuse; the promotion of child-friendly justice proceedings, promotion of alternatives to detention; and awareness-raising campaigns." (UNGA-SRSG-2016, p.16). In 2016, the ACWC adopted a "Declaration to implement the commitment to the elimination of all forms of VAC in ASEAN member states".

The ASEAN countries have made substantial albeit uneven progress in efforts to combat VAC. A comprehensive legal ban on all forms of VAC, a key component of any strategy for child protection, is not yet in place in this region. Only Mongolia has banned VAC in all settings.

Most other countries have yet to develop a National Plan of Action on the elimination of all forms of VAC, a commitment that all State Parties made while endorsing the UN World Report on Violence against Children. Governments in the Asia Pacific region also made major commitments on eliminating VAC at the High-Level Meeting on South-South Cooperation in the Asia Pacific region which have been held every three years in the region. The commitments made by Governments in the Beijing Declaration of the first HLM in 2010 included the following: *"We recognize the need to pursue an approach that is focused primarily on prevention in the first instance and which ensures sustainability, cost efficiency and effectiveness. We advocate that such a systematic approach to addressing child protection concerns should be based on laws and policies that focus on safeguarding children from potential harm, and banning all forms of violence against children, would form the foundation of a national child protection system. We also recognize the value of maintaining the positive aspects of safety nets for children offered by our traditions of communities and extended families"* (HLM-1, Beijing, 2010).

The Pacific region poses some unique challenges given its geographical setting and highly diverse demographics in small island states spread across the Pacific ocean. Notwithstanding recent development and rapid urbanisation, populations are mainly rural, with many villages remote and difficult to access. Cultural traditions and practices not only vary between the micro states, but can also vary from one island to another within the same state. Languages (more than 1,000 different languages are spoken in the region), demography, religions, legal frameworks and resources are significantly different within the region (ECPAT International, 2015, p.4).

And yet, major initiatives have taken place recently in the island states of the Pacific region. A first-ever Pacific Islands Conference on Ending Violence against Children in Fiji in 2015 brought together over 13 Pacific Island countries to share good practices and lessons learnt in addressing violence against children is the island states. The Conference agreed to act on country action plans to build capacity and strengthen legislation to prevent VAC. The Conference also witnessed renewed commitment among leaders to ratify and enforce the key human rights instruments in their respective countries to combat VAC. An important study was also conducted in the Pacific in 2015 titled "Violence against Children in the South Pacific.[71] The study concluded that *"there is a strong correlation between violence perpetrated against children and violence perpetrated against adult women particularly in the home".* (UNFPA & UNICEF, 2015, p.22)

Major challenges to address VAC in the Pacific region include the general lack of understanding of the complex and various cultures in the region, and the real extent of sexual exploitation and violence against children in this region remains largely unknown. The limited research conducted in the region however shows that violence against women and children is extremely high in many Pacific island countries and traditional cultural practices and beliefs tend to view women and children as having a low social status. In a recent literature review conducted by ECPAT International in 2015, child prostitution received the most attention. However, with the Pacific island countries undergoing an economic transition and opening their borders to a more global market, sexual exploitation of children online, child trafficking and the sexual exploitation of children in travel and tourism are likely to increase in the coming years. (ECPAT International, 2015, p.49).

This progress in the Asia Pacific region is commendable but short of the targets set in the UN Study on Violence against Children 2006 which expected all Member States to integrate measures into national planning process to prevent and respond to violence against children, including a focal point, preferably at ministerial level by 2007, legal prohibition of all VAC and initiation of a process to develop reliable national data collection systems by 2009. Progress on these targets across the region is uneven even after several years have passed since the timelines set to achieve these targets.

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[71]   The study covered the following countries in the South Pacific: Fiji, Kiribati, Samoa, Solomon Island, Tonga and Vanuatu.

THE SOCIAL AND ECONOMIC COSTS OF VIOLENCE AGAINST CHILDREN IN ASIA PACIFIC

UNICEF has undertaken a first-ever costing of child maltreatment in the Asia Pacific region in 2015. The research found that that child maltreatment is costing countries in the East Asia and Pacific region over US$ 209 billion per year, equivalent to 2 per cent of the region's GDP – emotional abuse ($65.9 billion), physical abuse ($39.6 billion), sexual abuse ($39.9 billion), neglect ($ 32.4 billion), witnessing domestic violence ($31 billion) and death from maltreatment ($0.5 billion) (UNICEF EAPRO, 2015). Furthermore, Fang et al estimated a total annual economic loss in the Asia Pacific of at least US$ 194 billion due to the burden from consequential mental disorders and common health risk behaviours (Fang X, Fry DA, Ji K, 2015, 42:146-162).

These findings indicate that VAC is a serious threat to social and economic progress of the countries in the Asia Pacific region and come at high costs for social services and government expenditures. It detrimentally impacts on children's physical and mental health, their schooling, and their work performance as adults. It contributes to the burden of health services, social welfare, costs of maintaining child/juvenile institutions and the judicial system.

Therefore, Governments in the region need to adopt a preventive – rather than a reactive – policy approach to ending VAC, matched with investment in prevention programmes and initiatives that address the root social causes that perpetrate violence and the structural/institutional bottlenecks that prevent its total elimination. The best way to do this is for Governments to place VAC at the centre of their public health, welfare and justice policies and programmes. Governments also need to realise that this investment will bring positive returns by reducing public expenditure on reactive and response services, improve the health and wellbeing of children, improve educational outcomes and bring down juvenile crime and inter-generational violence. (Fry, p.3). *"Most governments in the region do not significantly invest in measures to prevent violence, thus leaving one of the most vulnerable populations and a critical human resource for sustained productivity – children – unprotected".* (UNICEF EAPRO, 2015, p.1)

CONCLUSION

One of the most formidable obstacle to addressing VAC in the Asia Pacific region are social norms and attitudes that influence all the other measures for prevention and response. As Deborah Fry has argued *"violence in childhood is so common and pervasive that is virtually a norm"* in the Asia Pacific Region. Moreover, public attention is more focused on the extreme and sensational forms of violence while the routine and everyday acts of VAC are often overlooked and ignored (Fry, 2016, p.6).

VAC is difficult to address when it is embedded in the deep cultural, religious and traditional practices and historically characterizes the family and community setting, as is the case in the region. While the traditional mind sets need to be contested, more research is required to identify and mainstream the positive values and practices that exist in our socio-cultural and religious contexts that respect children and safeguard them from harm and exploitation.

Gender equality is essential in order to have an effect on VAC but girls are not valued as they are "women to be," and women themselves are not valued in many cultures or societies in the region. Another key area to address is to strengthen engagement with families. It is necessary to link with families and communities and especially those in marginalized communities.

Given the multi-dimensional nature of VAC and the need for cross-sectoral policies and solutions, building strong social movements by bringing together a diverse range of stakeholders to address VAC - including religious leaders, parliamentarians, media, private sector, professionals and young people is imperative – besides just working with government agencies and national and international non-governmental organisations. The launch of the Global Partnership to end VAC in 2015 offers the opportunity for everyone who believes in ending violence against children to come together, combine their efforts and maximise their impact. Governments, international organisations, NGOs and civil society, academia, the private sector, and children themselves are key actors in strengthening and expanding this global partnership.

In terms of targeting, we need to influence Governments to take seriously the SDG principle of *"no one left behind"* – to focus on the most marginalised and vulnerable children – including girls, children of ethnic and indigenous minorities, children with mental and physical disabilities,

refugees and migrants. We need to challenge governments to act swiftly to begin delivering their commitments to end violence, helping convince them that investing in violence prevention will deliver substantial benefits for children and the broader society.

In this regard, four major tasks lie ahead for Governments in the Asia Pacific region as they focus on aligning and implementing the SDGs:

   (i) Prohibition of all forms of VAC in all settings in national legislation;

  (ii) Political leadership for mounting a challenge to social acceptance of violence through the development and implementation of a comprehensive national agenda for violence prevention;

 (iii) Capacity development at all levels of society on prevention and response, positive alternatives; and

 (iv) Data collection to support monitoring of progress and deepening the understanding of the causes, manifestations and effects of VAC. (Fry, 2016, p.4)

With the SDGs now prioritizing distinct and cross-cutting approaches to protection of children from violence, the time has come for urgent action on VAC. Five goals and eleven targets address violence and abuse, trafficking, sexual and other types of exploitation, harmful practices and the worst forms of child labour, including children in armed forces, along with promotion of safe public spaces, safe and non-violent learning environments and birth registration. This provides the necessary policy and implementation guidance to Governments to address VAC in all settings and work towards total elimination of VAC by 2030.

Governments in the Asia Pacific region also need to learn from the emerging studies and evidence on the social and economic costs of VAC in the region, and use the results to revise existing policies and develop new policies and guidelines that focus on strengthening the child protection systems and preventive interventions required to eliminate all forms of violence against children in all countries in the region. The "cognitive capital"[72] in the Asia Pacific region is a "demographic dividend" for Governments and society that, if properly orchestrated, could contribute

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[72] "Cognitive capital" represents the complete set of intellectual skills, nurtured primarily in childhood, that determine human capabilities, and drives global economies now and into the future. (Samson, M – Social Protection in the Asia Pacific Region, forthcoming).

to increased economic and social development as well as the wellbeing of the younger generations in the years to come. Failure to capitalise on this social asset will be another "missed opportunity" for Governments and stakeholders – nay more - another promise unkept, another costly lesson learnt – "too little, too late" - with the social burden being transferred from adults today to our children and young people – now and in the future.

REFERENCES

Al-Azhar University & UNICEF. (2005). Children in Islam – their care, upbringing and protection. New York. https://www.unicef.org/mena/Children_in_Islam_English.pdf

Chatham House. (2015). Paper Series NO.22 NOVEMBER 2015 One in Three: Internet Governance and Children's Rights. Sonia Livingstone, John Carr and Jasmina Byrne, Paper Series, No.22.

Dunn, Micheal P., et al. (2015). Violence against Children in the Asia Pacific Region. Asia-Pacific Journal on Public Health.

ECPAT International. UN-ESCAP and UNICEF-EAPRO. (2008). Regional Report: East Asia and the Pacific Regional Preparatory Meeting for World Congress III – Sexual Exploitation of Children and Adolescents, August 2008, Bangkok.

ECPAT International. (2015). ECPAT Literature Review of the Pacific – analysis of CSEC in those countries that have not ratified the OPSC, Bangkok.

Fang X, Fry DA, Ji K, et al. (2015). The burden of child maltreatment in the East Asia and the Pacific region, Child Abuse and Neglect.

Fry, D. (2016). Preventing Violence against Children and how this contributes to building stronger economies. Thematic Research Paper for the 3rd High-Level Meeting on Cooperation for Child Rights in the Asia-Pacific Region, 7-9 November, 2016. Kuala Lumpur: Government of Malaysia and the United Nations Children's Fund (UNICEF).

Global Kids Online. (2016). Research Synthesis 2015-2016, UNICEF Innocenti Research Centre, London School of Economics – Media and Communications, et al.

IDS Bulletin. Rapid Response Briefing - Is Porn the new Sex Education?, Issue 15, November 2016.

Lowenstein, Allard K. (2016). A "Most Serious Crime": Pakistan's Unlawful Use of the Death Penalty. Available at: https://law.yale.edu/system/files/area/center/schell/2016_09_23_pub_dp_report.pdf

NGO Advisory Council on Follow-up to the UN Study on Violence against Children. (2011). Five Years On: A global update on violence against children.

International Labour Office, International Programme on the Elimination of Child Labour (IPEC). (2013). *Marking progress against child labour - Global estimates and trends 2000-2012 / -* Geneva: ILO. Available at: http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---ipec/documents/publication/wcms_221513.pdf

Khan, Sherin R, Lyon, Scott. (2015). Measuring children's work in South Asia: perspectives from national household surveys. Sherin R. Khan, Scott Lyon. International Labour Organization; ILO DWT for South Asia and ILO Country Office for India. - New Delhi: ILO. Available at: http://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---sro-new_delhi/documents/publication/wcms_359371.pdf

Tang, Can; Zhao, Liqiu; Zhao, Zhong. (2016). Child Labor in China. IZA Discussion Paper No.9976. Bonn: IZA. Available at: http://ftp.iza.org/dp9976.pdf

International NGO Council on Violence against Children. (2016). 10 Years On: Global progress and delay in ending violence against children – the Rhetoric and the Reality.

Pinheiro, Paulo Sergio. (2006). World Report on Violence against Children - Independent Expert for the United Nations Secretary-General's Study on Violence against Children.

UNFPA & UNICEF. (2015). Harmful Connections: Examining the relations between violence against women and violence against children in the South Pacific.

UNICEF East Asia and the Pacific Regional Office (EAPRO). (2012). Child Maltreatment: Prevalence, Incidence and Consequences in East Asia and the Pacific – A Systematic Review of Research, Bangkok.

UNICEF East Asia and the Pacific Regional Office (EAPRO). (2014). Violence against Children in the East Asia and the Pacific Region: A Regional Review and Synthesis of Findings, Strengthening Child Protection Systems Series, No.4., Bangkok.

UNICEF East Asia and the Pacific Regional Office (EAPRO). (2015). Legal Protection from Violence: Analysis of Domestic Laws related to Violence against Children in ASEAN Member-States, Strengthening Child Protection Systems Series, No.5, Bangkok.

UNICEF East Asia and the Pacific Regional Office (EAPRO). (2015). Estimating the Economic Burden of Violence against Children in the East Asia and the Pacific Region, Bangkok.

UNICEF East Asia and the Pacific Regional Office (EAPRO). (2016). Child Protection in the Digital Age: National responses to online child sexual abuse and exploitation in ASEAN member states, Bangkok.

UNICEF Office of Research Innocenti. (2016). Understanding child experiences boosts effort to end violence. Accessed on 2 February 2017: https://www.unicef-irc.org/article/1489/

United Nations General Assembly – Annual Report of the Special Representative of the Secretary-General on Violence against Children, 71st Session, A/71/206, 25 July 2016.

UNICEF Philippines. (2016). A Systematic Literature Review of the Drivers of violence affecting children: the Philippines.

UNICEF Malaysia. (2013). The Malaysian Juvenile Justice System – A study of mechanisms for handling children in conflict with the law, Ministry of Women, Family and Community Development and UNICEF Malaysia, Kuala Lumpur.

YOUNG LIVES & UNICEF. (2015). Corporal Punishment in Schools: Longitudinal Evidence from Ethiopia, India, Peru and Vietnam, Office of Research – Innocenti Research Centre, Discussion Paper 2015-02.

CHAPTER 3
Child Labour

IMPACT AUDIT OF EUROPE-ASIA TRADE AND INVESTMENT
Focus on Child Labour in Southeast Asia[73]

INTRODUCTION

This paper is intended to discuss some of the important issues in trade relations between Asia and Europe as it impacts on child labour. The current economic crisis faced by many countries in this region is expected to have serious and permanent impact on the lives of children. It is projected that the crisis and the direct impact of the "rescue package" put forward by the IMF will result in increasing child labour in Asia. It is in the context of this alarming situation, that is becomes important to revisit some of the issues that lie at the centre of trade relations between Asia and Europe.

The ASEM II Summit in London provides an opportunity to put these issues at the centre-stage of deliberations between the Heads of States of the European Community and the Asian countries. How children will be affected by the structural reforms implemented by Asian governments to overcome the present economic crisis has been largely ignored in both policy-formulation and in implementation of the "IMF medicine" for the Asian crisis.

This paper is divided into the following main sections:

- we begin with an overview of child labour in the Asia region and discuss some of the key elements of the impact of the current

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[73] Paper presented at the ASEM II NGO Conference, London, March 31 to April 1, 1998.

economic crisis on children and identify the emerging trends in the form and nature of child work in the region

- we then look at the overall objective and interests represented in Europe-Asia trade relations

- we consider some of the issues in ethnical trade and investment and the issue of social responsibility of the corporate sector

- the issue of social clauses to monitor corporate behaviour and trade and investment relations between countries as it impacts on child labour is also discussed,

- the issue of General System of Preferences (GSP) which is presently in focus during ASEM II is discussed in relation to its attempt to regulate and deal with child labour in developing countries, and

- finally, a set of policy recommendations are made to Governments represented in ASEM II to put the "best interests of children" at the centre-stage of their trade and investment relations between Europe and Asia, and to be sensitive to the impact of the current economic crisis and the consequences of the rescue measures being implemented on child labour in Asia.

CHILD LABOUR IN ASIA

Notwithstanding dramatic economic growth in the countries of Southeast Asia during the past few years, child labour has increased and is possibly escalating under the current economic crisis gripping the region. The majority of over 400 million estimated child labourers in the world are to be found in Asia. The ILO estimates that the largest child labour population in the world is found in this region - 120 million between 5 to 14 years of age who are fully at work, and more than twice that many (an estimated 250 million) if those for whom work is a secondary activity are included. This means that one out of every five children are involved in the labour force in some countries. (ILO-IPEC, August 1997).

The majority of child labourers in Southeast Asia are to be found in home-based, agricultural activities and the informal sector. With rapid economic growth and increasing foreign private investment, child labour has been drawn more and more into the commercial and industrial sectors.

In some specific industries and enterprises, children work in slavery-like and bonded conditions.

Poverty remains the root cause of child labour in Asia. The mainstream economic orientation based on the "rapid economic growth model" prefers children as a labour force in some industries and enterprises that are labour intensive, because they are docile, obedient, hired at cheaper wages than adults, and dispensed off easily. Children are therefore unprotected, powerless, invisible and silent, as far as their rights as workers are concerned.[74]

IMPACT OF THE ASIAN ECONOMIC CRISIS ON CHILDREN IN THAILAND

Government Projections

Lay-Offs and Unemployment:

- 1.1 million people are officially estimated by the NESDB (National Economic and Social Development Board) to be unemployed at the end of 1997, representing just over 3% of the labour force. It is projected that unemployment will increase by 400,000 or more during 1998.

- Unemployed rates by sectors (December 1997):

    - Agriculture = 682,765

    - Industrial = 134,430

    - Returned workers = 168,033

The Northeast and North of Thailand are estimated to have the largest numbers of unemployed and returned workers

The Ministry of Interior has declared 248 districts that have more than 500 unemployed and returnees as "critical areas"

- Returnees and Rural Communities

    - Largescale migration taking place (from urban to rural areas)

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[74] Save the Children and Child Workers in Asia (1997), Bangkok.

- Returnees and their families need to be accomodated and settled

- Increased pressure on rural economy, natural resources and environment

- This will be aggravated by the expected severe and long drought this year

- Reduction and Loss of Income

  - Those still at work have experienced reduction in salaries, working days and hours

  - The rising inflation (7.7% in 1997 compared to 4.8% in 1996) has further reduced incomes in real terms

  - The burden of the crisis will fall heavily on women and female households

- Basic Social Services

  - Termination of employment benefits, higher fees and deteriorating services

  - In compliance with the IMF conditionality, the Education budget of the Government has been reduced by 6.09%, and the Ministry of Public Health's budget cut by 10.73%.

  - The Ministries of Interior and the Ministrry of Agriculture and Agricultural Cooperatives (which have extensive community development programmes and projects in the rural areas) experienced the most drastic cuts: 20.15% and 16.02% respectively.

  - A recent release from the Ministry of Education indicated that among private schools all over the country, over Baht 923 million was overdue as tuition fees for the second semester of the 1997 academic year. A recent survey of the MoE showed that over 45,000 students have been affected because their parents have lost their jobs.[75]

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[75] Background Paper. Consultative Meeting on Social Impact of the Economic Crisis and Responses from the Government. Private Sector, Civil Society and International Community (1998), pp.2-3.

NGO Projections

Key Elements of the Impact on Children - based on a survey conducted by a local NGO in Thailand:

(a) UNCERTAINITY OF INCOME - DUE TO LOSS OF JOBS

- Sudden and drastic decrease or loss of income of family members.

- Increasing dependence on credit to purchase basic goods.

- Dearer agricultural equipment resulting in more debt.

- Several families in rural areas had to stop raising pigs due to price rise in food items

- Wholesale shopkeepers had to close down business due to lack of demand for their products

- Small businesses shut down

- Some factories exploited the crisis to retrench workers

- Due to increase in oil prices, many taxi drivers had to quit their jobs

(b) PARENTS UNABLE TO KEEP THEIR CHILDREN IN SCHOOL

- Many students in primary schools seriously affected

- Over 40-50% of the school budget for "Lunch and School Milk Project" cut

- Students receive less money from parents for food coupled with increase in bus fares, stationery, tution fees

- Many students have now to work during weekends or leave home for work outside in order to pay for their education

- Significant reduction of government budget for scholarships for poor students

(c) PSYCHOLOGICAL PRESSURES FOR BOTH ADULTS AND CHILDREN

- Due to limited purchasing power, most of the poor and vulnerable families now consume less food or less quality food.

- Some families are experiencing serious psychological tension resulting in frequent quarrels between parents, and turning to alcohol to overcome the pressure.

(d) BASIC SOCIAL SERVICES AND WELFARE

- Government budgets for pension schemes for the elderly, the disabled, people with HIV/AIDS have been cut, resulting in a serious reduction of services (in both cash and kind) to the poor and vulnerable families.[76]

EMERGING TRENDS IN CHILD LABOUR IN ASIA

- The rapid pace of economic development and liberalisation - in both the Newly-Industrialised Countries (NICs) and the "transition" countries - in the region coupled with pervasive poverty; is resulting in an increase in street and working children,

- The nature of child labour is also changing - very young children under the age of 10 years, are increasing being employed,

- Work undertaken by children is no longer occassional or an apprenticeship, but is being carried out with regularly every day of the year, for long, oppressive hours and under exploitative conditions,

- Skills being acquired by young children are of a low level - they are simple, repetitive manual tasks which are detrimental to their intellectual and physical development,

- Girls are being disproportionately employed for work in urban and rural areas in comparison with boys. The correlation of this trend to school dropout rates among girls when compared to boys, is significant,

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[76]   The Foundation for Child Development, December 1997.

- Children are increasingly found working outside their family environment, in conditions that are exploitative and damaging to their health and wellbeing,

- Countries in the region which are presently experiencing a serious economic crisis and/or structural adjustment programmes are drastically cutting spending on social welfare and safety-nets and reducing government budgets on essential services to the poor - for primary health care, basic education, livelihood schemes, etc. This is expected to directly contribute towards the growing incidence of child labour in Asia.[77]

EUROPE-ASIA TRADE & INVESTMENT

Ever since the "Asian economic miracle" of the 1980s, Europe has viewed Asia as a "gateway to the economically dynamic Asian Pacific region". ASEM has been one of the main fora where Europe and Asia meet on common trade and investment issues. Europe's intentions in initiating the formation of the Asia Europe Meeting (ASEM) have been clear as outlined in the EU's strategy paper:

> *"The Union needs **as a matter of urgency to strengthen its economic presence in Asia in order to maintain its leading role in the world economy.** The Union **stands to lose out on the economic miracle taking place** (in Asia) because of the strong competition from Japan and the United States…If European companies are unable to **take a full share of the world's main centre of growth** in the next decade, this will affect their profits and competitiveness, not only in Asian markets, but also worldwide".* *(emphasis added).*[78]

The EU's longstanding relationship with ASEAN is seen as "a cornerstone of its dialogue" with Asia. Through ASEAN, Europe has hoped to share in the benefits of the Asian economic boom through gaining access to high-technology and cheap consumer goods for its own markets, besides

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77   SAVE THE CHILDREN & CHILD WORKERS IN ASIA (Op Cit), Bangkok.
78   STANKOVICH, Mara (n.d.), CIIR, London, p.6.

capitalising on the highly-conducive foreign investment climate in Asia to deploy its capital and private sector.

The ASEM Business Forum was launched in Paris in October 1996 – barely 9 months before the economic crisis hit the region – to closely associate business and governments in Europe and Asia. The main purpose of this Business Forum was to: *"make the most of the value-added which can be generated by combining the firmly established economic power of Europe, the foremost market in the world, with the formidable rise of Asia, currently the most dynamic continent".*[79]

However, in the bargain, it was Europe that seems to have gained more from this strong economic ties with Asia, as can be seen from the following data on EU-ASEAN export relations: Between 1990-1994, ASEAN exports to EU fell from 21% to 17%, while EU exports to ASEAN jumped from 8% to 20% during the same period.[80]

Turning now to some of the key issues at the centre-stage of Europe-Asia trade and investment relations that are key issues for advocacy during ASEM II in London:

Ethnic Trade and Social Responsibility

The sports goods multinational industry has been targeted by many pressure groups and NGOs on allegations of the use of bonded child labour. Notwithstanding codes of conduct that have been developed for multinational companies, there is concern about the impact of TNC activity on child labour in developing countries. Save the Children was involved in a pioneering research project to assess the use of child labour in the football stitching industry in Sialkot, Pakistan,[81] where over 60% of the world's footballs are produced, including those to be used for the World Cup this year in France. The study found that bonded labour was not being used, and its findings helped to develop a programmatic approach to strengthen education for children, provide alternative forms of income for working children's families and monitor the social impact of football stitching.[82]

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[79] ASEM BUSINESS FORUM: Chair's Statement, 15/10/1996 REV 1.
[80] STANKOVICH, Op Cit, p.9.
[81] SAVE THE CHILDREN. (1997). "Stitching Footballs – Voices of Children in Sialkot, Pakistan", London.
[82] HUSSELBEE, David (1998), London, p.1.

Save the Children is also participating in the "Ethical Trade Initiative", a coalition of NGOs, trade unions and private companies with the aim of improving conditions in the supply chain of several different sectors, including the sports and apparel industries.[83]

The foundation of genuine social responsibility of companies and trade relations between countries must be based on the "best interests of the child" as enumerated in the UN Convention on the Rights of the Child.

Codes of Conduct are one approach to social responsibility. They are necessary and effective when applied on equal terms to all countries and not when used by some against the interests of others.

Social Clauses

> *"Social clauses represent a link between trade arrangements and minimum labour standards within the insitutions and agreements that control international trade".[84]*

The issue of social clause concerned with child labour is a controversial area. In a publication on "World Trade and Working Children", the Anti-Slavery Society concluded that a major drawback of such a clause would be that the measure would affect only the export sector. This may well lead governments and employers to try to conceal the problem and drive it further underground. To quote from this report:

> *"Trade sanctions will only directly affect the export sector. Without an improvement in education facilities and general economic conditions, forcing children out of these industries might result in their working in worse conditions...The international community must take greater responsibility for funding local programmes that will tackle the root causes of child labour".[85]*

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83   Ibid, p.2.
84   SHAW, Linda (n.d.), London, p.3.
85   ANTI-SLAVERY INTERNATIONAL. (1995). "World Trade and Working Children". London.

The issue of social clauses has produced a heated and polarised debate between various key actors in international trade and labour relations - including the trade unions, consumer groups, NGOs, the private sector and TNCs, governments, the ILO and international trade institutions.

ASEAN governments have expressed strong objections to attempts by some EU member countries to introduce "social clause" in the framework of the WTO.

General System of Preferences (GSP)

The GSP allows preferential access to the European Union's markets for products from developing countries. It is presently negotiated for a 10-year period (1995-2004).

At the time of the Oslo Conference on Child Labour (October 1997), the European Commission issued an announcement that is considering a GSP specifically addressing the problem of child labour in developing countries within the framework of labour rights and environmental standards. A proposal on this will probably be soon adopted by the EC. This proposal allows a double preference for industrial products and a two-thirds preference for agricultural products. Once a country's application for the GSP is approved, the country will then receive a product by product certification - in the case of child labour, saying, for example, that these shoes are not made with child work.

While some trade unions (ICFTU, for example) are in favour of this scheme, the commercial lobby is strongly against it, regarding it as bureaucratic and ineffective. At present, it is not clear what the response of the Asian (or ASEAN) governments is to this proposal.

The EC proposal for the GSP to focus on child work and child labour should indeed be welcome. This is an indication that children are considered in European policy making and decisions on trade relations with developing countries. However, the danger lies in the GSP being used by European governments for political purposes or biased towards particular business and commercial interests of the private sector. Any policy on child labour and child work should actually be guided by the UN Convention on the Rights of the Child, especially Articles 12 and 32 on child labour.

There are a number of other dangers of the GSP:

(a) it deflects focus from a determined policy of governments to identify and eliminate with immediate effect the most intolerable forms of child labour

(b) it does not address the root causes of child work and child labour in the developing countries

(c) the GSP is mainly designed for the trade products and the export sector of the economy. UNICEF has estimated that the export sector accounts for only about 10% of the industries in which children are working in developing countries.

(d) it is similar to the Codes of Conduct or other schemes that merely certify products are not made of child labour without integrating in these programmes the effort to provide increasing access for families for other forms of income and children's access to education.

(e) finally, and most important, the GSP is just another government policy directive that views working children and their families as merely being part of the solution. Working children and their families are not consulted in the process of policy formulation and implementation.

An alternative GSP policy of Europe towards Asia should be based on providing incentives to developing countries that have a sound social welfare policy and national plan to eliminate the most intolerable forms in which children work. Requirements to qualify for a GSP status could include, for example, a national plan to reduce poverty, increase social services, health and education budget allocations for children, providing alternative livelihood projects for poor families, protection of immigrant workers and unregistered child workers involved in hazardous work, including prostitution and child pornography.[86]

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[86] KOOMPRAPHANT. Sanphasit. (1997). Bangkok, September 1997.

RECOMMENDATIONS TO ASEM II

▸ Given the fact that all governments represented in ASEM process (Europe-Asia) have ratified the UN Convention on the Rights of the Child, it is urged that they take <u>immediate steps to implement the provisions</u> of the Convention and the recommendations and concluding observations on their National Reports submitted to the CRC Committee in Geneva.

▸ Within the framework of the UN CRC it is recommended that ASEM governments be urged to undertake a <u>"child impact assessment"</u> of Europe-Asia trade and investment agreements and commercial relations.

▸ In the context of the current economic crisis in the region, it is urged that the International Monetary Fund (IMF) and concerned Asian governments <u>carry out an immediate "poverty impact assessment – with specific reference to the impact on children"</u> of the measures that are being proposed in the IMF loan packages as well as the recovery measures being implemented by Asian governments.

▸ With reference to the GSP, it is recommended that an assessment be made of the <u>specific impact of the preferential market access</u> for products produced by ASEM countries to the EU, or the blocking of market access to the EU, on the employment of children.

▸ The EU and Asian governments should take steps to <u>fund initiatives that assist children</u>. Children are at present largerly invisible in Europe and Asia development policy and in government budget lines. For example, (similar to the recent initiative of the EU to create a special budgetline to fight sexual exploitation and abuse of children in Third World countries) it is recommended that governments in Europe and Asia <u>create a budgetline on "children in development"</u> which would help in the recognition of children as actors in the development process and not simply as passive recipients of aid and welfare.

REFERENCES

Husselbee, David. (1998). "Sports and Social Responsibility". Speech for the World Sports Forum Session, London, March 11.

Karunan, Victor. (1998). "Child Labourers - The Forgotten Victims of Asia's Economic Crisis". Paper presented at the Asia-Europe People's Forum - Conference on the Social and Political Dimensions of the Asian Economic Crisis. Chulalongkorn University, Bangkok, March 23-24.

Karunan, Victor. (1998). "Save the Children's Response to the Impact of the Current Economic Crisis on Children in Southeast Asia". Paper presented at the UNICEF Regional Country Representatives Management Team Meeting. East Asia and the Pacific Region, Bangkok, February 18.

Koompraphant, Sanphasit. (1997). "Child Labour - Challenges and Priority Areas for Actions and Interventions". Talk delivered at the Regional Consultation on the Most Intolerable Forms of Child Labour. Bangkok, September 1-5, 1997.

Royal Thai Government & United Nations Development Programme. (1998). Background Paper for the Consultative Meeting on Social Impact of the Economic Crisis and Responses from the Government. Private Sector, Civil Society and International Community, Bangkok, March 5.

Save the Children & Child Workers in Asia. (1997). "Invisible Children - Child Work in Asia and the Pacific". Bangkok, October

Shaw, Linda. (n.d.). "Social Clauses". Briefing Paper, Catholic Institute for International Relations (CIIR), London.

Stankovitch, Mara. (n.d.). "The European Union and ASEAN". Briefing Paper, Catholic Institute for International Relations (CIIR), London.

CHILDREN AND WORK IN SOUTHEAST AND EAST ASIA
Issues, Trends and Challenges – The Need for a Paradigm Shift[87]

INTRODUCTION

Having listened to the experiences from the field visits, I will now ask you to take a step back for the moment. This will basically help us re-look the way we approach child work and child development. We need to take our experiences from the field and to step back and redefine our strategies in working with children. I want to challenge the assumptions we make about children and our perceptions of the work that children do.

We also need to take a look at our mindset – how we look at children, our work, how we are addressing the problems with our perspectives as adults. As we take a look at the fundamentals of our work with child labour, we base our interventions on the assumptions we have, the assumptions we have formed from our readings, meetings with others and a pile of data/statistics.

Structure of Presentation

- Key concepts and meanings

  - Child work

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- Working children

- Child labour

• The concept of "work"

• Approaches to working children

• Working children in the Southeast and East Asia region

    - Work and labour

    - Macro-economics

    - Participation

    - Reality of working children

• Root Causes of child labour

The Concepts Child Work and Child Labour

Concept	Meanings
Child Work	• Work is defined primarily in terms of economic activity • Work that children do – in fact, children most often do work of adults • Work as a learning experience for children
Working Children	Children often combine "work" and "school"
Child Labour	• Western concept in the English language • Implied children participating in the labour market • Hazardous, intolerable, worst forms of work that is detrimental to children

We start with the concept of 'child work', where the work is primarily defined in terms of an economic activity that can be counted and measured. The danger with the term 'child work' is that a certain part of the human activity is taken out of society and separated out. When children do the work that adults do, it segregates that activity from "who" or "what" children are to society as a whole.

Work is learning. If work is learning, then it is part of the educational process of the child. And the educational process of the child at work includes how to manage, how to plan, etc.

Working Children: There is a lot of good literature that specifies the number of working children. But there are many children who combine work and school and statistics do not account for them. The statistics only include those who work and do not study.

Child labour. The term 'labour' mostly comes from the English language. It is not found in Spanish or French. 'Work' is translated in these languages but not 'labour'. This comes from a whole tradition of the industrial revolution to justify a certain type of economic activity. This also implies children are participating in the labour market as employees. Therefore this activity is measurable.

Very often child labour is used to identify hazardous, intolerable and worst forms of child labour that is detrimental to the children. It is an activity that is detrimental to the overall development of children.

The Concept of WORK

Concept	Meaning and Implications
WORK	• WORK as "formative stage" in the life of a child • LABOUR: derived from the industrialised West (The Industrial Revolution), involves 'routine' activities that are repeated over time • Price tag: Wages A Commodity that can be Bought or Sold in the market • Linked to MARKET • Separation between "Learning" (Education) and "Work" (Labour) Legalisation of work – employment market (job market)

The way we should look at work and children is that work is essentially part of the formative processes of the child. The child learns values and skills through work that help in the development of a child.

People from this region come from different traditions. The industrial revolution is not part of our background in our countries. There is a distinction between the work that facilitates development, and teaches values and skills and work that hinders development. For example, there is a difference between a child working in the fields side by side with his father and a child doing repetitive work in a factory setting. These concepts come from two different cultures and backgrounds that influence the understanding of labour and work. The difference is also primarily in terms of the "price" of the work – where the children become commodities. The link to the market is also a predominant criterion for defining work and

labour. The issue is whether the work is in or out of the market sector and whether it is formal or informal.

Our understanding of work often involves a separation between 'learning', which to our mind is confined to schools and classrooms and 'work' that involves skills and earnings (wages) which occurs in workplaces. This distinction is misleading. We often make artificial distinctions between "learning and education" and "work and employment". The two things blend into one another, rather than being distinct and separate. This is an adult distinction of learning and work.

Approach	Meaning and Basic Orientation
Labour Market Approach (ILO)	• "Work is an economic activity that contributes to the Gross Domestic Product (GDP)" • Children participate in the labour market through child labour • Competition between "children" and "adults" in the labour market • Children are counted and measured by their involvement in the labour market (e.g. minimum working age) • Logically promotes an "Abolitionist" solution to child labour
Educationalist Approach	• "Work is in competition with education" • Children should be in school and not at work • Children should be rescued from exploitative labour and returned to school • Make the formal educational system accessible to working children • Introduce non-formal, technical and vocational training and education for working children
Ethical/Moral Approach (A Romantic Approach?)	• Abuse and exploitation of children is immoral and unethical • Childhood is separate from social reality • Children should only 'play' and 'go to school' • All work is bad for children • Working children therefore need to be rescued and put back to school • Set up 'rescue centers' and rehabilitation programmes for child labourers
Child-Centred Approach	• Based on the principle of the best interests of the child (Convention on the Rights of the Child) • Children have a valuable contribution to make to society • Involve children (and their families and communities) in policy and programming • Working children should be active participants in the design, implementation, monitoring and evaluation of interventions

The predominant approach taken by the ILO is the *labour market approach*. This is based on the premise that work is an economic activity that is taken in and contributes to the GNP. The second premise is that children participate in the labour market through child labour. They become invisible if they disappear from the labour market – lost and hidden. In this approach there is competition between children and the adults in the labour market. If children work, then the adults lose jobs. This is the problem when children and adults unionize. Trade unions are also a Western concept. There is the element of competition between children and adults that logically leads to an abolitionist solution. The "abolitionist" approach is to eliminate and abolish children from the labour market and return all children back to the school – where they belong.

The second approach is the *educationalist approach*. It must be said though that not all educators follow this approach. In this approach there is a separation between learning and skills. This approach sees work in conflict with education. Children should be rescued from exploitative labour and returned to school. There is a need to make the formal educational system more accessible to the working children so that all children can go to school. What will work for working children is non-formal, technical and vocational training.

The third approach is the *ethical and moral approach* to child labour. This is an approach based in the "Golden Age" of childhood and children coming from a particular tradition in the West. There are also some traditions based on own religion in this region. All abuse of children is immoral and unethical. However, this approach also says that the children's life is separated from socialisation of people. Children should only play, feel happy and go to school. Looking at the very rich in our society – the parents try not to make the children do any kind of household work, because there are hired domestic maids to do that. The children are protected from learning even basic household chores. In this approach the children have to be rescued from all kinds of work.

Finally, it is important to remember that these approaches only touch on the main principles. These are not compartmentalised elements and approaches, but there are many grey areas and many practitioners draw from a variety of these approaches.

There is the *child-centred approach* that has implications on programming. What does child programming mean in this context of the principle of the best interests of the child and guided by the CRC? This

approach sees children making a valid contribution to the development of society. It involves children, therefore, when we say children contribute, they contribute as children. When we want them to participate we also want them to contribute as children and not to be doing what adults are doing. Here too, working children should be active participants in the whole process of planning, designing, implementing, etc. of the projects.

What are the Issues?

The Continuum: Work – Labour

- Work related to the labour market

- EXPLOITATION is the cutting-edge of the distinction between 'work' and 'labour'. In other words, there is a difference between work that is positive and work that is harmful and detrimental to the child.

- Work as part of the child's learning and developmental cycle

- Work experience vis-à-vis childhood and child development

There is a need to take a positive approach to children's contribution as citizens in society. This is not only driven by the fact that we think they are vulnerable and they need help. Children are vulnerable but they can also make a contribution.

There are work experiences that contribute to development in childhood and child development. This work experience varies between country to country, and between urban and rural areas.

The Development Paradigm

- Globalisation

- Macro-economic policy: Children and Economics

- Trade Relations ("global market")

We are realising more and more that some of the main issues we are dealing with are the process of globalisation, macro-economic policies and the recent economic crises affecting the region. Today we can see more clearly how children are integrated more and more into the global market.

How can be make children more visible?

Making children visible in macro-economic policy.

- Economic planners fail to see children in their plans because economic analysis fails to analyse children. Even in the economic restructuring plans, children are not taken into consideration.

- Children are invisible in economic policy when poor budget allocations and government spending, lack of data and information on human development (disaggregated data on children) fail to analyse children as active citizens.

- There is a need to consider children in economic planning, and this is the work for child advocates. Advocacy and influencing to make economic planners and government agencies include children in their policy and practice.

Child Participation: Pre-conditions for children's participation

(a) Participative environment in society: "People's participation"

(b) Participation in the family and community

(b) Children are informed and aware of the need to participate and its implications

In this region, in particular, there are certain pre-conditions to take into account when we talk about child participation. What are the issues involved? How participative is the environment in which children live? How do the conditions permit the participation of the children and not just token participation? Children also need to be informed and be aware of the need to participate. They not only need to participate but also need to know the implications of their participation.

In many of our countries, the large majority of the working children are invisible and unaccounted for. If they fall out of the labour market it is difficult to know the trends since there is no national statistics that covers the magnitude of the children who are hidden and invisible. Traditional data is not able to account for all the working children who are invisible.

Most of the data/information and research is centered in the urban areas. Very few go to the rural areas, where there are plantations, agricultural work, handicrafts, home-based activities that are beyond the information

reach and even more beyond our interventions. A large part of that is informal and underground.

Capitalism

- Cash economy

- Commodification of work

- Urban-centred development

The economic orientation of most of our countries is a capitalist orientation to growth and development. That orientation provides the basis for the increasing exploitation of children in society. Cash economies as opposed to the "barter system" have driven children to search for income. The urban-centred development forces children and families to migrate to the urban centres with migrant children coming from the rural areas and across borders.

Let us re-visit our mindset in relation to child work and labour. We distinguish between work and learning – work and industry vis-a-vis school and education. There is human work versus human development. There is also the development of children, primarily in the rural areas – what the children learn in the school is supplemented by the learning at work.

Finally, in our enthusiasm to abolish the "worst forms of child labour", let us be careful not to abolish children themselves. There is a need to remain conscious of the children; we should not forget children – we need to put children back on the agenda – especially in working around the new ILO Convention on the Worst Forms of Child Labour.

Some concluding reflections

1. Moral/Ethical Approach – The moral-ethical approach is fundamental to our understanding of childhood and child development. Our main values in the moral and ethical approach will remain until our own value system changes in terms of looking at children. Not until we change the way we look at children will our ways of working change. In looking at children and childhood we need to go back to our own value system and traditions that influences and determines our understanding of children.

2. Regarding the balance or imbalance in our work between protection and prevention – the work is still largely on the

protection side. The balance and interface between the two is still not clear.

3. Regarding the macro-economic issues and what we are doing about it: it is evolving. There is a World Bank position paper on child labour that shows the World Bank is taking a more open approach to child labour. It mentions the definition and distinction between work and labour. The private sector also beginning to take a look at these issues slowly. There are global attempts at putting this perspective on the agenda. But unless you change the structure of society, we cannot make fundamental changes. A vision is important. We need to put back the children in this vision.

4. The new ILO Convention. It is urgent, immediate and needs a lot of pressure to ratify it immediately. However, one contribution we can make is to emphasise that child labour is not the priority of only one agency. It is not the priority of only the Ministry of Labour, but also the Ministries of Education, Health, Social Welfare, Justice, etc. We need to find a way for the various governmental agencies to coordinate and communicate in helping children. We are not going to solve the problem by ourselves. We need a multi-disciplinary and multi-agency approach to tackle this complex problem.

CHILDREN, WORK AND EDUCATION
Participatory Action Research on Children and Work in Southeast Asia: Conceptual and Methodological Issues and Challenges[88]

INTRODUCTION

Child-centered participatory research approaches and methods have only recently begun to be used in collecting and analysing information on working children in Southeast Asia. This new approach has challenged conventional social research on child labour and has resulted in conceptual clarity and a variety of innovative methodologies that has helped us to view working children and their contexts differently.

Involving children directly in the research process is fundamental to the child-centered research approach. Central to this is the concept of child participation which is based on the UN Convention on the Rights of the Child. It is in this regard that child-centred research approaches and methodologies seek to give primacy to the "best interests of children" in all aspects of the research process.

This paper seeks to review the conceptual and methodological issues in current research on working children in Southeast Asia, based on the experience of child-centered participatory approaches and methodologies of research on or about working children in this region. The analysis and arguments put forward in this paper emerge from a range of field-based

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studies and research undertaken by Save the Children and other non-governmental organisations in the region, and on experiences of practitioners in development programming at field levels. This paper argues the case for a child-centered approach to working children that is fundamental to all research on child labour, and draws its implications for policy and programming on working children in Southeast Asia.

CHILDREN AND RESEARCH

Viewing Children Differently

Conventional Research has largely focused attention on the family as the basic unit in society and the community that surrounds it, thereby disregarding children – both as a unit of analysis and, in particular, their specific needs, knowledge and experiences as children in the context of their family and community. Only recently has it been recognised that the perspectives, insights and experiences of children ("children's worldview") can inform and benefit research.

Save the Children believes that the needs, interests and perspectives of children and adults are not necessarily synonymous. Children's needs, capabilities and roles vary with age and gender and often provide a very particular knowledge and understanding of their family, community and society. It is this children's perspective that better informs researchers how macro and micro factors and issues impinge upon children, how children cope with these pressures, and what are the potential alternatives to address the best interests of children.

Children's knowledge and perspectives are shaped by the given socio-cultural, historical and religious conditions of family and community life in the Asia region. We need to recognise these different cultural traditions and concepts of childhood, but in doing so, being careful not to endorse discrimination and exploitation at the same time. Furthermore, we need to be aware of our own culturally-determined concepts of childhood, and constantly clarify and question our assumptions about children. (Theis, 1996).

CHILD-CENTRED RESEARCH

Child-Focus

A child-centered approach locates children at the centre of the analysis. This does not mean that the research exclusively focuses only on children. On the contrary, a child-centered research approach seeks to pay special attention to the needs, problems, hopes and aspirations of children vis-à-vis that of adults in a community. Such an approach is based on a community-development framework that takes into account the family and community context in which children live and grow. This is also called a child-focused development" approach.

Boyden and Ennew (1997) suggest the following core principles of a child-focussed research methodology within such a child-focused development framework:

a. research about the perceptions of children themselves as well as attitudes towards children should be ethical

b. the views, ideas and perceptions of all human beings should be respected – including those of children

c. all experiences, perceptions and views have value and should be listened to with respect, regardless of status and qualifications

d. there is nothing that cannot be questioned

e. there is nothing that should be taken for granted

f. participatory approaches, respecting and involving all relevant people (including children) are ethical, scientific and produce good quality, valid information (Boyden & Ennew, 1997, pp.11-12)

CONVENTIONAL APPROACHES AND METHODS OF RESEARCH ON CHILD LABOUR

The Labour Market Approach

The "labour market" approach to child labor defines work primarily in terms of the economic activity as it contributes to the country's GDP. From this perspective, it views children as competitors with adults in the

labour market who can be measured and counted as such. This approach logically promotes an "abolitionist" solution to child labour, and as such, "*does not really address the real factors that endanger children in their work, and it therefore serves children's best interests poorly at best." (Myers & Boyden, 1998, p.16)* Research, in this approach, is confined to the formal and visible sectors in which children work that can be easily counted and measured. "Invisibility" of child labour is therefore defined as one where children disappear from the labour market – those that cannot be counted or measured – they are lost and hidden. (Karunan, 1999)

In Southeast Asia, a large majority of working children are invisible and unaccounted for in conventional child labour surveys and research. If they fall outside the labour market it is difficult to know the trends and the actual situation as there are no reliable national statistics that covers the magnitude of the problem of invisible and hidden working children. Besides, most conventional research on child labour is centered in urban areas and the formal industrial and manufacturing sector. The predominant rural sector in Southeast Asia where the majority of children work, is generally neglected by conventional research – especially working children in agriculture, fishing, mining, plantations, handicrafts and other home-based economic enterprises.

The common methodologies used by conventional research on child labour has comprised of large-scale surveys and review of secondary data and information available from official government sources. This stands in direct contrast to community-level studies that provide concrete and differentiated data and information on the extent and magnitude of the child labour problem, largerly undertaken by NGOs and civil society organisations. (See for example: Redd Barna study on Lao PDR, 1999). The national/regional-level surveys and population censuses are not primarily designed nor provide for a way to measure and count working children. Same too with household and labour market surveys conducted by government agencies and some UN agencies. Children are left out from these data sets and information systems by the very nature of its design and purpose.

Another serious problem with conventional research on child labour is that data and statistics is not disaggregated to show trends and differentials in age, gender, ethnic, socio-cultural and economic variations. The overall framework and the methodology applied in conventional research precludes disaggregation. Even where data and information is

available – workforce surveys, for example, it provides us with only broad data sets and sweeping generalisations about the actual numbers and the situation of working children.

INVOLVING CHILDREN IN RESEARCH

Child Participation

A prerequisite to involving children in the research process is to first comprehend the importance and the value of children's positive contributions. This should be based on the principle that all our work and actions must take into account the perspectives of working children and their families and communities. It also implies that the "best interests of the child" will be paramount in the context and the complexities of the situations in which working children live.

It can been argued that there are some pre-conditions for effective children's participation. These include, among others: (a) a participative environment in society – "people's participation", (b) participation in the family and community, and (c) children are informed and aware of the need to participate and its implications. (Karunan, 1999)

Participation is a dynamic process that needs to be continuously developed and reviewed. The nature and extent of participation – especially of children – is determined by the given socio-cultural context and the recognition of its usefulness to all stakeholders involved in it. It is also important to recognise that different societies have different conceptions and attitudes towards participation. Participation, therefore, is a learning process - *"Participation is an approach – it is something that can only be learnt by experience, and sometimes mistakes. Participation does not simply mean asking children questions and then excluding them from the rest of the process. It is about recognising and validating children's experiences and knowledge and being prepared to learn from that experience which is different, but not inferior to adults"* (SCF Child Focus Manual – Draft – 1999)

It is important to note that most of the knowledge and experience of participatory approaches and methods with working children is presently coming from the South – where children actually participate and are more actively involved in economic and social activities in society, to a much greater extent than in the North.

Ethics of Research with Children

The way we view children significantly affects the way we study and analyse them in society. As adult, we often see ourselves as *"understanders, interpreters and translators of children's behaviour" (Waksler, 1991). Rather, we* need to have and develop the *"culture of listening to children"* (Morrow & Richards, 1996, p.98). In research on children therefore we need to be aware of the ethical issues and standpoints and their implications. We need to aware of, among others:

a. *children are not a homogenous group*

b. *where we collect the data on children*

c. *how we collect his data*

d. *the age, gender, ethnic and socio-cultural background of the children we study and our own background* (Morrow & Richards, 1996, pp.100-101)

Ethical issues in research with children are important especially because they deal with children who are different from adults. Children follow an ethic standard that is based on their level of childhood and their given socio-cultural environment. As adults, we need to be sensitive to these given standards and environment in order to ensure that in the participation of children in the research process, their full abilities are tapped to inform the research. Besides, sensitivity to the given ethic standards of children also facilitates and enables communication and exchange of the knowledge, skills and experiences of children with adults through the research process. *"Researching children, then, raises interesting methodological and ethical issues that all researchers face, at least implicitly, when collecting people's stories: issues of appropriate ways of collecting data, appropriate and honest ways of analysing and interpreting data and disseminating findings, as well as issues of protection of research participants"* (Morrow & Richards, 1996, p.103)

An ethnical approach to child participation in research will involve their informed consent, including their acceptance of how we (as adults) intend to use the outcomes of the research. All research on children therefore needs to be underpinned by a framework of ethnic principles and ethical approaches. This framework needs to be informed by the experiences of children and adults in all areas of work. (Johnson, V. et al, 1998)

PARTICIPATORY ACTION RESEARCH ON WORKING CHILDREN

In the last few years, a variety of local and national-level studies and researches carried out in a number of countries in Southeast Asia have helped to enhance our knowledge and expertise in participatory action research. These studies have tried to translate into action the child-centered approach to development. They have involved children directly in the research process. Children have participated both in the collection of data and information using a variety of participatory methodologies, and also – at least in some cases – joined adults in analysing and interpreting the data. This rich experience has generated new knowledge and insight into the lives and experiences of working children in a variety of situations across the region.

Below are highlighted some of the salient participatory methods and innovative techniques utilised in research on working children in the region:

Life Histories and Case Studies

A useful participatory action research method has been the documenting of the life-histories of working children. These case studies have been one of the most effective ways of directly involving children in research as well as an effective channel for reflecting working children's views and perspectives for influencing policy and practice. In the Asia-Pacific region this approach has become very popular among community-level research groups, NGOs and other civil society organisations. *(See: International Save the Children Alliance & Child Workers in Asia, 1997)*

PRA with Working Children

Participatory Rapid Appraisal (PRA) has been found very useful in capturing working children's own perceptions of their work, their aspirations and coping strategies. This approach has laid the basis for future interventions that involve children and their families in improving their own situation.

In Vietnam, for example, Save the Children has used Participatory Rapid Appraisal (PRA) methods with children and adults. This has involved the following methods, among others;

a. *observation of children's work and play*

b. *discussions and informal talks with individual children or groups of children*

c. *classroom-based exercises where pupils write or draw on a piece of paper about a particular aspect of their lives (e.g., aspirations and wishes in life)*

d. *children's daily and seasonal activity calendars*

e. *playing and singing with children*

f. *discussion and interviews with adults (parents, teachers, health workers) about children and their lives*

g. *statistics about children's health, nutrition and education status.* (Theis, 1996, pp.70-71)

The experience of SCF in Vietnam in using PRA methods in research on child labour has highlighted many interesting issues and challenges. During the research the research teams visited the children in their work places and talked to them during their breaks. Care was taken not to interrupt their work in appropriately. For more in-depth discussions, researchers visited children's homes at the children's and families convenience. In Ho Chi Minh City a "child photography project" was effectively used to conduct research on working children. This involves training working children themselves to take photographs of other peers. The children then presented their photographs at an exhibition to share their reality. The experience helped to reflect and communicate the experiences of working children through their own eyes. (SCF-Vietnam, 1998)

In the Philippines, research on rural children has been conducted using the case study method, supplemented by semi-structured interviews, mini-surveys and focus group discussions. Participant observation was particularly used in obtaining information from those belonging to the lower age groups of children. (See: Garcia & Molino, 1998)

Child Researchers

An effective method of involving children in research has been tried in Lao PDR where children and youth (age group 15-22 years) in Vientiane Municipality were initially trained in participatory research methodologies – a training manual was developed in the local language which included

PRA and other participatory tools and methods. The trained young people were then divided into two age groups (13-15 years and 16-18 years) and by sex and whether the young people were in school or out of school. The research teams of young people for each village were then tasked to collect information and conduct research using the participatory tools with their peers. The information was collected in several ways – using taperecorders (where permissible), taking notes, filling forms provided, keeping cards and drawing from young people. The youth research teams met regularly and discussed the information gathered and their findings. A key objective of this project was not only doing research on young people lives but also *"to start to develop a core of young people who had the skills to work with other young people and who could go on to develop groups with their peers on particular themes."* (SCF – Lao PDR, et al, 1998, pp.3-5)

Gaps in Participatory Research

The experience of participatory research with working children in Vietnam pointed out of a number of limitations and constraints encountered in the process. These included, among others: (a) children were involved mainly in the data collection stage, and not in the analysis and presentation of the research results, (b) the environment were children were being interviewed was not conducive – e.g., factory setting, (c) it was difficult to interview children directly when curious crowds gathered to listen in on the interview, (d) children working in factories were under the constant supervision of their employers and were not able to take breaks to participate in discussions or participatory exercises, (e) many children lived far away from their work-site which made it difficult to meet them after work, and (f) a majority of children had no time for interviews as they were needed back home or were busy attending evening school. (SCF-Vietnam, 1998)

A major gap in participatory research on working children is the lack of appropriate and culturally-relevant tools and methods. While many PRA tools and methods have been found effective in application to working children's situations, they often cannot be applied in other situations especially where the work environment and the community context do not permit participatory methods of research. This is particularly true in situations where child labour is "invisible", bonded or hidden.

Another major challenge in participatory research is in disaggregating and cross-checking official data and information with children themselves. Most official data is beyond the reach of children and therefore precludes

them in cross-checking its accuracy and validity. There is an urgent need to evolve relevant formats, guidelines and tools/methods to disaggregate national data and statistics to reveal child-centered information about working children. In this regard, Myers points out some key areas where research can effectively measure and assess impact on children. These include, among others, amending national statistics on child work to: *(a) include work by young children, (b) include important non-economic work, (c) distinguish between full-time and part-time or seasonal employment – including work done by students, (d) report by gender, age group, urban-rural, regional and socio-economic categories, and (e) indicate the number, distribution and characteristics of children in the worst forms of child labour* (Myers in SC-Norway, 1999, p.37)

Finally, more appropriate and effective methods and tools need to be developed – especially in local situations – to systematically promote genuine children's participation in research and project development – especially methods that could effectively bringing children's views and perspectives into development policy and practice. Participatory action research on working children must be therefore seen as a precursor to developing appropriate and effective interventions to address the issues and causal factors that contribute towards exploitation of children. Unless children can see that research is linked to sustainable development interventions that will change their lives for the better, they will inevitably experience a sense of "being used" or "manipulated" for adults own purposes. Very often valuable research on working children stops short of decisive action to alleviate the situation of working children. Research needs to be the basis for future action.

Future Research Needs

A cursory glance of the numerous studies and researches on working children's situation and child labour in Southeast Asia will reveal that most of them merely describe the situation of working children and their working environment. While official surveys and censuses provide some information on the magnitude and extent of child labour, participatory methods and studies describe the life experiences of working children, their hopes and aspirations for the future.

Today we probably know much more about the numbers of children working, about their working environment, their experiences of exploitation and abuse, and their perspectives on alternatives; and less about the structural conditions that promote and maintain exploitation of working

children. Furthermore, effective ways or using research on working children to influence development policy and practice remain inadequate to really influence change.

In a recent study commissioned by Save the Children on child labour and poverty, the following priority areas for future research were identified:

1. research that contributes to a greater understanding of the linkages between child labour and the inter-generational transmission of poverty

2. longitudinal qualitative research that traces the progress of working and non-working children in to adult and parenthood that would provide the insight into how factors related to child work impinge on children's future prospects and standards of living more qualitative and quantitative research at micro and macro levels on the immediate and longterm implications of work-related health problems for children, and its economic and social costs for society as a whole. (Ebdon, 1999, pp.34-35)

CONCLUSIONS

The child-centered approach to working children views children from a radically different perspective and standpoint that, among others, recognises their valid contribution to society. Children contribute based on their own capacity as children – therefore children participate as children, not like adults or as adults do. We therefore need to view children differently – not just innocent, vulnerable and susceptible, but as active social actors who can make a positive contribution as children to social development. (Karunan, 1999)

Children's contribution to the family and society is determined by their age, level of development and the given socio-economic and cultural context. Society needs to harness this potential that children offer for their own development. As a study on child labour in the rural Philippines noted: *"Rural children are active participants in the development process. They contribute in their own small way to the economy…(this study) showed the reality that the children, although very vulnerable and exposed to the hazards of rural childhood, have a role to play in rural developed. They are not simply dependents and are not necessarily better off than their urban counterparts. They should be more active participants in development, if only for the reason*

that the future belongs to them and thus, even now, has a stake on current development initiatives." (Garcia & Molino, 1998, pp.32-33)

In other words, there is an urgent need to develop a new "sociology of childhood" – a sociology that *"takes children seriously as they experience their lives in the here and now as children"*. (Morrow & Richards, 1996, p.92). This new discipline needs to take a wholistic approach to the child. It needs to be inter-disciplinary that draws on various academic and practice-based knowledge and expertise (the "pure" and the "applied" science) in the field, and one that promotes an approach to childhood and child development that is based on the principles of the Convention on the Rights of the Child. The subject-matter of this new discipline is children in the context of their family and community – viewed from a child-centered perspective that puts their "best interests" first. It recognises the positive contribution that children can make to the society around them and encourages their active participation in shaping and determining their own lives. A new sociology of childhood is fundamental to a child-centered approach to children. It is such an approach that should inform and influence current research on working children and child labour in Southeast Asia.

The Challenges Ahead

As we have seen above, the main challenge today is to mainstream a child-centred approach to working children that is rooted in a new sociology of childhood and child development. This challenge is even more urgent given that a new ILO Convention (No.182) on the "Worst Forms of Child Labour" has been adopted which sets a new international standard to eliminate – on an urgent footing - the most severe forms of hazardous and exploitative forms of child labour worldwide. With governments signing up to this new Convention and committing themselves to develop national plans of action to combat these worst forms of child labour, it is imperative that such actions be based on a child-centered approach that recognises and promotes the "best interests of the child."

Secondly, we have identified the need to develop appropriate participatory methods and tools for research on and with working children. We need to ensure that working children exercise "ownership" of the research process that involves them, and share control over its future use. We need to distinguish between our agenda (the "adults agenda") and their agenda (the "children's agenda") in the research process. *"Traditionally, research has been an extractive process, even with adults, where subjects of the research have had little control over the process and analysis. Research*

with children, presents a different set of problems as children can be reluctant to refuse involvement; additionally, adult agendas are often not clearly explained. Thus researchers working with children need to learn participatory methods that will be appropriate to children and young people of different ages and genders and cultures." (Johnson, V. et al, 1998)

A third challenge is related to disaggregation of official data and statistics to reveal the real information about working children. Disaggregation must be sensitive to age, gender, ethnic and economic status. On the other hand, this involves counting and measuring children's contribution to the household, the economy and society. In general children's contribution to household income and the national economy are largely undervalued and under-reported. A first step towards improving the situation of working children would be to collect data and information about children's work as part of the routine household surveys. New data and information about children will lead to new approaches and better interventions on child labour.

A fourth challenge which is particularly relevant to countries in this region is to promote more in-depth research on issues related to children and work within a socio-cultural perspective. In this regard, more rigorous analysis is needed on traditional concepts of childhood and child development in Southeast Asian countries – where mainstream attitudes and ethics related to children is largely influenced by religious and cultural factors and local conditions. This is necessary, in particular, to understand the socio-cultural dimensions of child work and the interplay of these socio-cultural factors as they determine current attitudes towards children in the face of rapid economic transition and change.

Finally, a starting-point is to question our own assumptions and attitudes towards children. As adults we need to make a "mind-shift" from traditional notions and values that we cherish about children as vulnerable and non-productive, to a child-centered approach that views children positively and as contributors to social development. We need to challenge these traditional notions of childhood and child development that have become everyday cultural norms and practices in our society. This is no easy task as it entails a "paradigm shift" that will fundamentally alter our (adults) status, power and control over children. This "paradigm shift" is, perhaps, the greatest challenge of all.

REFERENCES

Boyden, Jo & Ennew, Judith. (1997) (Ed). "Children in Focus - A Manual for Participatory Research with Children". Radda Barnen – The Swedish Save the Children, Stockholm.

Ebdon, Rosamund. (1999). "Working Childrens' Futures – Child Labour, Poverty and Education" (Draft). Save the Children (U.K.), London.

Garcia, Leonora S & Molino, Ma. Theresa S. (1998). "Rural Children – Poverty and Hazards of Childhood". PhilNet-RDI, The Philippines.

Internationa Save the Children Alliance & Child Workers in Asia. (1997). "Invisible Children – Child Work in Asia and the Pacific Region". Bangkok.

Johnson, V., Ivan-Smith, E., Gordon, G., Pridmore, P., & Scott, P. (1998). "Stepping Forward – Children and Young People's Participation in the Development Process", Biddles Ltd., London.

Karunan, Victor. (1999). "The Social Impact of the Macro-Economic Crisis on Child Labour – Perspectives and Responses of Save the Children Fund (U.K.) in the Southeast, East Asia and the Pacific Region", Child Workers in Asia, Vol.14, No.3 & Vol.15, No.1, Bangkok.

Karunan, Victor. (1999). "Children and Work in Southeast and East Asia – Issues, Trends and Challenges – The Need for a Paradigm Shift". Presentation at the International Save the Children Alliance Regional Workshop on "Child-Centered Policies and Programming on Working Children in Southeast, East Asia and the Pacific, Bangkok, September.

Marcus, Rachel & Harper, Caroline. (1996). "Small Hands – Children in the Working World". Save the Children (U.K.), London.

Mathias-Fernandez, Rosemarie & Laguna-Manapol. (1998). "A Study on Child Labour Situation in Southern Philippines – The Working Children in the International Seaports of Sasa, Davao City and Makar, General Santos City". Manila, The Philippines.

Morrow, Virginia & Richards, Martin. (1996). "The Ethics of Social Research with Children – An Overview", Children and Society, Vol.10, pp.90-105.

Myers, William & Boyden, Jo. (1998). "Child Labour – Promoting the Best Interests of Working Children", Second Edition. The International Save the Children Alliance, London.

Redd Barna (Save the Children – Norway) & Lao Revolutionary Youth Union. (1999). "Report on an initial survey of Economically Exploited Children, Khanthabuly District, Savannakhet Province, Lao PDR", Vientianne.

Save the Children – Norway. (1999). "Child-centered Approaches to Child Work Issues", Conference Report, Oslo, April 20-21, 1999.

Save the Chikdren – (U.K.). (1999). "The Report of the Save the Children's Global Meeting on Children and Work", May 22-28, Easthampstead Park, U.K.

Save the Chikdren (U.K.) – Vietnam. (1998). "Child Labour in Ho Chi Minh City", Hanoi.

Save the Children Fund (U.K.) – Lao Pdr, Lao Youth Union, Lao Women's Union & UNDP – Lao Pdr. (1998). "Listening to the Voice of Young People", Vientiane.

Social Work Center, Vietnam Central Youth Association & Radda Barnen (Save the Children – Sweden). (1998). "Children in the Shadows – A Research Study on the Situation of Commercial Sexual Exploitation of Children in Ho Chi Minh City", Vietnam.

Theis, Joachim. (1996). "Children and Participatory Appraisals – Experiences from Vietnam", PLA Notes, No.25, IIED, London.

Theis, Joachim & Hoang, Thi Huyen. (1997). "From Housework to Gold Mining – Child Labour in Rural Vietnam", Save the Children Fund (U.K.) – Vietnam Country Programme, Hanoi.

Waksler, F.C. (1991). "Studying the social worlds of children: Sociological Readings", Falmer, London.

THE SOCIAL IMPACT OF THE MACRO-ECONOMIC CRISIS ON CHILD LABOUR[89]
Perspectives and Responses from Save the Children Fund (U.K.) in the Southeast, East Asia and the Pacific Region

"the effects of the economic crisis may erode the gains made in economic growth and in poverty alleviation over the past 10 years…the government is trying to increase revenue and to cut expenses for social services. The new laws can be expected to put further pressure on poor families and their children and make it even more difficult for poor children to have access to basic health and education services". [SCF-UK, Vietnam, 1998]

INTRODUCTION: ECONOMICS AND CHILDREN

KEY AREAS:

(1) Analysis of Macro-economic impact

- Globalisation

- Trade relations

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[89] Presentation. 5th Regional Consultation, Child Workers in Asia (CWA). *"Social Impacts from the Economic Crisis in relation to child labour: Roles and Responsibilities of community-based organisations", YMCA, Bangkok, Thailand, 22 to 26 February 1999.*

- Structural Adjustment

- Debt

- WTO

(2) Forging Micro-Macro Linkages

- establishing the links/connections between macro-economic policy and children (family & communities)

(3) Making Children visible in Macro-Economic Policy

- advocacy and influencing to make economic planners and government agencies include children in their policy and practice

- economic planners fail to see children in their plans because economic analysis fails to analyse children.

- Children are invisible in economic policy when: poor budget allocations and government spending, lack of data and information on human development - disaggregated data on children, failure to analyse children as active citizens.

SOCIAL IMPACT OF THE ECONOMIC CRISIS AND CHILD RIGHTS VIOLATIONS

- CRC Articles that stand to be directly violated due to the economic crisis:

Problem/Impact		CRC Articles
1. Food Insecurity	=	Right to Life (Art.6)
2. Poor Health	=	Child Mortality Health Care (Art.24)
3. Abuse and Neglect	=	Protection (Art.19)
4. Child Labour	=	Labour Exploitation (Art.32)
5. Child Prostitution	=	Sexual Exploitation (Art.34)
6. Child Trafficking	=	Sale (Art.35)

7.	Illiteracy/ Lack of Education	=	Right to Education (Arts.28-29)
8.	Cuts on Social Security	=	Disabled Children (Art.23)
			Refugee Children (Art.22)
			Minority Children (Art.30)
			Social Safety Nets & Social Insurance (Art.26)

SCF's APPROACH TO CHILD LABOUR

Child Work and Child Labour

In Asia, children are engaged in a wide variety of different forms of work. The conditions and nature of their work vary from occupations where children are able to develop responsibility and skills, and combine work with schooling, to conditions of extreme hazards and exploitation. Thus, often a distinction is made between *"child work"* and *"child labour"*. This distinction largely depends on **the conditions under which children work, rather than the type of work they do**. The key to distinguish between child work and child labour - or, in other words - what is acceptable and intolerable work is primarily based on the issue of *"exploitation"*.

Save the Children defines "exploitation" is relative terms - *"where the benefits (e.g., monetary, skills, training, etc.) are outweighed by the costs (to health, physical, mental, developmental wellbeing, etc.); and where adults abuse their power to do this".* The extent to which work is harmful or beneficial to children depends on a number of factors, including the type of work they do, the hours they work, their age and access to education, whether or not they are seperated from their families for long periods, and the degree to which they are exposed to specific hazards.

Key Causes and Solutions

Save the Children believes that most children are engaged in hazardous and exploitative work because of **poverty and inequality**, and because of a willful intention of adults (employers) to exploit them. Poverty and inequality create the conditions in which exploitation of children flourishes. Other causes for exploitative child labour in Asia include the following:

(a) lack of regulation and/or enforcement of law,

(b) child labour is cheaper then adult labour,

(c) unregulated market economics and retrenchment of state provisions,

(d) migration for work,

(e) breakdown of law and order through and conflict resulting in child solidiers, and

(f) trafficking of women and children across borders for sexual and labour exploitation.

While urgent action is needed to tackle the worst forms of child labour that are hazardous and exploitative, Save the Children believes that the solutions are not simple. *Root causes* (poverty, structural inequality) need to be addressed as well as immediate need to assist children and their families to find alternatives to exploitative work. It is very important to be *guided by the Convention on the Rights of the Child (CRC)* in formulating and implementing solutions to child labour problems. Our interventions and solutions to child labour need to be underpinned by some fundamental principles - such as:

- respect for children's views

- children's best interests are paramount

- respect for the special needs and status of childhood

- the responsibility of State/Government and all adults to protect and care for children

In short, *"we need to listen to children's perspectives and understand their situation and the choices they face".*

SCF(UK) – SEAPRO's RESPONSE

▶ **Macro-Economics and Children's Rights Workshop, Bangkok, May 1998:**

- Helped to "de-mytify" macro-economic issues

- Analysed the nature and impact of the economic crisis and its impact on children (Case Studies: Vietnam, Mongolia, Thailand, The Philippines)

- Made the link between macro-economic issues and children's rights (CRC)

▶ **Participatory Research: "Social Impact of the Economic Crisis on Vulnerable Children in Thailand", April to August 1998**

Phase 1: Inventory of responses of regional and international agencies to the social impact of the economic crisis

Provided SCF with information on how others were responding to the crisis and what were the gaps

Phase 2: Field-level data collection and information on the social impact of the crisis on children

PRA, focus groups discussions, interviews with children and vulnerable families in two districts (Khon Kaen & Nong Khai) in Northeast Thailand

Provided SCF with first-hand information and insights into the social impact of the crisis on vulnerable families and communities (children, girls/women, elderly, disabled) – in relation to primary health, education, livelihoods, reverse migration, domestic conflict and violence, drug abuse, family debt, child labour, etc.

▶ **World Bank Meeting: "Regional Meeting on Social Issues Arising from the East Asian Economic Crisis and Policy Implications for the Future", Bangkok, January 21-22, 1999:**

The meeting prioritised on the following areas/issues:

- employment generation and income maintenance

- monitoring poverty impact and income distribution

- maintenance of basic social services small and medium enterprise development and micro-financing

- protecting the social fabric: supporting the copying strategies of the poor and vulnerable groups

- social consequences at the city and community levels

▸ **SCF's Inputs & Results:**

(a) representative of SCF(UK) and the International Save the Children Alliance were invited to participate in this meeting. We were the only child-focused NGO invited to this conference.

(b) SCF(UK) was invited to submit documentation/publications on the social impact of the crisis to be put on the World Bank Webpage on the conference (Thailand study submitted)

(c) Invited to collaborate in further research and policy analysis of the social impact of the economic crisis on children

(d) Based on our global/regional experience to provide technical input (on request) in areas – such as, Project Appraisals, Participatory Monitoring and Evaluation, Impact Assessments, etc. – for the various Social Funds setup by the WB and other donors in Thailand

(e) Learning from the Thai study, to explore possibilities of studies in Laos and other neighbouring countries to assess the social impact of the crisis across borders in the region

PRIORITY AREAS FOR NGO RESPONSE & FUTURE INTERVENTIONS

(1) Monitoring Impact of Economic Crisis on Children

Monitoring Areas

- Macro-Level:

    - Government Budget Cuts

    - Structural Adjustment policies

    - Social Security and Safety Nets for the poor

        (working with Departments and Ministries of Social Welfare)

- Micro-Level:

    - Impact on Vulnerable Children: child trafficking, child labour, street children, child prostitution, HIV/AIDS

- Impact on health and education among children

(2) **Information and Research**

- Case Studies/Impact Studies in specific sectors, areas and regions (for example, among ethnic minority children)

(3) **Policy Advocacy**

- on the CRC, Children's Agenda, ILO Convention on Child Labour, UNICEF's Mid-Term Goals

- lobby and advocacy work among Asian and European Governments, donors, private sector, multilaterals and bilaterals, MDBs on development policy and interventions and their impact on children in this region

CHALLENGES FOR THE FUTURE

▸ Lobbying on CRC with governments will become more difficult as governments in the region cut back on *social spending* to cope with the economic crisis

▸ The key challenge is to demonstrate through good practice why Governments should *prioritize* rather than *cut back* on social expenditures – especially related to children

▸ To challenge current *market-driven development models* on the basis of its negative social impact – especially on children

▸ To advocate for *budget relief and budget allocations* to improve the well-being of children

▸ To influence *private sector practices* in order to prevent its detrimental impact on children

▸ To advocate for *child-centred economic and social policy* making at global, regional, national and local levels

REFERENCES

Karunan, Victor Dr. "Child Rights and Child Labour. Pre-ASEM Asia Pacific NGO Consultation", SEAPRO FORUM, Vol.6, No.1, January 1988.

Karunan, Victor Dr. "The Social Impact of the Macro-Economic Crisis - Linking Practice, Research and Advocacy: A Case Study from Southeast and East Asia Region". Paper presented at the Save the Children Fund (UK) Global Social Policy Workshop, Dunford House, Sussex, U.K. February 15-19, 1999.

Report. "Children's Forum and Regional Consultation against the Most Intolerable Forms of Child Labour - Targeting the Invisible and Neglected Ones". Bangkok, September 1997.

The international save the children alliance & child workers in asia. "Invisible Children - Child Work in Asia and the Pacific". Bangkok, October 1997.

The save the children fund (U.K.). "Eliminating the Worst Forms of Child Labour - What needs to be done?". London, May 1998.

The international save the children alliance. "Position on Child Work". Position Paper No.1, London, February 1997.

THE IMPACT OF MACRO-ECONOMIC POLICIES AND THE CORPORATE SECTOR ON WORKING CHILDREN IN ASIA
Towards a Child-centered Approach and Strategy[90]

I will discuss four main themes under the topic of Macro-economics in relation to children and child labour:

First: What is macroeconomics and what is its relevance for children? These are fundamental questions to start any discussion on the topic. Second: To put this relationship in the context of two macro-economic institutions. I chose the World Bank and the Asian Development Bank because these institutions seem to moving towards a policy shift with regard to children and also because they both have a direct impact in the Asian region. Third: To look at the corporate sector (business and child labour), and finally, to put forward some points for future action – including challenges that we face working in this field which has serious organisational implications and for our practical work with children.

1. What is Macro-Economics?

Here is a standard academic definition of "macro-economics":

> *"is the study of the interaction of a limited number of highly aggregated markets (Ie. where the exchange of goods, services and assets take place) in which the major types of economic actors (households, companies, governments) conduct the bulk of the economic activity of a nation, including activities related to the global markets in which the nation is embedded." - University of Berlin, Germany*

An economist's definition of macroeconomics talks about the interaction between markets; how national governments integrate a country in a global market and how buyers, sellers, local communities and corporate businesses interact in this arena. Essentially this means that local, national or regional economic systems are integrated into one wholistic (universal) system. They are linked through trade, direct financial investments, budgets, labour markets and structural adjustment policies. When we talk about macroeconomics, we therefore talk about how markets are integrated into a given system.

Linking children to economics means looking at how children relate to the economy (markets) at local, regional, national and global levels. What is implied is that in macroeconomics the key analytical tool is to draw linkages between the micro and the macro. This is important because macroeconomic policies are often divorced from people, and children in particular.

Microeconomics and social development can be said to be two sides of the same coin. What happens in macroeconomics has a direct effect on social development. When we look at the reforms and changes to social services – especially in transition countries - they are clearly related to macroeconomics. Yet, we very often overlook the fact that when we talk about a holistic approach to children, at the level of objectives or goals in our actual work, we are not doing that. We are not seeing the whole picture.

Normally we put macroeconomics and children at opposite poles. We find it difficult to see the links between macroeconomics and children: children have no place in macro-economic theory and macroeconomics is rarely concerned with children. I would like to argue that there are direct relationships between children and macroeconomics that we can make more visible through research and analysis. Economics and children are becoming issues of concern to many organisations, not only those in the

Save the Children Alliance, but also in UNICEF and other international and national organisations (NGOs) working with children. Child labour provides us with the best entry point to look at these issues.

2. Why do we need to link macro and micro issues?

a) Policies are formulated and designed away from national governments and ordinary people

b) Economic globalisation has reduced the power and sovereignty of nation states

c) Global policies have direct impact on the lives of the poor – but, grassroots experiences have limited to negligable impact on global policies

d) Large multi-lateral and bilateral institutions (World Bank, International Monetary Fund, World Trade Organisation) lack direct grassroots experience- hence they are unable to make the macro-micro linkages

e) To ensure transparency and accountability of macro policy and practice vis-a-vis local communities and children.

3. Key concepts in macro-economics

There are key macroeconomic policies and issues that have a direct impact on working children. This has emerged from our discourse in addressing child labour problems in many countries in this region:

- **Structural adjustment**: defined as "a range of measures intended to reduce internal and external deficits, increase efficiency in the economy and reduce government expenditure" – World Bank.

- **Transition Economies**: these are economies that are in the midst of fundamental transitions from command and central planned (socialist) to market orientation (capitalist)

- **Liberalisation**: dismantling of state control over foreign trade, investment and economic policies

- **Privatisation**: corporate (private) sector involvement in key social sectors – health, education, human resource development (social capital)

4. Key Institutions in Asian Macro Economics

Economic policies are made by people who have a fictitious understanding of who is actually at the receiving end of those policies. Therefore policies can be divorced from the reality of the children and of people themselves. Governments have little control over the design and implementation of these policies. In other words, governments are loosing their power in terms of making these decisions.

Macro-micro linkages are important because they have a direct bearing on what we do in relation to children. All our countries experience the impact of macro policies and are able to see the practical effects in terms of health, education and social welfare services. However large institutions like the World Bank and the International Monetary Fund have no direct experience at field level, they work through intermediaries. This means that people sitting in these decision-making institutions have no direct contact with what is happening on the ground.

a. *The World Bank*

Some facts:

- Over 160 member countries – dominated by the G-7 – which has 65% of voting rights based on their capital contribution

- WB and IMF originally formed in Bretton Woods in 1944 – primarily to provide loans for the post war reconstruction of Europe. Today, they both have become the global institutions to control capital and lending all over the world.

- World Bank has long been interested in child labour however, only very recently it is beginning to acknowledge that its policies and programmes may have adversely affected children and seems to be more open to review of its policies and programmes (child-centred audit)

- WB beginning to engage with UNICEF, ILO and some NGOs to address child labour issues

World Bank Policy: Issues and directions on child labour

- "child labour can be of widely varying kinds, some harmful, some not

- not all child labour is harmful

- widespread poverty is the major cause of harmful child labour in developing countries

- Ways to reduce child labour:

  a) reducing poverty: poverty reduction is the most powerful long-term approach

  b) educating children: making basic education compulsory, making it easier for children to attend work and school, reducing the cost to households of school attendance

  c) providing support services for working children – in informal sector

  d) raising public awareness

  e) legislation and regulation

  f) promoting elimination through non – regulatory means

If you look at these policy statements from the WB they could very well have come from UNICEF or Save the Children policy documents. Recently, the World Bank has begun a dialogue with UNICEF and with the ILO to look at how they can collaborate to address some issues relating to children and to child labour in particular. In other words, the World Bank seems to be more sensitive to issues relating to children. In this regard, the UN Convention on the Rights of the Child and the new ILO convention (No.182) has had very positive impact on these macro-economic institutions.

b. *The Asian Development Bank*

Some facts:

- The ADB is the largest regional bank. Of its 56 members, 40 are from the asia

- Japan dominates the ADB and its president has recently been a japenese

- The ADB's policy has shifted from public to the private sector

- ADB continues to prioritise in large infra-structural projects, communication and public works – and only recently has begun to address the social sector – with emphasis on poverty alleviation, safety nets

- The poverty alleviation focus of the ADB seeks to address child labour issues, eg, a) ADB-ILO collaboration to analyse and discuss economics and poverty dimensions of child lab in Bangladesh, Nepal, Philippines, and Thailand b) preparing a regional technical assistance project on "Trafficking of women and children in South Asia"

- Developing guidelines to address child labour in a more systematic way

The Asian Development Bank, the largest in the region, continues to prioritize large infra-structural projects such as communication technology. But it has taken a shift in policies regarding poverty alleviation and safety nets. The poverty alleviation focus of the ADB-ILO collaboration is to analyse and discuss the economic and poverty dimensions of child labour in Bangladesh, Nepal, the Philippines and Thailand.

5. The Corporate Sector and Child Labour

The corporate sector has become a new player on the scene in relation to child labour. There are varied attitudes and approaches among NGOs and international organisations towards the corporate sector. Some organizations look at the corporate sector as a source of funding, evoking charitable and philanthropic emotions as a means of securing funds. Another approach is to demand more social accountability from the corporate sector.

There are many important lessons we have learnt from working with business on child labour issues:

- Even though motives may be different – it is very important that both business and NGOs are committed to the same outcome

- Need for genuine commitment at a senior level: linked with corporate policy

- Developing trust and partnership with business needs a professional approach and takes time

- Important to clarify expectations at the beginning of the process itself

- Capacity: business often assumes that development organisations can resource and manage social programmes, but development organisations want to see business involvement in what is seen as the responsibility of business

- Difference in focus and outcomes: business tends to focus on short-term results, whereas development organisations work to create long-term change. Business measures outcomes in financial terms, development focus is on social impact (which may include economic benefits)

- Difference in accountability: business traditionally accountable to shareholders, owners, and customers. Development organisations aim to be accountable to the local community – especially children and vulnerable groups

Business and corporate social responsibility

- Increasing recognition of need for 'strategic partnerships' to address the child labour problem: involving children, communities, NGOs, workers unions, employers, business/ corporate sector and governments

- Strategies:

    a) changes in corporate policy and behaviour – in relation to human/ child rights, environment, labour issues

    b) monitoring of child labour (for example in Sialkot, Jalandhar)

    c) partnership in design and implementation of social protection programmes – prevention strategies at community levels

    d) involving business, employers and workers in social awareness programmes on child labour, education, poverty alleviation

- Other specific strategies (codes of conduct or labeling) have had mixed results.

We must be clear why we are in partnership with the corporate sector. There will be differences in accountability and objectives, but nevertheless it is important to make the corporate sector respond to social accountability through partnership. When we look at the Sialkot example, we can see some of the difficulties faced when working with the corporate sector. However the point is that the corporate sector is increasingly becoming a key partner for NGOs, governments and the ILO in addressing child labour issues.

6. Economics and children: Making children visible in macro-economic policy

Economic planners fail to see children in their plans because economic analysis fails to analyse children. Children are invisible in economic policies when poor budget allocations and government spending and lack of data and information on human development fail to analyse children as active citizens. If economic planners fail to analyse children then we as practitioners need to challenge them to do so. We need to look at budget allocations, at human expenditure, we need to disaggregate data to see how we can make children more visible in different situations. We need to include children in decision making and policy debates on macro economic issues at a local and national levels. Advocacy and influencing can play an important role in making economic planners and government agencies include children in their policy and practice.

7. Key Issues for Transition Countries in Asia

In transition countries, specific issues have immerged which have helped us to address some of these linkages. The dramatic collapse of government revenue and social spending has led to server unemployment, the displacement of communities and loss of livelihoods. We have seen systematic dismantling of public spending, with social subsidies, communications, transport, water, electricity and welfare being taken out from the public sector or state control and handed over to the private sector. Massive reforms of state enterprises, government ministries and institutions has had severe social effects on family livelihoods - and

consequently on children. It is perhaps easier to make macro-micro linkages in transition economies which are currently experiencing rapid changes.

8. What have been the social impacts of the Asian economic crisis in relation to child rights?

How have practitioners tried to make the linkages between macroeconomics and children more visible? We can take one example, in relation to the economic crisis in Thailand and South East Asia. We (Save the Children – U.K. Southeast, East Asia and the Pacific Regional Office) carried out a study using a child rights and a child-focused perspective and methodology to identify key impacts on children during the economic crisis. We identified articles from the UN Convention on the Rights of the Child and we applied them in research through PRA methods. We collected information from children and communities as documentary evidence to show that in times of economic crisis it is not only individual rights that are violated - but particularly many collective rights.

Some of the rights of children (CRC articles) that can be argued to have been directly violated by the Asian economic crisis include the following:

Problem	Impact (CRC Articles)
1. Food insecurity	Right to life (6)
2. Poor health	Child mortality health care (24)
3. Abuse and neglect	Protection (19)
4. Increased child labour	Labour exploitation (32)
5. Child prostitution	Sexual exploitation (34)
6. Child trafficking	Sale (35)
7. Illiteracy/lack of education	Right to education (28-29)
8. Cuts on social security	Disabled children (23);
	refugee children (22);

minority children (30);

social safety nets and
social insurance (26)

9. What are priority areas for monitoring social impact of the economic crisis?

We need to monitor impacts on children at both the macro and the micro levels in the following areas:

Macro level:

- Government budget cuts

- Structural adjustment policies

- Social security and safety nets for the poor (working with departments and ministries of social welfare)

Micro level

- Impact on vulnerable children: child trafficking, chyild labour, street children, child prostitution, HIV/AIDS

- Impact on health and education among children

Information and research

- Case studies/ impact studies in specific sectors, areas and regions, for example, girl child, ethnic minority children etc

Policy advocacy

- On the CRC, a childrens agenda, the ILO convention on child labour, world summit goals

- Lobby and advocacy work among Asian and European governments, donors, the private sector, multi-laterals and bi-laterals, MDBs on development policy and interventions and their impact on children in this region.

10. Challenges to address

There are three key challenges to address in relation to macro-economics and children:

1. Challenging market driven development models

1.1 challenge the ideology of free market liberalisation and economic globalisation on which current development models are based

1.2 expose the negative effects of this global economic paradigm on children

1.3 highlight the structural constraints (economic, social, cultural) to the realisation of the rights of the child)

1.4 mainstream good practices and alternatives based on local knowledge and experience

We have to challenge the assumption that what is good for the country is therefore good for the children. This based on an approach that is detrimental to child rights. It is important for us to challenge the market driven model; we need to expose its negative effects, to highlight the structural, economic and social constraints through a greater analysis of our work with children. We need to mainstream good practices, to show that there are alternatives, there are solutions to the current global economic paradigm.

2. Using information and research to influence macro- policy

2.1 need for 'grassroots testimonies': documentation, information, and research on peoples (children's) insights and experiences on impact of macro economic policy and practice on their lives and well being

2.2 rigorous analysis: to draw out the policy implications of grassroots experience and to put forward effective alternative paradigms and models based on good practices

2.3 more effective use of (scientific) information and research from grassroots levels to inform and influence the macro-policies of multi and bi-lateral institutions

In areas of work related to information and research on children both in Africa and Asia the use of grass-roots testimonies are becoming popular. In areas such as education, health or welfare, the life histories of children and families is being used to influence policy. This means packaging information - not simply to produce case studies - but to to professionally engage big institutions and with policy makers. This implies rigorous analysis that enables us to draw policy lessons from case studies and practical information.

3. Policy advocacy and influencing

3.1 advocate for budget relief and budget allocations to improve well-being of children

3.2 influence corporate/ private sector practices in order to prevent its detrimental impact on children

3.3 advocate for child centred economic and social policies at global, regional, national and local levels

3.4 engage the 'big players' (World Bank, International Monetary Fund, World Trade Organisation, Asian Development Bank) in policy dialogue, joint reviews and programming

3.5 demonstrate through good practice why governments and donors should prioritise rather than cut back on social expenditure

In order to influence and advocate effectively practitioners must be able to collect information that is more scientific, this means that new research methods and approaches are required. Professional approaches to information and research are needed for constructive policy advocacy. In some countries in Asia, practitioners and child rights advocates have gone to the extent of advocating for budget relief or budget allocations for children. In South Africa such movements have led to the development of a 'Children's Budget'.

In conclusion, the challenges are many and daunting on all of us. But there is hope in the fact that more and more of us realise the urgent need to link policy with practice, macro with micro and global with local. Child Development is perhaps the best "litmus test" for an effective and sustainable economic system at the global, national and local levels. At the same time, Child Rights (CRC) provides us all with the most powerful tool to make macro-economic policy and practice more responsible and accountable to children.

INFLUENCING POLICY AND PRACTICE ON WORKING CHILDREN
A Child-centred Approach to Advocacy Work[91]

WHAT IS CHILD-FOCUSED ADVOCACY?

There are many definitions of "advocacy" on children - here are some examples:

> *"Advocacy is designed to <u>change the policies</u> and actions of institutions and <u>key decision-makers</u> for the <u>benefit of children</u>" (Institutional Advocacy)*
>
> *"Advocacy is about <u>policy change</u>. It is about <u>influencing</u> institutions and key decision makers (politicians, senior officials, and others) to change their policies so as to bring benefits to children." (Policy Advocacy)*
>
> *"An <u>organised, systematic, intentional influencing process</u> of public opinion on the needs, problems and rights of children" (Advocacy as awareness-raising)*

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[91] Presentation to "Regional Alliance Workshop on Child-Centred Policies and Programmes for Working Children in South and Central Asia, Save the Children, Kathmandu, Nepal, 9 to 12 May 2000.

KEY CONCEPTS:

    (1) INFLUENCING

    (2) ADVOCACY

    (3) CAMPAIGNING

    (4) LOBBYING

STRATEGIES OF CHILD-CENTRED ADVOCACY ON WORKING CHILDREN:

Common Approaches and Strategies to advocacy work with working children

- Direct representation of working children

- Action research – information for advocacy

- Media work – public

- Awareness raising – community-level

- Lobbying

- Campaigning

- Policy Analysis

- Working in Partnership – Networking

- Demonstrating alternatives or solutions – based on "good practices"

HOW TO ENGAGE POLICY MAKERS?

    (a) Policy Dialogue

        - Demand interpretation of policy from a children's perspective

        (e.g., national educational policy from a working children's perspective)

- Analyse impac of policy on the lives of working children

  (e.g., privatization of health care on poor children)

- Involve them in dialogue and discussion

  (e.g., workshops, conference, country strategy discussions)

(b) Child-Impact Audits

- Conduct joint studies – child impact audit – of national policies and programmes

  (e.g., child impact audit of social safety nets)

(c) Monitoring of child labour

- Labour audits on child labour in specific industries, sectors

- Social audits of child labour situation in relation to root causes

HOW TO INVOLVE WORKING CHILDREN?

- Representation of working children in global conferences (Amsterdam, Oslo)

- Working children's gatherings (Kundapur, Bangkok)

- Partnership dialogue: working children, NGOs, trade unions, employers, government

- Children's Parliaments

- Children's Budget (South Africa)

INTERNATIONAL ADVOCACY ON CHILD LABOUR: Lessons Learnt from Child Participation in International Conferences

- Children's participation in International Conferences can change attitudes to the problem

- Formal participation of children in Conferences on equal terms with adults has greater impact than "token representation"

- Children experienced in discussing issues can meaningfully contribute during Conferences

- The goals and outcomes of such meetings should be clearly defined and preferably negotiated in advance in participants – especially the children

- There are "trade-offs": e.g., flexibility of agenda to accommodate the process of dialogue

- Greater discussion and clarity on the role of adults is critical – to ensure a meaningful dialogue and exchange with children

- Degrees of facilitation will vary between adults and children – the processes and methods may be quite different and not always complement eachother

- During Conferences, it is always useful for children to have their own "time" and "space" to enable them to participate effectively

KEY ADVOCACY POINTS ON WORKING CHILDREN:

- Working conditions: wages, health & safety, exploitation and abuse

- Combining work and school

- Addressing "root causes": poverty, structural adjustment, transition, migration, trafficking

- Trade regulations: especially in export sector

- Safeguarding core international labour standards

- Social Mobilisation: public awareness on child labour

PRIORITYo AREAS FOR ADVOCACY ON ILO CONVENTION NO.182:

(1) child-centred National Plans of Action for implementation

(2) working children's participation

(3) civil society involvement (families, communities, NGOs)

(4) addressing "root causes" in combatting the worst forms of child labour

(5) promoting sustainable alternatives to working children's well-being and family/community livelihoods

CHILDREN – THE FORGOTTEN VICTIMS
The Impact of the Asian Economic Crisis on Working Children in Southeast Asia[92]

INTRODUCTION

Globalisation is not only about economics. While economic relationships between countries is the key determinant, globalisation is a phenomenon characterised by a variety of other factors – including politics, information and technology, culture and social relations. It is important to understand the politics that determines globalisation and the inequality that exists among countries as they are all drawn into the process of globalisation.

There is still a lack of critical research as well as concrete practical experiences on the link between macro-economics and child rights. This is particularly important in the area of child labour, as working children are more directly linked to the market and micro and macro economic relations within and between countries.

The significance of an economic crisis lies in its ability to roll back decades and years of progress and development in a country. An economic crisis is both structural and endemic to the present global paradigm.

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[92] Presentation to the International Conference on "Child Labour within the context of Globalisation: Outline of Problem and Action Points". German NGO-Forum on Child Labour, Hattingen, Germany, 26-28 September 2003.

UNDERSTANDING THE "ASIAN" ECONOMIC CRISIS IN THE CONTEXT OF CHILD LABOUR:

Was the 1997-98 economic crisis an "Asian" crisis or a "global" crisis? The crisis was clearly a global crisis that erupted and was focused on the economies of Southeast Asian countries. But it had global repercussions – directly impacting on countries that had trade and commercial relations with the affected economies of Southeast Asia (e.g., Japan, Europe, USA), and more indirectly impacting on other countries (e.g., Africa and Latin America).

Countries in the Asia region experienced varied impacts of the economic crisis. While the brunt of the crisis was felt in mainland Southeast Asia precipitated by the collapse of financial markets and poor macro-economic management, countries in the South Asia region were suffering more from structural adjustment policies instituted by the WB and IMF. Some countries in the Mekong sub-region were experiencing problems due to the transition from a planned to a free market economy.

The vast majority of the world's 400 million estimated child labourers are to be found in Asia. The ILO estimates that the largest child labour population in the world is found in this region – 120 million between 5 and 14 years of age who are fully at work, and more than twice that many (an estimated 250 million) if those for whom work is a secondary activity are included. This means that one of every five children are involved in the labour force in some countries in this region.

The majority of child labourers in Southeast Asia are to be found in home-based, agricultural activities and the informal sector. With rapid economic growth and increasing foreign private investment, child labour has been drawn more and more into the commercial, industrial and service sectors. In some specific industries and enterprises, children work in slave-like and bonded conditions.

Poverty remains the root cause of child labour in Asia. This is not merely "income poverty" – but "structural poverty" – defined as poverty in all its dimensions – political poverty, cultural poverty, caste poverty, etc. Another dimension of poverty which is particularly important in relation to child labour is "inter-generational poverty".

The mainstream economic orientation based on the "rapid economic growth model" prefers children as a labour force in some industries and

enterprises that are labour intensive, because children are docile, obedient, hired at cheaper wages than adults, and dispensed of easily. Children are therefore unprotected, powerless, invisible and silent – as far as their rights as workers are concerned.

GLOBALISATION AND THE ASIAN ECONOMIC CRISIS OF 1997-98

The crisis was not merely a "monetary crisis" – it was a crisis of a particular model of development. The crisis demonstrated the failure of:

- The political leadership to protect the basic livelihood of its people

- Financial institutions that promoted speculative ventures without an adequate and longterm planned strategy

- Commercial sector to build a viable local economic investment base

- Government to manage, monitor and control the financial, commercial and trade transactions, particularly with the onslaught of foreign capital and multinational speculators

- International Financial Institutions that are pro-capital and not pro-poor.

SOCIAL IMPACT OF THE CRISIS

The crisis was caused by rapid withdrawal of speculative global capital from the Asian economies, resulting in rapid devaluation of their currencies (Thai baht, Malaysian ringgit, Indonesian rupiah and the Philippine peso). Wall Street blamed the crisis on "structurally weak economies" of Southeast Asia. This is ironic, given the fact that a few years prior to the crisis, the World Bank and the IMF flouted these same economies as "models of rapid economic growth". The "miracle economies" (Hong Kong, Japan, S.Korea), on the other hand, were also crippled by the crisis – as one source noted "upcoming tigers had become lame ducks" overnight.

A key factor that contributed to the crisis was the unbridled export orientation and dependence on foreign capital of the Southeast Asian economies. The elites of these countries had institutionalised an economic system that was heavily dependent on direct foreign investment and the private sector.

Although the crisis was caused and resulted from the behaviour of the local and foreign private sector, the "bail-out package" of the IMF squarely placed the burden on the public sector to support the private sector crisis at the expense of the welfare of the people. The IMF package for countries in Southeast Asia had serious long-term implications on three main fronts:

(a) it eroded national political and economic sovereignty

(b) it forced greater financial and trade liberalization

(c) it converted private sector debts into public sector debts which was ultimately borne by the ordinary people through increased taxation.

The World Bank identified three elements of the impact of the economic crisis

(a) **Primary Impact:** income loss and increasing poverty

(b) **Secondary Impact:** copying strategies – family members forced to enter the informal labour market and women and children suffer as households cut expenditures (less food, children pulled out of school)

(c) **Teritary Impact:** impact on social capital – increasing conflict and tension within households (domestic violence) and an increase in theft and crime at community level.

In Thailand, a total estimated unemployed in 1997-98 was about 2 million people. The country experience massive "reversal migration" – from urban to rural areas. In 1998 alone, over 5,136 private companies and corporations declared bankruptcy. The same year, there were over 110,000 new entrants to the labour force from primary school grades 6 and secondary grade 9 – among them over 80% were primary school students.

The most seriously affected sections of the population in Thailand included the following:

• Middle-level Professionals: hotel industry, service sectors

• Urban Poor: hawkers, shopkeepers, petty traders, construction workers, small restaurant employees

- Rural Poor: landless workers, migrant rural labour

- Ethnic Minorities and Indigenous Peoples

- Immigrant Labour: from neighbouring countries – Laos, Myanmar/ Burma, Cambodia and South Asia

- Seasonal workers

- Refugees – from Myanmar/Burma and Laos.

Indonesia was perhaps the worst affected by the economic crisis. The complexity of political and economic situation in that country aggravated the detrimental impact of the crisis – especially on the poor and the vulnerable sections of the population.

In the **Philippines** an increase in the number of children working away from their homes was noted – younger children working on agricultural farms, and an increase in the number of invisible children who work as child domestic workers.

In **Thailand**, children make up about 33% of the total population. Prior to the economic crisis about 8 million Thai's were living under the poverty line – out of whom about 2-3 million were children with limited or no access to education. Child labour was widespread, with the official estimates at the time put the figure of children in prostitution at 13,000 to 200,000 (UNICEF,1997). A Save the Children study on the social impact of the economic crisis on vulnerable children in Thailand conducted in 1997 surveyed rural communities two provinces in the Northeast and focused on migrant workers returning from Bangkok having lost their jobs during the crisis. The study revealed that the most serious impact of the economic crisis was felt by children, youth and the elderly.

The impact of the economic crisis in **Vietnam** is well summed up in a report by Save the Children: *"the effects of the economic crisis may erode the gains made in economic growth and in poverty alleviation over the past 10 years…the government is trying to increase revenue and to cut expenses for social services. The new laws can be expected to put further pressure on poor families and their children and make it even more difficult for poor children to have access to basic health and education services"* (Save the Children-UK, Vietnam, 1998).

IMPACT ON CHILD LABOUR

Thailand: In 1997 there were about 0.8 to 1.1 million children aged between 11 to 14 years who were child labourers, representing 3% of the total 32 million labour force in the country. Evidence was also found in the above-mentioned study that during the period 1996-98 the number of youth arrests and juvenile court cases pertaining to drug abuse, sale and drug-related crimes had doubled.

Thirteen boys and girls aged 15 to 18 years – representatives of working children in Thailand – met for a Children's Forum during the 5th Regional Consultation of the Child Workers in Asia in Bangkok in February 1999. They had all been affected by the Thai economic crisis. Some of them had to drop out of school as their parents had been laid off from work and could no longer afford their children's education. Some who were working, were receiving less pay and much less welfare from their employers, but had more work to do. Some have to take dangerous work in order to help ease the family's economic difficulties. Uthai, a child worker, well summed up their plight during the economic crisis in the following words: *"I work in a factory and I have to sit or stand for longer hours than before the economic crisis. But I am content to still have a job. But the situation is very uncertain because they are sacking workers every day".*

Between 1996-1998 it is estimated that termination of employment increased up to nine times – that is, from 5,000 to 47,000. A larger majority of them were female workers in textile industries. Another survey revealed that 100,000 child workers from districts in the Northeast also returned to the villages during the economic crisis.

Official figures also showed the increase in the number of school dropouts during the crisis. The main reason was because parents were terminated from their work and they could no longer support their children's education. As a result, the children were taken out of school, and in some cases, were asked to work in earn additional income for the family. The most noticeable decline was in vocational schools which stood at 34 per cent.

LESSONS LEARNT

Structural factors have contributed to the growth of in the number of children becoming involved in commercial sex work in Southeast Asia. Often a child's vulnerability to commercial sexual exploitation is directly related to his or her family's financial situation. The economic crisis of 1997-98 and rising poverty – especially in the rural areas – has tended to push more children and youth into the commercial sex industry.

Some key lessons learnt from the 1997 Asian economic crisis includes the following:

(a) The IMF "bail-out" package:

- it had serious long-term consequences for the Asian economies, including the following: (a) it eroded national political and economic sovereignty, (b) it forced greater financial and trade liberalisation, (c) it converted private sector debts into public sector debts, and (d) the burden of the package was ultimately borne by ordinary people – through increased taxation.

(b) Structural Implications for Asian societies:

- the dominant global economic paradigm based on the "free market" and "neo-liberal" philosophy and dependence on foreign aid.

- States have abrogated their responsibility to the provision of essential social services for the poor

- Economies have become totally dependent on trade – if trade collapses, economies collapse.

(c) CRC and Child Rights:

- lobbying on the CRC has become more difficult, as governments in the region cut back on social spendings

- need for advocacy on child-centered economic and social policies and programmes

- review government budgets and spending – advocate for "child-friendly" budgets (e.g., South Africa)

- recovering a "lost generation" of children and young people affected by the crisis.

CONCLUSIONS

The 1997 economic crisis showed how in the context of globalisation an economic crisis can develop anytime and impact anywhere. Trade and foreign investment are two critical factors that prop up the global economy today – any fluctuation or de-stabilisation in any one of these factors could trigger an economic crisis.

The crisis targeted not only the professional classes but also the working classes – with the most serious impact felt by the most vulnerable sections – including women, children, refugees, migrant workers and others. The crisis directly contributed to an increase of child labour, it also resulted in driving child labour into more clandestine and hazardous working conditions. It also had a much longer-term impact on children in that it deprived a critical section of society of basic survival and education.

Our analysis of the crisis pointed out the need to identify both the internal and external factors that contributed to the crisis. The crisis was squarely created by the private sector – both local and foreign. However, the burden of the crisis was passed on to the public sector, thereby severely impacting on social spendings of governments.

In the final analysis, structural poverty directly contributes to exploitative child labour. This means that the struggle to combat exploitative and hazardous child labour must target the structural conditions and factors in society.

REFERENCES

AMPO. *"The Asian Economic Crisis. Searching for Alternatives",* Japan-Asia Quarterly Review, Vol.28, No.3, Tokyo.

Asiaweek. (1999). *"Kids at Risk – The True Victims of the Economic Crisis"*, June 18, Hong Kong.

Bhatia, Rita and Karunan, Victor. (1998).*"Saving Asia's Children – Save the Children UK's Perspective on Thailand"*, in And our rice pots are empty: The Social Costs of the Economic Crisis, Consumers International, Penang, pp.226-232.

Child Workers in Asia. (1999). 5th Regional Consultation on *"The Asian Economic Crisis and its Impact on Child Labour – Roles and Responsibilities"*, Bangkok.

Consumers Internationa. (1998). *"…and our rice pots are empty: The Economic Crisis – Social Costs",* Penang.

Karunan, Victor. (1998). *"Child Labourers – The Forgotten Victims of Asia's Economic Crisis".* Paper presented at the Asia Europe People's Forum – Conference on the Social and Political Dimensions of the Asian Economic Crisis, Chulalongkorn University, Bangkok.

Karunan, Victor. (1999). *"The Social Impact of the Macro-Economic Crisis on Child Labour – Perspectives and Responses from Save the Children Fund – UK in Southeast, East Asia and the Pacific",* Child Workers in Asia Newsletter, Vol.14, No.3 & Vol.15, No.1, Bangkok.

Save the Children – UK. (1998). *"Social Impact of the Economic Crisis on Vulnerable Children in Thailand".* SEAPRO Briefing Paper No.4, SEAPRO Documentation Series, Bangkok, November.

Save the Children – UK. (1998). Report: Regional Workshop on *"Macro Economic Policies and Children's Rights"*. Bangkok, August.

World Bank. (1999). "Regional Meeting on *Social Issues Arising from the East Asia Economic Crisis and Policy Implications for the Future"*. United Nations Conference Center, Bangkok, January.

WORKING CHILDREN AS CHANGE-MAKERS
Perspectives from the South[93]

I. INTRODUCTION

Child labor is rooted in poverty.[94] A complex problem that must be viewed against the complex macroeconomic and social backdrop of development, it is the clearest and worst manifestation of how apoverty has a child's face.[95] It is often also an elusive cross-border issue that requires cross-border agreements, legislation, and interstate cooperation to combat it effectively, especially in its most sensitive worst forms which are commonly hidden and clandestine because they are linked to criminal cross-border trafficking, illegal drug trade, and armed conflict. Child labor is a dehumanizing phenomenon that harms children's bodies and minds, their spirits and future…, a prison that withers both capabilities and potential.[96] In sum, child labor needs to be understood and acted upon in all its complexities. No simple or unilateral approaches that are confined

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[93] Chapter 12 from *Child Labor and Human Rights: Making Children Matter*, edited by Burns H. Weston. Copyright © 2005 by Burns H. Weston, Lynne Rienner Publishers, Inc., Boulder, Colarado, pp.293-317. Reprinted with permission of the publisher, 24 June 2019.

[94] Consistent with Chapter 2 in this volume by Ennew, Myers, and Plateau (Defining Child Labor …), the term child labor is herein used to mean work by children (generally youth under age 15 or 18 depending on the nature of their work) that is deemed harmful to them because it is considered abusive, exploitative, or otherwise contrary to their best interests. It is a subset of child work, a descriptively neutral classification that covers also economic activity on the part of children that generally is considered compatible with their best interests (expressed as beneficial child work, benign child work, harmless child work, etc.).

[95] UNICEF, *Beyond Child Labor*, p.10.

[96] Ibid., p.1.

primarily to the area of employment or the labor market will lead to its elimination. It is this challenge that confronts us, especially in the application of the 1989 United Nations Convention on the Rights of the Child (CRC) relative to child labor[97] and even more especially in the application of 1999 ILO Convention (No. 182) Concerning the Prohibition and Immediate Elimination of the Worst Forms of Child Labor (ILO C182).[98]

The central thesis of this chapter is that mainstream approaches to child labor, especially in the Global South, are grossly inadequate because they are premised on dominant Western conceptions of childhood and child development that tend generally to criminalize hazardous and exploitative work performed by children and therefore, in most cases, to neglect solutions to the problem on a lasting and sustainable basis. Partly in response, but as a consequence also of an increasing trend towards a rights-orientation in development, there has begun to emerge (as this volume itself bears witness) a human rights approach to working children and child labor. It puts the child at the center of policy planning and execution and, in keeping with promoting the best interests of the child, it favors the active involvement of children in the defense of their basic rights. What has come to be known as a child-centered approach to child labor has emerged from this rights-orientation. Specifically inspired by the spirit and key provisions of the CRC, this rights-oriented/child-centered approach has come increasingly to influence the vision and actions of a range of social actors, primarily in civil society, in the developing world. It has also influenced, and been influenced by, working children who have become organized and by working children's movements that have developed over two decades in many parts of the world. These organizations and movements have made it possible for working children to become effective advocates for this new approach. These perspectives and actions most often at the grassroots level in the countries of the Global South pose not only new challenges for mainstream orientations and programs against child labor, they are beginning in practice to show relevant and effective alternatives to address the problem as well. My central thesis is that mainstream approaches to child labor are not adequate to its challenge because they fall short of valuing the full range of children's rights which, if taken seriously, would do so. It is based on many years of experience with child labor in the Global South and on the perceptions and actions of NGOs and other civil society organizations in this field, including

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[97] United Nations Convention on the Rights of the Child (1989).
[98] ILO Convention No. 182 (1999).

organizations and movements of working children in developing countries, especially in Asia. Also it is based on the perceptions and actions of working children relative to their everyday experiences of work and labor, and on their hopes and dreams for the future as well. These perceptions and actions have significantly influenced the human rights/child-centered approach as it has evolved in the Global South, Asia in particular.[99] The salient features of this alternative approach are discussed below. I argue that, at present, it is perhaps the most effective way to ensure that children's rights are respected in children's everyday lives. The fact that the majority of working children are to be found in poor countries and in the poor districts and regions of these countries makes it imperative that we base our perceptions, analyses, and actions on the reality and experience of working children in these countries of the Global South.

This chapter is divided into four main parts. First I argue the case for using a rights-based approach to child labor and point out the implications for policy and action. Second I review the new thinking that, based on the concrete everyday experiences of working children and their supportive NGOs and other civil society organizations, has shaped our understanding of child work and child labor. Next I describe what has come to be known as the child-centered approach to working children, an approach that guides and inspires the processes of progressive intervention and change vis-à-vis child labor in the developing world. Finally, I consider the implications of these alternative approaches to current thought and action in the world of child labor and the lives of working children. Here I discuss some key factors that are helping to win the current struggle against child labor in the developing South, including a Anew sociology of childhood that addresses the structural context, focuses on inter-generational poverty, takes a cultural approach that recognizes organized working children as social actors in their own right.

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[99] International Save the Children Alliance organized two regional workshops on child-centered approaches to working children in Asia. See *Child-Centered Policies and Programmes* (1999); *Child-Centered Policies and Programmes* (2000).

II. TOWARDS A RIGHTS APPROACH TO WORKING CHILDREN AND CHILD LABOR

A. Conventional Approaches to Child Labor

Conventional approaches to child labor are premised on a labor market ideology that aims primarily to keep children away from the labor market by keeping them in school. From this perspective, children's work is viewed largely as labor exploitation which must be abolished.

This approach has dominated child labor discourse for a long time and continues to inspire mainstream policies and programming for working children. The adoption of ILO C182, which mandates the identification and elimination of unacceptable and intolerable forms of work, is a step forward in the struggle to combat the detrimental affects of hazardous and exploitative work on children. By and large, policies and programs previously in place have failed to make a significant impact in eliminating these forms of children's work.[100] The reasons are many, but salient among them are the following:

- most of these worst forms are hidden, clandestine, and illegal, largely inaccessible to policy makers (including governments) and field workers in international agencies;

- policies and program interventions against the worst forms of child labor have not taken into account the general role of work in the lives of children, nor the cultural, social and economic conditions and factors that compel children to earn a livelihood through labor;

- a general failure to address the root causes and structural conditions that perpetrate hazardous and exploitative child labor, particularly in the context of rapid globalization and international trade; and

- a too narrow focus on removal and rescue operations of children in bondage and servitude in the worst forms of child labor, with too little attention and resouces invested in providing sustainable alternative livelihoods for rescued children and their families, income-generation, improving the quality, relevance, and accessibility of education and the schooling system.

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100 See Hanson and Vandaele, Working Children, pp.73-146.

The prevalence of the worst forms of child labor in developing countries appears inevitable in situations where there is abject poverty and parents lack the income and abilities needed to meet basic needs;[101] where the labor market requires cheap, docile, and bonded labor for certain services; where unscrupulous employers and middle-men exploit children for illegal activities; where the system of education is inaccessible, expensive, and irrelevant; and where the local traditions and practices encourage in some cases even encourage the worst forms of child labor.[102] The problem of child labor is thus based on a multi-contextual set of complex variables that are structural to the societies in which it exits. The approach adopted to combat child labor must, therefore, take these variables into account.

Any approach to ending the worst forms of child labor must take into account also the attitudes of adults and society as a whole towards child labor. The very fact that children are involved in the worst forms of work is a reflection of mainstream adult and societal attitudes towards children, attitudes that are rooted in traditional social and cultural as well as modern practices that commodify children vis-à-vis the labor market. Adult attitudes as to why children are desirable to perform worst forms tasks and services is well summed-up by an Indian district government official: For the employers, it's very easy to work ... with children; you don't have any problem at all; you can just make them work all day, and they will not protest ...; you can really terrorize them [and] you will be paying much, much less than you will normally pay for an adult.[103]

As a starting point, then, the cultural reasons for children's work not just the work itself must be considered. As Myers and Boyden observe: *it [is] necessary to replace a narrow view of child work as a labor exploitation issue with a broader appreciation of it as a critical influence on the growth and development of perhaps the most of the world's children*.[104] The adoption of the CRC, with its emphasis on the best interests of the child, reinforces this view.

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[101] The results of a nine-country survey in Latin America showed that if teenage children did not work, poverty rates would increase by 10% to 20%. UNICEF, *Beyond Child Labor*, p.3.

[102] Karunan, *Save the Children's Approach*.

[103] Interview with Supriya Sahu, p.14.

[104] Myers and Boyden, *Child Labor*, p.5.

B. The Rights-based Approach to Child Labor

Conventionally, child labor programs have adopted a stereotyped "triple-R" strategy: removal, rescue, rehabilitation. This strategy is based on *needs* rather than *rights*, a welfare approach which results in piece-meal solutions that do not address the root causes of the problem nor contribute to sustainable alternatives.

In contrast, a rights-based approach to child labor recognizes that children often forfeit their right to education and healthy development irrespective of the kind of work they do. It aims, therefore, to:

- redefine the concept of work and labor in the lives of children, taking into account the specific social, cultural, economic context of the society where it exists;

- understand and analyze children's lives not just in terms of needs, or areas for development, but in terms of the obligation to respond to the rights of individuals..., [to empower] people to demand justice as a right and not as charity;[105]

- listen to and incorporate children's views and opinions their perceptions and experiences of work, of hazardous and exploitative labor, of work and school, etc.;

- address the centrality of exploitation in the lives of working children;

- involve children actively in the interpretation of circumstances of their work, in the design of policies and strategies aimed at identifying and eliminating intolerable forms of child work, and shaping interventions when seeking solutions to these problems;

- identify the structural conditions and factors that contribute to exploitative work performed by children;

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[105] Robinson (U.N. High Commissioner for Human Rights, Foreword, p.iv. For extensive discussion along these lines, see Weston and Teerink, Abolishing Child Labor, Ch. 1 in this volume.

- go beyond economic rights and address the full range of human rights of working children;[106]

- develop coordinated multi-sectoral interventions in a variety of fields related to the effects of hazardous and exploitative work on children, viz., education, health, nutrition, rest and relaxation, play, social security, and responsibilities of parents;[107] and

- finally, in all matters affecting working children, safeguarding their best interests and their rights (as rights-bearers), on the one hand, and holding families, business enterprises, institutions and governments accountable and responsible as duty-bearers to promote and protect children's rights, on the other.

Understood in this way, child labor is not simply a labor market concern; it is a human (child) rights issue.[108]

This fact has not been lost on children who work. Time and again, children have articulated their concerns and pleaded for a rights-based approach to combating child labor. As Joan Ranoy, a 17-year old girl from the Philippines who worked for five years as a child domestic servant, put it in 1999 at the 87th Session of the International Labor Conference (which adopted ILO C182): *We, as working children boys and girls are below 18 years of age, and in keeping with the spirit of the U.N. Convention on the Rights of the Child (Article 32), we have the right to be protected from exploitation and hazardous work and abuse.*[109] In other words, the key to distinguishing between benign children's work and work that is harmful to their overall development is the nature and extent of exploitation involved.[110] Article 32 of the CRC guarantees the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development.

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[106] See Weston and Teerink, Abolishing Child Labor, Ch. 1 in this volume. The rights-based approach embraces the three generation rights, viz., civil and political rights; economic, social and cultural rights; and solidarity or community rights (e.g., the right to peace, to development, and to a clean and healthy environment).

[107] See UNICEF, *Beyond Child Labor*, p.4.

[108] UNICEF, *First Consolidated Donor Report*, p.4.

[109] Presentation by Joan Ranoy to the 87th Session of the International Labor Conference, Geneva, June 1-17, 1999 (on file with the author), p.1.

[110] See note 1.

It is this centrality of exploitation through work done by children that often is ignored in child labor discourse as well as in programming child labor interventions and actions. A rights-based approach helps us to address this centrality and to identify the conditions and factors that contribute to these forms of work prevalent in society. It also takes us beyond economic rights and helps us to address the range of rights.

Moreover, the programmatic implications of such a rights-based approach implies coordinated and multi-sectoral interventions in a variety of fields related to the effects of hazardous and exploitative work on children, viz., education, health, nutrition, rest and relaxation, play, social security, and responsibilities of parents.[111] Child rights generate both entitlements and obligations and thus imply indeed require the building of strategic partnerships among children and between adults and children to confront this problem jointly and in combination. It means empowering children to participate actively in the improvement of their lives and in developing solutions to their problems and needs while at the same time empowering adults to fulfill their responsibility and duty to protect the rights of children.[112]

Thus, as entitlements provided to both children and adults and enshrined in the Universal Declaration of Human Rights (UDHR)[113] and other key instruments such as the CRC and ILO C182, rights are not just an abstract recognition of societal values. They have real and practical implications that hold governments and others accountable and thereby shape behavior and practice in society. They help to create the conditions in which children can effectively enjoy their rights; benefit from the actions of others governments, family, community to make these rights a reality in children's lives recognize the increasing capacity of children to exercise their rights and to make valid claims on them; and impose a general duty and responsibility on everyone, including the state, to respect those rights and to refrain from any action that will prevent their enjoyment or violate them in any way.[114]

The family is the first line of protection for the child. It is the primary environment wherein children are introduced to the culture and therefore

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[111] UNICEF, *Beyond Child Labor ...*, p.4.
[112] Santos Pais, *A Human Rights Conceptual Framework*, p.5.
[113] Universal Declaration of Human Rights (1948).
[114] Santos Pais, *A Human Rights Conceptual Framework*, p.6. See also Weston and Teerink, Abolishing Child Labor, Ch. 1 in this volume.

the values and norms of society. It is also the first opportunity for the child to experience tolerance, mutual respect, and solidarity.[115] A rights-based approach to child labor recognizes this important place and role of the family in the lives of children. It calls upon the community and state to render appropriate support and assistance to parents and legal guardians in the performance of their child-rearing duties so as to facilitate the capacity of the family to protect the rights of children and their enhancement. It also means holding parents and guardians accountable for actions that put their children in harms way by their induction, coercion, or sale for employment or services in the worst forms.

The rights-based approach, it can safely be said, is gaining recognition and beginning to challenge mainstream approaches and actions relative to child labor. The ILO acknowledges this fact in a recent report: *After the CRC was adopted, international NGOs began to reconsider their work with children to bring about a change from an essentially welfare-based, adult-focused, charitable approach to a more child-centered, rights-based approach*.[116] While this approach and its application are spearheaded primarily by NGOs and other civil society organizations largely as a consequence of their reconsideration of the rights of children following the adoption of the CRC, it is beginning to influence key donors and international agencies. The time is past due that the same rethinking be undertaken by U.N. agencies and other key players in the field of child labor.

III. THE "WORLD OF WORK" OF CHILDREN: TOWARDS A REDEFINITION

Using a rights-based approach to the world of children's work and the conditions that cause them to undertake dehumanizing work enables us to view work and labor from a radically different perspective; and the first point to be made is that participation by children in the labor market is commonly against the free will and choice of the children involved. Typically this is the case with prostitution, pornography, trafficking, bonded labor, and soldiering, for example. Because these services and tasks tend all too commonly to be accepted in the adult world even if not they are not always acceptable there, they enjoy a kind of unofficial legitimacy that tolerates the exploitation of children in ways that are usually beyond their

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[115] Santos Pais, *A Human Rights Conceptual Framework*, p.13.
[116] International Labour Organization, *A Future Without Child Labour*, p.25.

control.[117] Noi, a 16 year-old sex worker from Laos put it this way: *I really hate this work. But I have to do it because I need the money. Sometimes I really don't like the client, but I have to sleep with him even if I don't like him. I don't think about myself. I don't really have an idea about the future. I just want to earn money to help my mother and my family*.[118]

The work undertaken by children today is defined mainly in terms of economic activity that can be measured and counted in a labor market framework. When children undertake the same work that adults do in society, however, this work is often viewed differently.[119] Why is this so?

For a long time, mainstream thinking and analysis relative to child labor has been dominated by social patterns that separate children from economic activity. In the Global North, as noted by Judith Ennew, children have been banned by law from the labor force, and their economic contribution to society is not accounted for in national budgets despite the fact that many of them are workers[120]. The implication is that they are working for pocket money or seeking to learn good work habits. Ennew notes that this perception is wholly inappropriate for many Southern contexts in which children have economic and other responsibilities to fulfill within families and communities; are not the sentimental core of nucleus families but rather part of an inter-generational system of interchange and mutual responsibilities; and (in recent history at least) have often been important political protagonists.[121]

From a Southern child's perspective, work is learning, where the attitudes, knowledge, skills, and behavior relative to living and interacting in society are nurtured and developed, closely tied with the family and community. If work is learning, then it becomes an integral part of the educational and developmental process of the child and of the family's

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[117] Research conducted among 300 working children in Bangladesh, El Slavador, Ethiopia, Guatemala, Nicaragua, and The Philippines by Save the Children-Sweden in 1996-97 revealed that while a few children felt they had been forced to work ..., but many felt they had made the choice to work, within the constraints of their circumstances. Woodhead, Children's Perceptions of their Working Lives, Summary of the Radda Barnen Study, pp.9-14.

[118] Quoted in *End Child Exploitation*, p.22.

[119] Writes one keen observer: [Some] authorities in the field of the childhood discourse... deprecate the attempts at analytical distinctions between what child labour is and what child labour is not.... It is assumed that children do work, and it does not make much sense to delineate child labor as a specific activity. Such a reduction carries the danger of smoothing out child labor as a problem. Lieten, Child Labor: Questions, p.52.

[120] See Ennew, *Capacity Building and Maintenance*.

[121] Ibid., p.7.

obligation towards child rearing and upbringing. A distinction is often made between *work that facilitates* and *work that is detrimental* to child development. Children and families in the Global South see a clear difference between a child working in the fields side by side with her or his father or mother to learn the skills of the trade, and a child required to do repetitive work in a factory setting or forced into hazardous work or abuse in the industrial or commercial sector. These two conceptions of work come from two different traditions that influence the way society views work (good) and labor (bad). The difference is revealed in the value society places on the tasks or services performed by children in the case of child labor, children become commodities that are bought and sold, traded, trafficked, and bonded into servitude for economic purposes. In other words, linking the concepts of child work and child labor to the market is significant because it often determines how we define them. A key complicating problem is whether the work or labor is in or out of the market sector, and whether it is formal or informal.[122]

Children's own perceptions of their work provides some useful insights into the relationship between them as children and the world of work and labor. They are therefore an important source of information and evidence on how work affects their lives and on whether and how it can cause harm to their development. The 1996-97 Save the Children Sweden study on child labor in South Asia and Central America and concerning children's perceptions of work revealed that while many children may not be aware of certain detrimental effects of work on their lives they may be acutely aware of other effects. The main findings of this study lend comprehensive insight into the world of work as lived and experienced by working children themselves, as demonstrated by the following summary of children's views and opinions of their working lives:[123]

- A few children felt they had been forced to work, but many felt they had made the choice to work within the constraints of their circumstances.

- Children believe they must work to help their families. Work is part of the family life style, they are valued for it, and they are initiated at a very early age.

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[122] Karunan, *Children and Work in Southeast and East Asia*, p.21.
[123] Woodhead, Children's Perceptions, pp.9-14.

- Work is an important part of many children's self-respect we are helping our parents work even though we are young. We are not just another mouth to feed. We are helping the family survive.[124]

- Child workers are aware of many of the physical hazards of work.

- Working children are very sensitive about being stigmatized for their work.

- Children value many aspects of school and would like to combine work with school.

- Faced with new regulations preventing them from working, most groups would defy or evade the law.

In contrast, Northern perceptions and attitudes towards work often involve a separation between learning that is confined to formal classrooms and work or labor that involves skills and earnings (wages) in the workplace. This distinction is not only misleading but detrimental to the best interests of children. Based on this logic, an artificial distinction is often made between learning and education and work and employment.[125] As Antony and Gayathri note in the Indian context,

> *what is intriguing in an analysis of children's work is that those who are enrolled or attending the school are not considered for their involvement in activities, which are otherwise counted as work for out-of-school children. This omission, basically due to the dominant dichotomous framework of work/education in children's lies, has allowed for various misconstructions. First of all, it corroborates the class based construct of a childhood, in which education is a prerogative of some and work is a destined vocation for some others.[126]*

The realities in the developing world show clearly that these constructions or distinctions are false and misleading; in the given social, economic, and cultural context of developing societies, they in fact blend

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[124] Ibid.
[125] Ibid., p.21.
[126] Antony and Gayathri, Child Labor: A Perspective, pp.1-12.

into one and interface with each other in the daily lives of children, their families, and their communities.

IV. The Child-Centered Approach to Child Labor

This approach, which I call the rights-based/child-centered approach, developed as a response to mainstream thinking and interventions on child labor that were driven by a labor market framework and top-down programming which often criminalizes children's work and seeks quick-fix solutions to complex problems.[127] Myers and Boyden discuss three key factors that have contributed to the development of a child-centered approach to child work issues: the growing influence of the CRC on both national and international ideas about protecting children; the expanding quantity and quality of empirical information about child work and working children; and working children themselves [becoming] a quickly growing influence on thinking about child work.[128]

Using the CRC as its starting-point and keeping the best interests of the child paramount, this approach seeks to restore the centrality of the child her or his role, situation, problems, needs, capabilities, skills in the discourse on child labor. The holistic approach of the Convention addresses human rights while placing the child at the center of its considerations. This child-focused perspective guides its call for action and progress towards the realization of all the rights of the child, and stresses that the best interests of the child should always be a guiding reference.[129]

Three key elements characterize the child-centered approach to working children: a radical paradigm-shift in our view of children and childhood; resilience of working children; and working children's participation. Each of these elements is briefly discussed below.

A. Paradigm Shift in Our View of Children and Childhood

A child-centered approach that is rights-based believes that children's knowledge and perspectives are shaped by the socioeconomic, historical, and cultural conditions of the family and community, which implies their active involvement and participation in all matters that affect their lives

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[127] See Myers, Valuing Diverse Approaches to Children, pp.27-48.
[128] Myers and Boyden, *Child Labor*, p.6.
[129] Santos Pais, *A Human Rights Conceptual Framework*, p.8.

and well-being. It challenges us to accept a mind-shift in the way we look at, and relate to, children in daily life.[130] This has implications for how we perceive childhood and child development.

Mainstream perceptions of childhood are based on a Western stereotype where play, learning and schooling are staple topics, while work is rarely mentioned ... [and] masquerade as scientific knowledge about children's nature, their normal development, and their universal needs.[131] In non-Western societies, on the other hand, the transition from childhood to adulthood is more fluid and less traumatic, where the child's world and the adult's world [are] not separate and [are] characterized by greater inter-generational reciprocity. Play and work [are] also not such sharply delineated activities and mingled together in a manner that often it [is] difficult to distinguish the two. More importantly, the child is not viewed as separate from the larger unit, be it family, tribe, clan, etc.[132] Thus it is important that we recognize that there are different cultural traditions and concepts of childhood and that there is no one universal model that is applicable in all situations or that can be universally imposed. At the same time, we must be aware of those elements in our cultures and traditions that do not serve the best interests of the child or other children's rights. We need to be careful not to endorse discrimination and exploitation while harnessing the potentials in these cultures and traditions for promoting the rights of children.[133]

In addition, the concept of childhood and, by implication, how children are viewed in society and their relationship to work and labor is constantly changing to keep pace with the rapid development of societies. Our own culturally-determined concepts and perceptions of children, their childhood, and their roles and capabilities need therefore to change accordingly. We need constantly to question our own assumptions and attitudes about children.[134] As adults, we must bring into being a mind-shift from traditional notions and values that we cherish about children as

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[130] UNICEF's approach based on a human rights perspective signifies a radical shift in the way the agency views and works with children: This approach reflects a general shift from a time when the most disadvantaged children were widely considered as objects of charity rather than holders of rights with valid claims on society. They are often perceived as problems to society rather than as individuals affected by society's failures to meet its obligations to all its children. UNICEF, *Programme Cooperation for Children and Women*, p.7.

[131] Woodhead, Child Work and Child Development, p.126.

[132] Raman, Politics of Childhood, p.18.

[133] See Karunan, *Participatory Action Research*, p.2.

[134] See Theis, Children and Participatory Appraisals, p.25.

vulnerable and non-productive to a child-centered approach that is rights-based, viewing children positively and as contributors to social development. We need to challenge traditional notions of childhood and child development that have become everyday cultural norms and practices in society. This is no easy task as it entails a psychosocial shift that will alter fundamentally adult status, power, and control over children,[135] a shift that urgently calls for a new sociology of childhood (discussed below) that is based on a human (child) rights framework which is sensitive to the local social and cultural conditions prevailing in societies today.

Finally, a human rights/child-centered approach seeks to view working children as change-makers. It locates children at the center of our perceptions, approaches, and actions. Its starting-point is to view children not just as innocent, vulnerable, and susceptible beings, but as active social actors who can make a positive contribution, as children, to social development and change. Children contribute based on their own abilities and capacities (evolving capacities) which are constantly developing.[136]

B. Resilience of Working Children

One of the significant outcomes of using the human rights/child-centered approach to comprehend children and their work has been a growing recognition of the resilience of many working children, based initially on experience with street and working children primarily in Latin America where the coping mechanisms of these children were identified and their competencies documented.[137] In the Philippines, interest in resilience as a key concept in working with children came from dealing with children in especially difficult circumstances. A pioneering child-centered study conducted by the Program for Pyschosocial Training of the University of the Philippines Center for Integrative and Development Studies aimed at understanding this concept from the experience and perspective of the children and their caregivers.[138] Entitled Working with Abused Children: From the Lenses of Resilience and Contextualization, the study involved the participation of twenty-five children from six NGOs who had suffered physical, sexual, emotional, and labor abuses. The findings

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[135] Karunan, *Participatory Action Research*, pp.13-14.

[136] See Save the Children Norway & Sweden, *Child-Centered Approaches*, p.33.

[137] The experiences of working children's resilience in Latin America, Africa, and Asia were presented at a major international consultation organized in Oxford, England on Children in Adversity, Sept. 9-12, 2000. See http://www.childreninadversity.org

[138] See Save the Children (U.K.), *Integrating Child-Centered Approaches*.

of the study, based on narratives of the children's experiences and life histories, were grouped into 14 themes, as follows:[139]

- acceptance of difficulty and adjustment to the demands of difficult situations

- competent functioning in the presence of major life problems

- learning from life's adversities

- capacity to be self-reliant and self-governing

- forbearance and not making a big deal of problems

- finding happiness amidst difficulties

- ability to make sanity in the face of traumatic experience

- good and wholesome character despite of deprivation

- a firm sense of what is right and wrong

- recovering from past wounds moving on with life

- therapeutic construction of reality

- ability to be other-centered

- ability to see situations as temporary

- ability to resist temptation.

The research also identified concrete guidelines, four in number, designed to help identify and promote resilience among abused and exploited children:[140]

I Have the child's external supports and resources that endorse resilience. In most cases this refers to the child's access to survival and development services food, clothing, etc.

I Can the child's social and inter-personal skills for example, communication, Problem solving, managing feelings and impulses, seeking trusted relationships, etc.

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139 Ibid., pp.54-61.
140 Ibid., pp.67-70.

I Am   the child's internal, personal strengths such as feelings, attitudes and beliefs.

I Will   the child's willingness, capacity and commitment to do or to participate in matters affecting him or her.

Increasing knowledge and understanding of resilience among working children reinforced the need to pay attention to children's capacities, actual and potential, to deal with their situations and contribute towards change. This has informed the human rights/child-centered approach to working children, developed on the basis of pioneering research as well as many years of grassroots experience and lessons learnt by NGOs and child labor organizations and networks, primarily in the Global South.

C. Working Children's Participation

We as working children and our parents and communities know best what is good and relevant for us, said Filipina Joan Ranoy, the 17 year-old former child domestic worker at the 87th Session of the International Labor Conference in 1999.[141] *In many countries in Asia*, she continued, *we are being actively supported and assisted by NGOs, community and civil society organizations that have promoted our best interests and protected us from abuse and exploitation. It is therefore imperative that working children themselves, families and communities, NGOs and civil society organizations are seen as active partners and collaborators in the national plans of action on the new Convention*.

Working children, with their organizations and networks, have today entered the public stage of discourse on child labor and have increasingly come to be recognized as key social actors to be taken into serious account in policies and interventions on child labor. As Per Miljeteig notes, *in fact, it could be claimed that the public appearance of working children and youth has helped to give child labor a face and contributed to a more nuanced and diversified understanding of what child labor is.*[142]

A human rights/child-centered approach to working children is based on the principle of respecting children's views and opinions and involving them as active partners in seeking solutions to their problems. Being the most directly affected by the worst forms of work and child labor, it is only

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[141] Presentation by Joan Ranoy to the 87th Session of the International Labor Conference, Geneva, June 1-17, 1999 (on file with the author), p.1.

[142] Miljeteig, *Creating Partnerships*, p.22.

logical that they should be in the first line of participation and involved in efforts to address these issues and seek solutions. Four key principles or approaches are essential:

- children have a right to be heard about matters that affect them;

- children are not affected passively by their work they are for the most part intelligent, active contributors to their social world, trying in their own way to make sense of their circumstances, the constraints and the opportunities available to them;

- children are capable of expressing their feelings, concerns and aspirations within a context that respects their abilities and is adapted to their interests and style of communication; and

- children are an important source of evidence on how work may harm their development, in the particular economic, family, community and cultural context.[143]

Child respondents from the Philippines and Ethiopia identified the following three characteristics of participation by working children:[144]

- *Participation is both a right and a responsibility* all children must be given the opportunity to express themselves. At the same time, it also implies taking responsibility for their actions.

- *Participation is an expression of capability* of the children's capacity to stand up for what they believe in and accomplish what they intend to do. Children are active agents of change.

- *Participation is a process of growth* through participation, children become more aware of their own capacities and limitations. They can also acquire and develop skills and knowledge.

Participation, it thus must be added, is also a learning experience for the child. In participation, children learn to express their own needs, consider those of others, and develop skills of cooperation, negotiation and problem-solving. In short, their participation provides children the opportunity to learn, develop and enhance skills that they would need to lead better lives.[145]

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[143] Woodhead, Child Work and Child Development, p.127.
[144] Save the Children (U.K.), *Integrating Child-Centered Approaches*, p.33.
[145] Quoted in Regional Working Group on Child Labor, Handbook for Program Managers, p.6.

In mainstream approaches to child labor, there is a general tendency to view working children's participation as merely taking into consideration children's views and opinions.[146] While this is an important step forward in promoting children's participation concerning their working conditions and experiences, it falls short of another key element of meaningful participation: involving children in all actions that affect their lives. As this chapter points out, there is sufficient successful experience among NGOs and other civil society organizations of meaningfully involving working children in programming and interventions at the ground level. Moreover, working children themselves have begun proactively to advocate for their involvement in all decisions and actions concerning their lives and future, supported by strong working childrens organizations and movements that have developed in the regions of the Global South today.

For too long, working children have been viewed as a default category.[147] It is time not only that they be recognized, but that their voices be heard and that they be actively engaged as partners in the fight to combat the worst forms of child labor. This is a fundamental right of working children which needs to be promoted and guaranteed.

V. Implications for Progressive Social Change

A. A New A Sociology of Childhood?

It is time that we develop a new sociology of childhood, for the developing world especially, to guide our responses to child labor that is based on the provisions and spirit of the CRC a new discipline that, consistent with the rights-based/child-centered approach considered above, takes children seriously as they experience their lives in the here

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[146] Paragraph 2 of Recommendation 190 concerning ILO C182, not the main articles of ILO C182 itself, refer to this important point with some qualification as follows: The programmes of action referred to in Article 6 of the Convention should be designed and implemented as a matter of urgency, in consultation with relevant government institutions and employers' and workers' organizations, *taking into consideration* the views of the children *directly affected* by the worst forms of child labour, their families *and, as appropriate, other concerned groups* committed to the aims of the Convention and this Recommendation. (Emphasis added.). ILO website at http://www.ilo.org/ilolex/english/recdisp1.htm

[147] Since working children are primarily viewed as a default category (those who do not go to school), it follows that solutions being sought to address the issue also tend to be limited in their scope. Ramachandran and Saihjee, *Looking Back in Order to Look Ahead*.

and now as children.[148] It needs to take a comprehensive view of children and therefore to be interdisciplinary, drawing upon various academic and practice-based knowledge and research in the field, with a special emphasis on incorporating working children's own perceptions and experiences of child labor and child development. The subject-matter of this new sociology should be, among other things, children in the context of family and community, viewed from a child-centered perspective that puts children's best interests first. It should recognize the positive contributions that children can make to the society around them and encourages their active participation in shaping and determining their own lives. A new sociology of childhood of this kind is critical as a foundational base to the human rights/child-centered approach to working children.

B. Addressing Structural Conditions and Factors

Today we know a fair amount about the numbers of children working, about their working conditions and environment, about their experiences of exploitation and abuse, and about their perspectives on alternatives. We know much less, however, about the structural conditions and factors that promote and maintain the exploitation of working children.[149] Mainstream approaches and interventions to exploitative child labor have generally failed to take these structural matters into account or to address them frontally with concrete remedies in hand. In this regard, a critical gap in child labor discourse today is the macro-economic context of globalization and its direct and indirect influence on child labor in developing countries. If child labor is socially reproduced, then it is ever more important to focus on the structural context and factors that enable this reproduction. Unfortunately, however, structural matters have remained so far largely unchallenged and unaltered.

This neglect is alarming. Macro-economic factors and structural changes directly impact on child labor. The so-called Asian economic crisis of 1997 clearly showed this relationship. Thailand experienced massive reversal migration during the crisis in 1997-98 from urban to rural areas. During that period, some 0.8 to 1.1 million children between 11 and 14 years of age were child laborers, representing about 3% of the

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148 Morrow and Richards, *The Ethics of Social Research*, p.11.
149 But see Bachman (Translating International Labor Standards), Ch. 5 in this volume; Bourdillon (Translating International Labor Standards), Ch. 6 in this volume.

total 32 million labor force in the country. In 1998, more than 110,000 children from primary school grade 6 to secondary school grade nine were estimated to have entered the labor force, and among them over 80% were primary school students[150]. In the Philippines, the crisis contributed to an increase in the number of children working away from their homes, younger children working on agricultural farms, and an increase in the number of invisible children who work as child domestic workers.[151]

The macro-economic conditions in most countries of the Global South today is characterized by stagnation in agriculture, handicrafts, and local industries; rapid erosion of control over land and its resources by the mass of peasantry, artisans, and fisherfolk; and an escalating commercialization of entire economies that is wiping out small producers and self-sufficient farmers.[152] It is this context and the resulting unequal relationship between rich and poor countries in international trade and commerce that is missing from the child labor discourse. The international campaign against child labor is focused largely on the manufacturing, commercial, and small-scale informal sectors, not on agriculture where most of the child labor in the Global South is found and where the majority of laborers are women and children drawn from poor districts and regions. The World Bank acknowledges this direct connection between agriculture and child labor when it observes that the best predictor of child labor seems related to the structure of production: the higher the share of agriculture in GDP, the higher the incidence of child labor[153]. Implicitly, it acknowledges also the backward and forward nature of economic development in the agricultural sectors, which has a direct bearing on the incidence of child labor. As Vasanthi Raman laments, however: *The focus on child labor in these sectors tends to ignore the structural linkages both backwards (i.e., stagnating agriculture, etc. which ensures a steady supply of child laborers) and forwards (i.e., linkages with the international system).*[154]

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[150] Karunan, *Children: The Forgotten Victims*, p.4.

[151] Ibid.

[152] See generally Chua, *World on Fire*; Stiglitz, *Globalization and Its Discontents*.

[153] Fallon and Tzannatos, *Child Issues and Directions*, p.3.

[154] Raman, *Politics of Childhood*, p.22.

Another structural determinant of child labor is inequality. A 2002 comparative study of child labor and child schooling in Nepal and Pakistan showed this relationship clearly: *First, high inequality provides demand for child labor from the more affluent households. Second, such inequality creates a pool of child labor from among children in the less affluent households. Third, high inequality implies that credit is siphoned off to the more affluent leaving the less affluent households to rely on child labor to smooth their income fluctuations.*[155]

A rights-based approach to child labor must take into account the structural factors and conditions that impinge upon the kinds of exploitative work that children are subjected to. It must probe and unravel the problem in all its dimensions, especially in areas such as agriculture where it is most prevalent, as well as establish links with the global macro-economic context that shapes it.

C. Addressing Poverty and Child Labor

Poverty or, more precisely, income poverty is viewed often as the primary if not sole cause of child labor. A number of other key factors determine the supply of child labor, however: vulnerability, poor educational services, lack of social security mechanisms, gender- and age-specific characteristics of some labor markets, consumerist pressures, and increasing population. Another key factor, one that has come increasingly to dominate entire political economies of poor countries, is international trade and the internationalization of production, which specifically create demand for cheap, unskilled labor, often children.[156]

In the developing world, in other words, poverty is a complex phenomenon that has broad and deep social, cultural, and political ramifications in addition to direct economic ones. Working children in the Global South are confronted with situations that drive them to work to earn an income to support themselves and their families, and this of course keeps them from school. It is not income-poverty alone that is the direct cause of child labor, as is well illustrated in the Indian context by the following comment of Vasanthi Ramachandran:

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[155] Ray, *Simultaneous Analysis*, p.5216.
[156] Marcus and *Harper, Small Hands*, p.17.

> *In our country, economic poverty locks firmly with social poverty, political poverty and environmental poverty and drives children out of schools. The education system is driven by class and caste biases, and does not equip children to respond to other forms of poverty that play out in their lives. Schools defeat their own purpose. Reading and writing do not help when entire forest-based livelihoods get wiped away, or when teachers harass students for their lower-caste allegiances .... Given such a situation, a child's decision to work for the family rather than go to school is the most appropriate choice he can make.[157]*

In most parts of the developing world, not just in India, the culture of poverty that prevails embraces a variety of important factors that define and determine the lives of children and families. Briefly put, income poverty or even economic poverty generally is but one among many important elements that define the circumstances of working children. Together with vulnerability, discrimination, deprivation, and other indignities, however, they can be daunting barriers to change. It is this multifaceted challenge that confronts the problem of child labor and thwarts attempts to address and eliminate it, and thus one more reason why an holistic human rights/ child-centered approach to child labor is imperative.

D. Culture and Working Children

As discussed above, working children tend to fall outside the Western conception of childhood and child development that dominates current child labor perceptions and interventions. It is not often acknowledged that this mainstream conception though based on centuries of custom and tradition, runs up against complex cultural realities that, likewise based on centuries of custom and tradition, do not bend easily to it. If the right of children to have their best interests served is to be effectively realized, therefore, it behooves us to approach childhood and child development in a manner that seeks to understand and interpret accurately the specific cultural environment (values, beliefs, practices) within which working children and their families/communities function and thereby arrive at a definition of child labor that is relevant and support interventions that are sustainable. As Martin Woodhead reminds us, *we need to recognize*

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[157] Quoted in Ramachandran, *Education, Work and Rights*.

that children's needs, and their process of meeting those needs, as well as protecting children from harmful influence, is profoundly shaped by beliefs and practices through which children are incorporated into their families and communities and which gradually become part of their own identity and self-esteem.[158]

An interesting anthropological angle is provided by Olga Nieuwenhuys in her discussion of child labor and anthropology.[159] Her main thesis is that modern society sets children apart ideologically as a category of persons excluded from the production of value.[160] Given mainstream thinking that equates work with employment (i.e., paid work), it thus can be argued that any work that is performed outside this equation is not considered work at all, that work done by children produces no value. For this reason, Nieuwenhuys observes, the disassociation of childhood from the performance of valued work has been increasingly considered a yardstick of modernity.[161] In developing countries, especially in poorer regions and provinces where the incidence of child labor is commonly higher, we know little about the production of value and the role of children in relation to it. As Nieuwenhuys rightly points out, there is need for more information and research which will uncover how the need of poor children to realize self-esteem through paid work impinges upon the moral condemnation of child labor as one of the fundamental principles of modernity.[162]

Cultural traditions and practices have a strong influence on child-rearing and child development, and on what roles children play in the family, community, and society. Not all of them are benign, however. In South Asia, for example, caste factors influence how child work is viewed. In some cases, they endorse abuse and exploitation. A human rights/child-centered approach to child labor would identify and condemn such harmful traditions and practices. It also would address the factors that perpetuate them, a large challenge to say the least. Indeed, this is perhaps the greatest challenge for action against the worst forms of child labor. It directly confronts culturally sensitive attitudes, beliefs, and practices in families and communities, especially in the Global South where child labor is widespread.

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[158] Woodhead, *Child Work and Child Development*, p.126.
[159] Nieuwenhuys, *The Paradox of Child Labor*, pp.237-51.
[160] Ibid., p.246.
[161] Ibid.
[162] Ibid.

A human rights/child-centered approach to child labor needs, therefore, to evolve culturally-sensitive strategies that facilitate the participation of working children and that develop interventions that are based on local conditions. As Per Miljeteig comments, *it is important to look for cultural and traditional experience that can ease the introduction of a concept that often feels alien in many societies, non-western and western alike. Here it is a need to draw on local expertise on cultural practices and local understandings of childhood and children's role in society.*[163]

E. Organized Working Children as Social Actors

A human rights/child-centered approach to child labor values the positive contribution of children to their family, community, and society, and their resilience and capacity to contribute to change. It is no longer tenable to view children as just innocent, vulnerable and susceptible but as active social actors who can make a positive contribution as children to social development.[164] Time and again, and notwithstanding the conditions of poverty and vulnerability, children have shown that they can affirm their role as social actors and display potentials that can be harnessed by society for development. As a 1998 study on child labor in rural Philippines notes: *Rural children are active participants in the development process. They contribute in their own small way to the economy .... [A]lthough very vulnerable and exposed to the hazards of rural childhood, [they] have a role to play in rural development. They are not simply dependents and are not necessarily better off than their urban counterparts. They should be more active participants in development, if only for the reason that the future belongs to them and thus, even now, have a stake on current development initiatives.*[165]

Working children have begun to organize themselves to defend their rights for better conditions and services.[166] A comprehensive study of working children's organizations in the world, published by Save the

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[163] Miljeteig, *Creating Partnerships*, p.39.

[164] Karunan, *Children and Work*, p.1.

[165] Garcia and Molina, *Rural Children*, p.56.

[166] Some of the well-known working children's organizations that have emerged in the developing world include, among others, the following: Movement of Working Children and Adolescents of Nicaragua (NATRAS), website at http://www.natras.kraetzae.de; the Movement of Working Children and Adolescents from Christian Working Class Families (MANTHOC) in Peru, website at http://www.manthoc.50megs.com; the National Movement of Street Children (MNMMR) in Brazil, website at http://www.mnmmr.org.br; Bhima Sangha in India, website at http://www.workingchild.org; and working children's organizations supported by ENDA Jeunesse Action in West Africa, website at http://www.enda.sn.

Children in 1999, surveyed selected organizations of street and working children in Latin America, Africa, and Asia.[167] The author, Anthony Swift, observed that

> *the children's movements are leading exponents of the participation and organization of children. Most came into being because of the lack of concerted action by the state; or anyone else, to provide the most basic protection or development opportunities to the children of poor neighborhoods. What the movements have done is build on children's ability to help protect themselves against the physical and psychological traumas that poverty and social exclusion expose them to. They have gone further, enabling children in varying degrees to become protagonists for their rights and for social change rather than victims of poverty.*[168]

An excellent example of a local and indigenous working children's movement is Bhima Sangha in southern India, an independent non-governmental organization of working children launched in 1990 and with a present membership of over 13,000 working children. The organization seeks to inform working children of their rights, the means available to them to change their situations, and the power of the union. Members of Bhima Sangha feel that they are their own first line of defence and so have the right to organize themselves. They also believe that they are protagonists and can impact on social, political and economic structures in order to mould the society closer to their vision.[169]

The first-ever world movement of working children was launched in India in 1996 when working children from thirty-two countries in Africa, Asia, and Latin America met for the first International Meeting of Working Children in Kundapur and adopted the Kundapur Declaration,[170] the points of which laid down the perspective and demands of working children that is relevant today:

1. We want recognition of our problems, our initiatives, proposals and our process of organization.

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[167] Swift, *Working Children Get Organized*.
[168] Ibid., p.7.
[169] See The Concerned for Working Children, *Working Children as Protagonists*.
[170] Kundapur Declaration.

2. We are against the boycott of products made by children.

3. We want respect and security for ourselves and the work that we do.

4. We want an education system whose methodology and content are adapted to our reality.

5. We want professional training adapted to our reality and capabilities.

6. We want access to good health care for working children.

7. We want to be consulted in all decisions concerning us, at local, national and international level.

8. We want the root causes of our situation, primarily poverty, to be addressed and tackled.

9. We want more activities in rural areas and decentralization in decision making, so that children will no longer be forced to migrate.

10. We are against exploitation at work but we are for work with dignity with hours adapted so that we have time for education and leisure.

Similarly, in March 1998, working children representatives from Africa, Asia, and Latin America and the Caribbean (except Brazil) met in Dakar, Senegal, formed the International Committee of Working Children's Movements, and though unable to participate in the ILO Conference in June of that year (despite making a request to do so), issued a comparable statement,

Urging that working children's movements are consulted before processes concerning them are launched;

Declaring their opposition to such intolerable forms of child labor as prostitution, drug-trafficking and slavery but identifying them as crimes rather than forms of work;

Asserting that one day (when the causes that compel children to work have been tackled) children should have the choice of whether to work or not; [and]

Stating that the work children do should depend not on their age but on their development and capabilities.[171]

In addition, they explained that their movements did not support the Global March Against Child Labor because they could not march against their own jobs and were not taken account of in the planning phase of the march.[172]

With the rapid growth of working children's organizations in the developing world and their successful efforts at international networking, advocacy, and influencing major international events and conference in recent years, many international agencies and NGOs have today come to accept that working children are able to exercise their right to form associations and networks to protect their interests and advocate their rights. The International Save the Children Alliance, for example, in its recent Position Paper on Children and Work reemphasizes that *[w]orking children's organizations help to achieve children's rights to participate and associate, and can help children to achieve their right to be free from harmful work. They can serve a variety of functions, including whistle-blowing, monitoring work places, providing mutual support and protection, and advocating for policy change. Girls and boys have the right to participation and association, and such organizations are to be encouraged*.[173]

Notwithstanding these positive developments and a few pioneering studies on working children's organizations and networks, there remains, however, still a seeming lack of in-depth research on, and understanding of, children's workforce participation and its impact on societal change. Per Miltejeig notes that this lack of understanding is particularly related to what, in the case of working children, participation means and that, if it is to be taken to its fullest meaning, it must include respect for the capacities and integrity of children and be culturally sensitive. He proposes a research agenda to address this gap that includes the following key issues and questions:

- Children's capacity for participation and partnership, their competence, resilience and other aspects of development that are relevant,

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[171] Quoted in Swift, Working *Children Get Organized*, pp.10-11.
[172] Ibid., p.11.
[173] International Save the Children Alliance, *Save the Children's Position on Children and Work*.

- Results and impact of working children's participation

- How working children and youth perceive their roles and strategies when involved in programs or other activities related to child labor,

- Mechanisms that facilitate and complicate (or obstruct) children's participation,

- Local understandings and traditions that can be conducive to children's participation and respect their contribution to family and society,

- To what extent are programs that include working children actively more effective and sustainable, and what makes such programs replicable,

- Relationships and roles between children of different ages as well as between children and adults, how to establish non-intrusive working relations between children of various ages and adults, [and]

- The role of adults involved how do they balance their efforts to make a difference against the respect for children's integrity? How do they most effectively support the children without making them dependent on their constant presence?[174]

Bearing in mind the right of children, as provided in Article 12 of the CRC, to express [their] views freely in all matters affecting [them] and in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting [them], all of these issues and questions both inform and must be informed by the human rights/child-centered approach to the problem of child labor.

VI. Conclusion

Work per se is not an issue for children. The issue is whether or not the work that children do is abusive and/or exploitative and/or deprives them of full human development. As Ben White puts it *the problem [of child labor] is … best understood not as a problem of >work= as such, but as an issue of the exploitation and abuse of children's capacity to work.*[175]

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174 Miljeteig, *Creating Partnerships*, p.37.
175 White, *Defining the Intolerable*. pp.133-44.

Our concern, thus, is with the rights of children and how their economic exploitation is a violation of their fundamental rights. Child labor as defined herein prevents children from being recognized as legal subjects or rights holders and denies them their work-related rights. Indeed, some have argued that it is not until these work-related rights are recognized that children will become legal subjects as rights holders.[176] Hence the need for a rights-based approach to child labor. It acknowledges that working children have rights and that they are, therefore, legal subjects whose rights need to be promoted and defended. As this chapter has argued, working children are able to exercise their rights and have proven that they can be responsible and effective change-makers with or without the aid of international legal instruments. Evidence shows both from Bhima Sangha in Asia and Niños y Adolescentes Trabajadores in Latin America that the first step toward successful advocacy by working children is their assertion of their self-identity as recognized legal subjects and rights holders.

Some analysts have pointed out to the danger of a polarized discourse in the child labor debate, putting human rights/child-centered advocates (primarily NGOs and other civil society organizations) at one end, and the traditionalists (primarily trade unions and the ILO) at the other.[177] Alec Fyfe argues that this polarization leads to false choices: *child-centered vs. traditional paternalism; work vs. education; public vs. private; local vs. global.*[178] While this may be true given that child labor is an issue that has come to evoke passionate, emotional and political sentiments among institutions and activists alike, there is enough evidence to suggest some of it noted in this chapter that today we are witnessing a comprehensive challenge to mainstream approaches and actions coming not only from grassroots civil society but working children themselves. In this polarized situation, the real choices, I submit, reflected in the ideological and strategic positions taken in the current child labor discourse, are adults vs. children, institutions vs. movements, top-down vs. bottom-up, and North vs. South.

The challenges we face in this complex realm can be surmounted only by building a broad-based social movement to combat the economic exploitation of children and especially the worst forms of child labor a bottom-up social mobilization process that effectively identifies, acts upon, and eliminates the worst forms of exploitation of children by

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[176] Hanson and Vandaele, *Working Children*, pp.73-146.
[177] See Fyfe, *Child Labor and Education*, p.70.
[178] Ibid., p.83.

addressing root causes and structural conditions that perpetrate this situation. A rights-based approach enables us to meet this challenge to address the structural factors and spearhead a broad social movement involving a strategic alliance of partners with the working children and their movements as its center. At the same time, we need to ensure that our policies and actions are strategic in terms of results and outcomes, guided by the provisions and spirit of the CRC and ILO Convention182. A blanket abolitionist approach to child labor is untenable with a rights-based approach and mitigates against protecting and promoting the rights of children. Moreover, an unqualified ban on child labor, without ensuring children's right, can easily result in the eradication of the children itself.[179]

Kathy, a 16 year old girl from Barbados, in her contribution to a global discussion on children and work on UNICEF's Voices of Youth, summed up well the problematic of child labor and the challenges ahead:

> *The exploitation of child workers is a vicious global disease running rampant and unimpeded in our world today. Its monstrous tentacles know no boundaries, no limits. It snakes it way into every society regardless of race, religion or ethnicity leaving behind a gaping hole in the blanket of our humanity revealing the horror and terror; the abuse and agony that its victims must bear. I wish the answers were simple ... to a child they are. ... Tell me someone please what can YOU do when the kids who are exploited can look you in the eye and say 'there is no other way, bills have to be paid, my brothers and sisters must eat, I have NO CHOICE. ... Sadly the only solution I can find is to never stop, never stop trying to fight child exploitation even when all seems lost, never stop. FIGHT TO THE BITTER END, for to give up would mean the destruction of humanity itself.*[180]

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179 Quoted in Voices of Youth, *Young People Speak Out on Child Labour*.
180 Ibid.

Social Policy
& Social Development

SOCIAL POLICY & SOCIAL DEVELOPMENT LECTURE: SOCIAL DEVELOPMENT[181]
Social Work Faculty, State Pedagogical University Ulan Bator, Mongolia

WHY SOCIAL DEVELOPMENT?

- "Development Decades": 1970s and 1980s

- First Period: 1940s to 1950s: Nationalist Industrialisation and Collectivist Agriculture

- Second Period: 1960s to 1970s: Rapid Economic Growth: based on Free Trade, Export-orientation, FTZs and Export/Plantation Agriculture

- Third Period: 1980s to 1990s: Newly-Industrialised Countries (NICs) vis-a-vis Globalisation, Macro-Economic Policy and Structural Adjustment

WHAT IS SOCIAL DEVELOPMENT?

- Human Well-being as highest priority

- "People" at the centre of the development process

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[181] Lecture delivered to Social Work Faculty, State Pedagogical University, Ulan Bator, Mongolia, 14 May 1998.

- focus on "bottom-up", community-based interventions

- Popular Participation in decision-making

- Addressing "social costs" of economic development

KEY PRINCIPLES OF SOCIAL DEVELOPMENT

- PARTICIPATION

- SUSTAINABILITY: both natural and social - based on local knowledge and technology/expertise

- SELF-RELIANCE TOWARDS PEOPLE'S EMPOWERMENT

- INVESTMENT IN HUMAN CAPITAL

PROCESS/STRATEGY OF SOCIAL DEVELOPMENT INTERVENTIONS

- "Poorest of the poor" - Poverty Eradication and Poverty Alleviation

- Vulnerability: from exclusion and marginalization

- Discrimination of minorities: based on gender, age, economic, political, social, religious and cultural/ethnic identities

- Community-based: "bottom-up" approach - to ensure "ownership" of livelihoods by people themselves, using local/indigenous community structures and organisations (People's Organisations – POs)

- Grassroots democracy - decentralisation based on "good governance"

- Integration of "social" and "economic" objectives and interventions

- Strategy of social development interventions at three levels:

  (a) Government line-ministries/departments

  (b) Civil Society groups and organisations

  (c) Community/Grassroot groups

KEY GOALS OF SOCIAL DEVELOPMENT

(1) "Total Human Development"

- improvement of the quality of life

- quality of life as a "yardstick"/"indicator" to measure human progress and development

- e.g., UNDP-Human Development Initiative Programme

(2) Fulfillment of Human Potential: through planned interventions, policy making and assessment/evaluations

(3) Equality and Equity among people in society

CHAPTER 5
General

The DNA of Cultural-Sensitivity in Protecting and Promoting Child Rights

UNICEF AND ANTHROPOLOGY
The DNA of Cultural-Sensitivity in Protecting and Promoting Child Rights[182]

A central challenge for all international development agencies working in diverse cultural and social contexts in both North and South is cultural-sensitivity in the local environments in which they work and implement their programmes. So too for UNICEF as the global leader in child rights. Perhaps even more so, because cultural-sensitivity is at the heart of understanding child development and working with families and communities in their given cultural context to protect and promote child rights. Anthropology – "as the science that studies human societies and their cultures in development" – therefore needs to be part of the DNA of UNICEF's mission and work for children in every local and national context.

My concern as well as interest in this field is based on my academic background as an anthropologist and having served UNICEF at the national, regional and HQ levels for over 16 years. In the 1980s, I did my PhD on peasant movements in Asia with focus on local knowledge/wisdom, cultural context and grassroots activism. I thought when I joined UNICEF in 2000 in EAPRO-Bangkok that this background and expertise will be a great asset to promoting and protecting the rights of children in our Asian context. Sadly, I was wrong – the challenges I faced both from my "technical colleagues" in health, education, emergency (and even more so in later years in Innovation and Communication) – as well as by senior management to many ideas/proposals on the need for cultural sensitivity, understanding local history and knowledge and learning from it – were shunned as

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"traditional", "outdated" and even deemed as "not new science". On the contrary, I found increased understanding and like-mindedness among my national staff colleagues – they too struggle with the tensions of UNICEF's "global (Western) culture" and their own "local cultures" and knowledge/wisdom – resulting in mis-understandings, tensions and conflicts between us – international staff – and our local/national staff. Furthermore, this "tension" also translates into how UNICEF works with government agencies and officials in many countries. I see this "tension" continuing even today in UNICEF.

To cite just one instance in HQ-NY. I had just moved as Chief of Adolescent Development and Participation in the Programme Division in 2004. Richard Morgan who was then just appointed as Programme Director (who BTW is also an anthropologist) asked the 60+ staff gathered in his first Programme Division staff meeting – "how many anthropologists do we have here?" – only two of us put up our hands – Richard and myself. That incident speaks directly to the message I want to convey in this article.

As Ronald van Dijk noted in the last X-UNICEF "News and Views" September 2018: "anthropology should become part of UNICEF's program tools and how anthropological skills can provide knowledge of what is actually going on in rural, urban, and semi-urban communities where the millions of children who are the "raison d'être" of the organization live".

Not only is it a fact that the number of staff with a background in anthropology in UNICEF are few and far between, whenever anything comes up about "culture" and "anthropology" in UNICEF, everyone talks about C4D (communication for development) – which as we know, is only a technical tool that is used in the periphery of UNICEF's programming and not integrated at the core of its mandate and plan.

In my view, there are three major issues here that UNICEF needs to address:

Firstly, is the issue of lack of cultural sensitivity among UNICEF staff generally. The lack of cultural awareness within the UNICEF workforce explains why the very same staff do not see its significance in UNICEF programmes. Moreover, it is also reflected in the tensions and conflicts that arise between "international" and "national" staff in country offices – of which there are innumerable cases to be cited – from both minor ones that occur on a daily basis, to some cases which have resulted in wide press

coverage and litigation as well. Even more, these tensions are not only played out within UNICEF country, regional offices and HQ divisions; it is also reflected in UNICEF staffs' sensitive relationships and credibility with many Government agencies and local partners.

Secondly, is the issue that tradition, local wisdom and local norms and practices (anthropology) is often seen by UNICEF as "outdated", "backward" and "regressive" to making a reality of the rights of the child in local settings and national contexts. In doing so, UNICEF unfortunately is not learning from some of the positive and rich local traditions and wisdom that should be the foundation on which it should be developing its national policies and programmes. As a result, in many country contexts, the "local ownership" of UNICEF programmes remains in question.

Finally – as a consequence of the above two factors – UNICEF tends, in many situations, to be viewed as an organisation that is "Western" and influenced more by the so-called "modern" theories of childhood and child development that is generally conceptualised and authored in the Global North by academics, universities and child rights organisations. As a result, many child right activists and academics in the Global South share my serious concern that their knowledge and wisdom based on their own cultural and social context is often ignored – if not outrightly negated – by UNICEF's HQ-driven global policies and programme frameworks.

Moving forward, I do believe that UNICEF can claim to be a global leader in child rights if and only when it its mandate is reflected in credible local (national) ownership and cultural sensitivity becomes the DNA of its staff development and management practices.

We – as UNICEF retirees – can play a useful role in supporting UNICEF by offering our services for staff development and training in this area. I also believe there is the urgent need for knowledge generation and research in this area. It may be worth considering the possibility that – in collaboration with IRC-Florence – we could offer our services for research and knowledge exchange. In this regard, perhaps periodically bringing together academics, researchers, local leaders, adolescents/youth, grassroots movements for consultations – in the Strategic Global Programme priorities areas of UNICEF. I see the urgent need for such knowledge exchanges on cultural sensitivity especially in ECD, child marriage, breastfeeding, child labor, youth participation, among many others.

Some suggested next steps for UNICEF could be: (a) Using more anthropology in UNICEF programmes (b) Enhancing cultural awareness among senior management and staff (c) Integrating cultural awareness and sensitivity in UNICEF's HR policies – including staff development and orientation (d) As retirees we can help UNICEF to "de-silo" UNICEF staff organisational structures.

LOCAL WISDOM – A PATHWAY TO GROSS NATIONAL HAPPINESS
Case Study of the "Rice-merit Making" Ceremony among the Karen Hilltribes in Northern Thailand[183]

ABSTRACT

Among the four key pillars of Gross National Happiness (GNH), the one that has probably been the most under-researched is the fourth pillar – viz, preservation and promotion of culture. This is perhaps the most critical pillar of the GNH that has particular relevance – not just for Bhutan – but for the local and cultural context of the Global South, including countries in the Asia Pacific region. This paper attempts to address this gap in knowledge and evidence. The paper will argue that the local wisdom of people based on their traditions and everyday life experiences over generations has generated a large body of knowledge, knowhow and evidence that is yet to be fully tapped for peoples' development. It is therefore critical that we identify and establish the relationship of culture and local wisdom to development and social wellbeing (happiness) which can contribute to improved livelihoods and peoples' development. Sustainable development, therefore, is only possible when it is based on the foundational principles and values of local wisdom (knowledge and practices) as it exists and is reproduced in the lives of people and their communities across generations in society. The paper will present the local

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[183] Paper presented at the 8th International Conference on Gross National Happiness, Shah Alam, Malaysia, 14 to 16 November 2018.

wisdom of the Karen hilltribe communities in Northern Thailand that has traditionally been the foundation of their cultural and social wellbeing until today. Taking the example of the "rice-merit making ceremony" that has been practiced among these hilltribe communities for generations, the paper will show how the principles and values on which this tradition – called the "religio-cultural approach" - has become the foundation of individual and social wellbeing – contributing to self-identity, community solidarity, sharing and improved livelihoods. This approach based on local wisdom is both a worldview and a pathway for achieving "Gross Peoples' Happiness" (GPH).

Key Words: hilltribes, local wisdom, indigenous knowledge, happiness, culture, traditions, community solidarity, peoples livelihoods, indigenous worldviews, human values, resilience, spirituality, rituals, rice theology.

INTRODUCTION

Ever since the concept of "Gross National Happiness" was first developed by H.E. Jigme Singye Wanchuk, then King of Bhutan in 1972, we have seen a wide range of research and studies which have attempted to understand this new concept in development discourse, as well as un-pack its principles and goals to tangible strategies that can be adopted by Governments in both North and the South.

The four key pillars of Gross National Happiness (GNH) includes: (a) sustainable and equitable socio-economic development, (b) conservation of environment, (c) preservation and promotion of culture, and (d) promotion of good governance. In a general survey of the literature presently available on GNH – as presented during the past seven International Conferences on GNH held over the years, as well as other related articles and books that have been written on the subject, I have come to the conclusion that the one key pillar that is the most critical foundation of GNH, especially as it is relevant to the local and cultural context of the Global South, including countries in the Asia Pacific region; viz, the preservation and promotion of culture – has been most under-studied and un-researched as yet.

Why is this particular pillar so important? It is important for a number of important reasons: firstly, because, it constitutes the very identity and shapes the way of live of millions of people in the Global South. We know well the rich traditions and practices of indigenous communities, hilltribes

and other ethnic minority groups in our countries that are rooted in long-standing traditions, folklore, mythologies and indigenous worldviews; secondly, we are yet to tap the potential of the local wisdom in local and indigenous cultural and religious practices that are based on basic human values that provide up deep insights into the meaning of life; thirdly, local and indigenous values and practices have been the "bedrock of resilience" of local communities in many societies; and finally, because we need to identify and establish the relationship of culture and local wisdom to development and social wellbeing which can contribute to sustainable development of our societies.

In this paper, I will use this lens of "local wisdom" to view the importance and relevance of this pillar of GNH for all our countries. Let me also make it clear that by "local wisdom" I do not only intend to focus on indigenous communities and groups with a strong ethnic or cultural tradition – viz, ethnic minorities and indigenous groups, hilltribes, etc. I believe that in every family and every community – in the North and the South – we will be able to identify "local wisdom" drawn from a particular ethnic, religious or socio-cultural traditions. I would even venture to add that even in the Northern societies – inspite of the shameful historical legacy of extermination and annihilation of local wisdom of the Native Indians, First Nations Peoples, Inhuit, Aboriginal and Maori in North America, Canada, Australia and New Zealand, among others – key aspects of local wisdom of these subjugated populations are re-surfacing and increasingly being recognised as important for defining the national identity of these developed countries. This is why it is important for all societies to "go back to the roots" to understand and identify the potentials in the local wisdom of their local communities and develop policies and strategies that will bring back these indigenous values, principles and worldviews into the mainstream of the development discourse in the world today.

GNH and Local Wisdom

Happiness – at both the individual and collective levels - needs to be understood in the context of one's identity as a human person in the existential context of living in a society – what Frank Brancho[184] calls *"natural*

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[184] See: Brancho, Frank – *Happiness and Indigenous Wisdom in the History of the Americas* – in Re-Thinking Development (2007), p.244.

identity". Happiness is also based on wisdom. As the Christian theologian, Pierre Teihard de Chardin said *"We are not human beings on a spiritual quest – we are spiritual beings in a human experience".*[185] Therefore, there is a critical relationship between happiness and the natural environment – which implies that there is a connection between human (people) and the natural environment (nature). This implies that we adopt a "multi-dimensional" vision and approach of GNH to define social wellbeing and human development. GNH suggests that change needs to be seen from a moral and cultural perspective – based on the everyday life experiences of the people, as well as their traditions, social norms and practices that have developed overtime into a body of knowledge and wisdom. It is in this sense that local wisdom provides the foundation on which happiness can be understood and measured.

Local Wisdom among the Karen Hilltribes – Thailand

In the mythology of the Karen hilltribe communities in Northern Thailand, there is the concept of the *"Supreme Being" (Itatu)* – the creator of earth, stars and mountains. In addition, there are "junior spirits" for water, trees, forest, rice and all living beings of nature.[186] *K'la* is the rice spirit. The animistic tradition of the Karen hilltribes is based on this constellation of spirits that live among them and which determine their relationship to the natural environment – water, rivers, trees, forests, etc. Based on this cosmology of spirits, the Karen hilltribes perform a number of rituals during the year. The purpose of these spirit-rituals are manifold – to give thanks, give offerings to the Creator, to honor a person or group during milestones during one's lifetime. Generally there are six major rituals performed by the Karen hilltribes during the year.

The six major rituals include the following:

(a) *Ancestors-Community Ritual:* performed in January and followed by a traditional New Year ritual based on the ritual cycle of the Karen hilltribes in February each year.

(b) *Upland field-running Water Ritual:* is performed during April and May

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185 Quoted in Ibid, p.245.
186 Webb, R.A.F. (n.d.), p.83.

(c) *Irrigation Canal for Farming Ritual:* performed during May and June, or the beginning of the rainy season before planting

(d) *Paddy (wet rice) Field and Community Ritual:* performed during July and August

(e) *Individual-family ritual:* performed two months before the harvest and other activities related to production.

(f) *Rice harvest and Production Ritual:* performed during the months of November and December each year.[187]

These rituals are embedded in the culture and traditions of the Karen hilltribes and are passed on from generation to generation. In performing these rituals the Karen reaffirm their relationship to the Supreme Being, to nature and to the people in their community. It therefore is a strong bond of fellowship within the family and community that contributes to community solidarity and wellbeing. The Karen hilltribes also possess a deep sense of "space" and "placement" where they live. They believe they live in a place or on a land where their ancestors have been buried generations upon generations. Thus the ancestors' spirits exist and circulate in these sacred spaces. Hence, as their children, they have a sacred mission to protect and care for the space and the land on which they live. Land, is therefore, fundamental to the life and livelihood of the Karen people. The concept of ancestral land which is part of the customary law of the Karen hilltribes symbolises the identity of the people and is the "sacred space" in which they believe their life and future depends. It is from this rich cultural and indigenous tradition and worldview that the Karen community draw their sense of happiness and life mission.

Local Wisdom and Social Well-being – the *"Religio- Cultural Approach to Development"*

The Diocesan Social Action Centre (DISAC) is a Christian non-governmental organisation working among hilltribe and lowland communities in Northern Thailand since 1975. Based on its experience of community development it developed the "Religio-Cultural Approach to Development" that is based on the local wisdom, cultural traditions and life experiences of the Karen hilltribes. This new approach is based on four key objectives:

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187 Wongjomporn, Sunthorn. (2008). p.11.

(a) Total human development – economic, religious/spiritual, cultural and social wellbeing

(b) Support to people's organisations (POs) to help people understand and draw strength from their religious-cultural values

(c) Study and utilisation of people's cultures in their daily lives and extension of these values to other communities, and

(d) Creation of relationships that promote mutual help based on traditional bonds within the community.[188]

The "religio-cultural approach" involves people who are dedicated, self-sacrificing and committed to the poor. It is based on an *"Action-Reflection-Action"* method of work which involves both spiritual and material aspects. The approach involves self-criticism, theological reflection, openness to people's values and cultures and an understanding that development work is evangelisation. It responds to peoples' needs and is incorporated into the peoples' way of life.

This approach emerged from concrete experiences of work of DISAC staff among the Karen hilltribes. The approach effectively combines "development work" – based on socio-economic projects – and "evangelisation work" – based on catechism, religious formation and spiritual training. The former involves work related to – for example – land and agriculture, environment, village funds and savings groups. The latter involves work – for example – theological/spiritual reflection, catechism, formation of students in schools and lay workers in the church.

Based on this approach, DISAC Chiang Mai has placed emphasis on three key principles that has guided its work over the years – viz:

(a) Option for the Poor – religio-cultural heritage and human development

(b) Spirituality and Religion has an important role to play in the present human and social realities of the hilltribe communities. Therefore the Church must be part of this effort towards human development and supportive of the content and the dynamisms of the peoples local values cultures,

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[188] Karunan, Victor, 1995, Op cit, p.3.

(c) In the implementation of the activities and work among the hilltribes, the principle of "Action-Reflection-Action" will always go hand-in-hand. This means involving people in the process of reflection, learning from one another and analysing with people at all levels - a "dialogue of life".

The Rice-merit Making Ceremony

Rice-banks have existed among the villagers in Northern Thailand since the 1970s as a safeguard against the clutches of moneylenders and to overcome shortages of rice during bad seasons. The first Rice Bank was set up in 1978 in Ban Kum Pae in Chiang Mai province. In this village, three prominent families had established control over the villagers for more than 20 years through exorbitant interests charged on rice borrowed by the villagers. The Diocesian Social Action Centre (DISAC) Chiang Mai – first helped to break this monopoly by working with the villagers to set up rice groups or cooperatives. The success achieved in this village was then replicated in many other villages in other provinces and helped DISAC Chiang Mai to lay the foundation for sustainable development work among the hilltribe communities in the years to come.

The "religio-cultural approach to development" concept is based on the value that "human persons are fulfilled when they are both "recipients and givers". When villagers were running short of rice, DISAC came in to provide assistance. Therefore, when the communities have enough rice to eat, they should also share their surplus to help others. This is the origin of a new tradition of activities, namely rice merit fund (involving over 383 communities). It is both "development work" and "merit making" deeply integrated systematically. The fund is revolved to villages where there is not enough rice. Then, the proceeds in rice and cash mobilised from this rice merit making campaign are used to set up a new community rice fund. Given Karen people professed diverse religions, such as Christianity, Buddhism and ancestral beliefs, this rice merit making tradition unites and involved people of all faiths in the same activity with rice as the common concern and awareness of their ethnic and social identityThe "Rice-merit Ceremony" *("Pha Pha Khao")* was first conceptualised by Fr. Niphot Thienviharn, then Director of DISAC-Chiang Mai during this period. Its main purpose was to foster community sharing and solidarity – especially among the rural poor. This approach was used to create bonds within the communities and establish solidarity among the people.

The origins of this unique approach is based on the traditional Buddhist practice of believers making donations of rice to the Buddhist temple which has been practiced for a long time in Thailand. Building on the "Rice Banks" that were established in many villages, the farmers from different villages got together to initiate projects both for material purposes (i.e., to respond to the problem of rice shortage) as well as for spiritual purposes (i.e., to encourage the virtue of being a giver and for mutual help and sharing). Farmers set up local committees for these projects which undertakes campaigns and collects rice from different rice banks in various villages in order to give to other villages in need.

This traditional practice was adopted by DISAC Chiang Mai and applied to its development work among the hilltribe communities in the 1980s. DISAC Chiang Mai organised the first-ever "rice donation merit ceremony" in Phayao province in Northern Thailand during which surplus rice in the rice bank in one village was donated to poor families in another village. Earlier, DISAC granted rice donations directly to the villagers as "seed contribution" to help them to setup their own community groups. Such an action on the part of DISAC was seen merely as "charity" or "aid" – it did not contribute towards developing the capacity of villagers themselves to exercise mutual help and collective self-reliance. The establishment of the rice-merit network therefore passed on the ownership of this initiative to the people themselves.

Various ceremonies are performed when offering rice to needy villages. For the hilltribes, there is a local ceremony – viz, the "summoning of the spirit of rice in order to renew the attitude of sanity of rice". For Catholics there is the celebration of the Holy Mass and the celebrant demonstrates to the participants the "death of rice" – which dies three times – during broadcasting, at harvest and during pounding – at each "death" it renders life to the other. While rice can sustain the body, it also has a spiritual dimension – viz, *"rice contains the mystery of death and resurrection which is similar to Holy Communion"*. Building on this traditional practice, Fr. Niphot Thienviharn developed – what he called - the *"theology of rice"*. This theology functions as the nucleus of the religio-cultural approach and the development programmes implemented among the village communities over the years.

The villagers themselves established criteria to identify needy families who will receive the rice donation. This included, among others: (a) those families which have a serious problem of rice shortage, (b) ones that have the potential to follow through this donation with the establishment of

a rice bank during the next harvest, (c) ones that have the potential to join in collective efforts to undertake development projects (including income generation activities, rice bank networking, community funds – funeral funds, sickness funds – savings groups, etc.)

The Rice merit network is today a movement formed by a Confederation of rice merit groups in 383 villages in 9 districts in Chiang Mai and Mae Hong Son provinces in Northern Thailand. They are formally organised as a community/peoples' organisation since 2002 using the name *"Khrua Khai Gong Boon Khao"* (Rice Merit Network). This network is a grassroots organisation with the goal to build mutual aid relationship within and among communities. The network has extended its activities to mobilisation to address other critical problems at community level, such as land, environment, non-chemical farming, drugs, youth, revival and transmission of local cultures and wisdom. They have also fostered collaboration among communities, leading to establishment of networks on specific issues, such as a network on conservation of natural resources and environment, network on river basins, network of women, network of youth, etc. Activities implemented by the network also include training and education, such as meetings and seminars of network and regional committees, training of new leaders and organisation of rice merit activity to support revolving rice fund in the community, scholarship for poor children, savings groups of women and fund for assistance to orphans, widows, handicapped and old people in communities.

Rice-merit and Community Solidarity

The rice-merit network based on local wisdom symbolises the solidarity among the Karen hilltribe communities. It is also a means by which the Karen hilltribes combat the dominant paradigm of capitalism and commercial agriculture that is uprooting their traditional livelihoods. The rice merit network is a successful case of operation with people's participation based on community culture that could be used as a good example for application in development based on empowerment of the community. The rice merit network has opened a channel for community participation in re-defining development and to draw on their local wisdom to promote security and sustainability. In the process, the most important struggle is expression of the identity of ethnic or hilltribe groups, which exhibit capacity to dictate their own destiny and safeguard the strength of the family and community.

Development of the rice merit network clearly indicates the strength that lies in the traditional values and practices (local wisdom) of the Karen hilltribe communities. They have the capacity to manage their own life through social capitals existing in their communities, such as the role of communication in transmitting community value system and extending the social network, or empowering local communities in the struggle against systems from outside that penetrate to weaken the communities, such as consumerist values and capitalist lifestyles. Regarding transmission of value system, the rice merit network has struggled to give definition that is profoundly linked with values of sharing, compassion and solidarity that exists in traditional cultures of local communities vis-à-vis the context of present day society that is based on individualism, materialism and competition.

The rice merit network has fostered concrete activities on mutual aid and sharing, especially for the poor and the needy families and communities. It has developed criteria to give priority to the most needy and to enable all members to equally benefit from development based on the principle of social justice. The rice merit network is a grassroots organisation that is involved in a struggle against the dominant development discourse based on capitalism and consumerism in which ethnic people have to live in a situation where competition for resources, soil, water and forest is heightened and amidst accusation that they are the cause of environmental destruction.

Peoples' participation has been at the core of the rice merit network. Its purpose is to empower local communities at all levels to take control of their lives and livelihoods and utilise the local knowledge/wisdom and social capital to achieve self-sufficiency and sustainable development.

CONCLUSIONS

The rice-merit making ceremony among the Karen hilltribes in Northern Thailand shows in microcosm the relevance and potentials of local wisdom for grassroots community development and sustainable livelihoods. DISAC Chiang Mai in its work over the past four decades has proved that "local peoples wisdom" *("phumi panya chao ban")* is a social asset that needs to be tapped for community development. Moreover, local wisdom – comprising of local knowledge, experience, technology and insights based on direct life experiences of the people – is also

a powerful tool to build community solidarity, mutual sharing and happiness. The rice merit network today in Northern Thailand is evidence of this alternative worldview and pathway to development and community wellbeing.

A key factor in enabling DISAC Chiang Mai to develop the "religio-cultural approach" as a viable alternative to the dominant paradigm has been the integration of local wisdom with progressive academic and intellectual knowledge and research in re-defining development based on the local context. This approach has been effective in identifying the potentials in local knowledge and experience of the hilltribe communities – accumulated over generations – and enriching them with "external" knowledge from other traditions and perspectives.

In moving forward, the lessons learnt from the rice-merit ceremony among the Karen hilltribes in Northern Thailand provide a useful pathway towards achieving Gross National Happiness for families, communities and society as a whole. The principles, values and methods adopted in this approach are also relevant for framing national policies and development programmes that aim to ensure community wellbeing and sustainable development. This is but one example of such an alternative development paradigm and pathway – with so many more prevalent in the world today that we need to document and bring into the mainstream of the development discourse.

Finally, we need to re-define and de-construct the concepts of "development" and "sustainability" today, especially as the world moves forward with the Sustainable Development Goals (SDGs) – a global development agenda that is a great improvement on previous development models – but unfortunately, is still framed in the capitalist free-market and individualist neo-liberal paradigm, falling seriously short of harnessing the potential of local wisdom and local alternatives in our countries. This gap will determine the degree of success in SDG implementation in our countries and will continue to pose challenges/obstacles towards achieving real and sustainable development for all – leaving no one behind – in the years go come.

REFERENCES

Alkire, Sabina. (2015). *Well-being, Happiness and Public Policy, Thimpu.* The Centre for Bhutan Studies and GNH Research.

Centre for Bhutan Studies. (2007). *Re-Thinking Development – Proceedings of the Second International Conference on Gross National Happiness.* Thimpu.

Kaewthep, Kanjana, Sewatamara, Ariya and Vichitporn, Sornchai. (1991). *Community Existence – Struggling and Development Process of Chomthong District, Chiangmai.* Catholic Council of Thailand for Development (CCTD), Bangkok and CEBEMO, The Netherlands.

Karunan, Victor. (1993). *Synthesis of Summary Report – Evaluation of DISAC Chiang Mai, Chiang Mai.* Diocesian Social Action Centre.

Karunan, Victor. (1995). *PME Dialogue Process – Southeast Asia Partner Report 1 – Diocesian Social Action Centre, Chiang Mai (DISAC-Chiang Mai),* Bangkok.

Karunan, Victor. (2018). *Historical Documentation of DISAC Chiang Mai/RTRC: 1975 to the present, Bangkok (unpublished).*

Webb, R.A.F. (n.d.). *K'La and the Catholics of Chiang Mai – Village Development in the Northwest of Thailand, Australia.* Northern Territory University.

Wongjomporn, Sunthorn. (2008). *Re-creating sacred space through the Water Spirit Ritual: a model for sustainable development in Dokdaeng village, Chiang Mai, Thailand.* Ph.D thesis, Manila. Asian Social Institute.

TOWARDS ORGANIC ASIA: A FOOD SYSTEM APPROACH TO SUSTAINABLE DEVELOPMENT
Business for the Common Good[189]

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INTRODUCTION

During the First International Gross National Happiness conference in Thimphu, Lunar New Year 2004 ('GNH1'), I had the honour to present a paper titled *Small-scale Business Inspired by Timeless Simplicity: A Contribution Towards Gross National Happiness*. (Kuntiranont, 2004). My paper was an appeal to include the responsible business sector in the global Gross National Happiness movement which – the historic momentum could be sensed; gentle February snow was falling in the mountains – over time emerged remarkably from the pioneering conference in Thimphu. My paper concluded: "Gross National Happiness provides inspiration not only for governments, intergovernmental bodies and macro-economists but also for hands-on business people who anticipate transformation". (Ura & Galay, 2004: 251).

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[189] Paper presented by Thai delegation at the 7th International Conference on *Gross National Happiness. Gross National Happiness and Business*", Thimphu, Bhutan, 7 to 9 November 2017. Re-printed with permission of the co-authors.

With my reference to *Timeless Simplicity* I tried to evoke the spirit of Schumacher College, U.K., and the book of John Lane with the same title, subtitled *Creative Living in a Consumer Society.* (Lane, 2001). John Lane was the founding art director of the incredible magazine *Resurgence. Timeless Simplicity* was one of the first books that Suan Nguen Mee Ma publishing house – a social enterprise co-founded in Bangkok, 2001 – brought to the market in Thai version. It was the start of a long series of books including on responsible business. An engaging process of gradual 'out-scaling' of the social enterprise initiative took shape.

In this present paper I try, together with my co-authors, to summarize some innovative work we have tried doing on *GNH of Business* since GNH1 in 2004. We ask ourselves: what does it require from the business sector to genuinely contribute to happiness, wellbeing and sustainable development?

This is a quest of how we connect with our past and our future. Schumacher College was founded by Satish Kumar inspired by E.F. Schumacher, author of *Small Is Beautiful. A Study of Economics As If People Mattered*. (Schumacher, 1973). In that same period HM King Jigme Singye Wangchuck expressed his visionary insight that "Gross National Happiness is more important than Gross National Product." The book of Schumacher was informed by Schumacher's experiences as a consultant to the first Prime Minister of independent Burma U Nu in 1955. Schumacher introduced the concept of Buddhist Economics from this life changing experience (Schumacher, 1966). It marked dissent to the global trend of enlargement of business scale as an aim in itself and infinite growth. Ultimately economic progress is the ultra-complex result of an Indra Net of concrete business efforts in their full diversity, small and big, formal and informal, family- or shareholder- owned and profit- driven or primarily serving a social cause like social enterprises do. Self-interest driven big business took the lead and even dominated over national development. Elected governments were manipulated in their democratic cores. (Korten, 2007).

The GNH7 conference *GNH of Business* in November 2017 offers a timely opportunity to explore in depth the promising connections between Gross National Happiness and the business sector. Can GNH be a leading factor in business transformation?

Two ground breaking trends since 'GNH1' should be given special attention:

1. The *UN Global Compact* was initially launched entailing nine Principles. In June 2004, during the first *Global Compact Leaders' Summit*, UN Secretary General Kofi Annan announced the addition of the tenth principle in compliance with the United Nations Convention Against Corruption adopted in 2003. This made the take-off of a successful global campaign complete. (Corell, 2011). The campaign is generally characterized as 'Corporate Social Responsibility' (CSR).

   An early pioneer of authentic CSR policy and practice was the American manufacturer *Interface Inc.* with an explicit vow to make its modular carpet production fully sustainable. The *Interface* case was presented with due charisma by founder and CEO Ray Anderson at the Second International Conference on GNH ('GNH2') in Nova Scotia, Canada. (GPI Atlantic, 2005).

2. In 2006 the Nobel Peace Prize was awarded jointly to Muhammad Yunus and the Grameen Bank in Bangla Desh *"for their efforts to create economic and social development from below".* With this award came full recognition for 'social entrepreneurship' of which Muhammad Yunus is the iconic forerunner. Yunus said in his Nobel Peace Prize acceptance speech:

   By defining "entrepreneur" in a broader way we can change the character of capitalism radically, and solve many of the unresolved social and economic problems within the scope of the free market. (Yunus, 2006).

Both the Global Compact top-down and Grameen Bank bottom-up initiatives were shaped with the purpose of transforming the business sector towards sustainability and to upholding Human Rights. Can the 'free market' evolve into a *mindful market* by liberating itself from the, to a high extend, illusionary notion of neo-liberal freedom and over-emphasis on satisfaction-driven happiness?

Sustainable agriculture the foundation of the future business sector

The Third International Conference on Gross National Happiness 'GNH3' was convened in Nongkhai and Bangkok, Thailand, in November 2007. It included a nation-wide farmers' gathering at Wat Hin Mak Peng, a famous Buddhist temple in the Theravada forest tradition bordering the

Mekong River, the frontier with Laos, near its capital Vientiane and the northern Thai city of Nongkhai. Diverse farmers' groups camped for days at the temple grounds and engaged in joyful exchanges. A research project was conducted on happiness among indigenous farmers in Thailand and was presented during the academic session of GNH3 at Chulalongkorn University, Bangkok. "Tales and poems have been sung and transferred from generation to generation in every day community life, telling how to be a good person in every step (…)". (Kijtewachakul, in: School for Wellbeing Studies and Research, 2010).

A farmers' representative was invited on stage for the closing GNH3 participants' session at Chulalongkorn University, Bangkok, in order to envisage action that could be taken towards the future of the GNH movement.

In August 2009 the School for Wellbeing Studies and Research (School for Wellbeing) was founded together with the Centre for Bhutan Studies and Chulalongkorn University, with the aim to institutionalze an independent follow-up to GNH3. Suan Nguen Mee Ma social enterprise worked closely together with the Sathirakoses Nagapradipa Foundation (SNF), the third partner of what was called an *action-research platform*. SNF was founded by Buddhist scholar and social activist Sulak Sivaraksa in 1969. The enthusiastic impulse of the Thai farmers to engage with the GNH movement resulted – with the empowerment of Vandana Shiva who visited Thailand in 2010 to launch the Thai translation of her book *Earth Democracy: Justice, Sustainability and Peace* (Shiva, 2005) – in the start-up of the School for Wellbeing's major activity until now: the *Towards Organic Asia* (TOA) programme. Its mission is "Organic Food for All". Core partners in this programme are food system related civil society organisations, social enterprises and academic institutes from the Mekong region (Myanmar, Thailand, Laos, Cambodia, Vietnam) + Bhutan. Bhutan joined with the Centre for Bhutan Studies (CBS&GNH), National Organic Programme (NOP), Ministry of Agriculture and Forests and with the College of Natural Resources (CNR), a college of the Royal University of Bhutan (RUB). Later organizations from China entered the network in the context of the annual TOA *Mindful Markets Asia Forum* and social enterprise course. The Mekong River springs from the Tibetan Plateau. Groups from Korea, Japan, India, Sri Lanka, Indonesia etc. started participating informally. TOA is consistently supported by CCFD-Terre Solidaire, France, and contributes to the global *agroecology* movement. (Wezel et al., 2009).

Bhutan's contribution to international networking in this perspective is essential.

The establishment of the National Organic Programme (NOP) in Bhutan, 2006, and the international proclamation of the '100% organic country policy' during UNCED+20 in 2012 were historic moments, followed by the global IFOAM (International Federation of Organic Agriculture Movements) Mountain Ecosystems conference which released the *Thimphu Declaration* (IFOAM, 2014). Bhutan vowed to be fully organic by 2020. The aspiration confirms the leading role of Bhutan as a champion of nature conservation and as a resilient agricultural society, while not underestimating the challenges to be met.

The percentages employment in agriculture and contribution to GDP (Appendix) suggest that the importance of the agricultural business sector is declining dramatically, both in Bhutan, Thailand and globally. The purpose of this paper is to explore alternative ways of valuing and measuring, resulting in a radically different picture and policy rationale. What are the real impacts of extractive industry versus regenerative agriculture?

Mismeasuring economic growth. The need for a new development paradigm

The first activity of the School for Wellbeing Studies and Research in 2009, three years before UNCED+20, was jointly organizing a lecture tour of Nobel laureate Joseph E. Stiglitz in Thailand. Parallel with the GNH3 conference, the Stiglitz – Sen – Fitoussi *Commission on the Measurement of Economic Performance and Social Progress* had been installed in France. The commission delivered its final report in September 2009. (Stiglitz, Sen & Fitoussi, 2009).

Stiglitz revealed the conclusions of the commission first hand in Bangkok, already in August 2009, "GDP tells you nothing about sustainability" (Stiglitz, Sen & Fitoussi, 2010). Later Stiglitz visited Bhutan and Myanmar. There could be no better confirmation of the early insights of HM the Fourth King Jigme Singye Wangchuck. Stiglitz explained the major message of the Stiglitz-Sen-Fitoussi in a Project Syndicate article (Stiglitz, 2009):

If we have poor measures, what we strive to do (say, increase GDP) may actually contribute to a worsening of living standards. We may also be confronted with false choices, seeing trade-offs between output and environmental protection that don't exist. By contrast, a better measure of economic performance might show that steps taken to improve the environment are good for the economy. (Stiglitz, 2009)

Stiglitz continues:

Another marked change in most societies is an increase in inequality. This means that there is increasing disparity between average (mean) income and the median income (that of the "typical" person, whose income lies in the middle of the distribution of all incomes). If a few bankers get much richer, average income can go up, even as most individuals' incomes are declining. So GDP per capita statistics may not reflect what is happening to most citizens. (Ibid.)

John Talberth of the World Resources Institute puts it this way:

GDP also tells us nothing about sustainability. It fails to track the depletion or degradation of natural, human, built, and social capital on which all economic activity ultimately depends. It fails as well to capture the inherent unsustainability of economic activity financed by debt. (Talberth, 2010).

And:

Finally, GDP fails to recognize the costs of inequality. It counts growth concentrated in the upper-most income brackets as "progress," even if incomes and quality of life are falling for most (Ibid.).

Though very constructive, the Corporate Social Responsibility (CSR) trend guided by the *Global Compact* tends to offset the mis-representations of growth by GDP, and does not fully address the causes of the negative impacts of it this 'growth'. (Fleming & Jones, 2013).

Ultimately Stiglitz came to the conclusion:

Changing paradigms is not easy. Too many have invested too much in the wrong models. Like the Ptolemaic attempts to preserve earth-centric views of the universe, there will be heroic efforts to add complexities and refinements to the standard paradigm. The resulting models will be an improvement and policies based on them may do

better, but they too are likely to fail. *Nothing less than a paradigm shift will do.* (Stiglitz, 2010; emphasis added).

Our 'action-research' efforts inspired by GNH have been circling around this enormous challenge: to anticipate and tentatively articulate this enigmatic *paradigm shift* waiting to be born, something even Stiglitz cannot yet grasp. Just two weeks before the start of the *GNH of Business* conference here in Thimphu, Joseph Stiglitz and fellow Nobel Prize laureate Michael Spence launched the *Commission on Global Economic Transformation,* Edinburgh, 21 October 2017. (Institute for New Economic Thinking, 2017). Can we expect a breakthrough of the new paradigm?

Our assumption is that one important element of the new paradigm should be attribution of more weight to agriculture than its contribution to GDP. And is *social entrepreneurship* the transformative approach to sustainable food system leadership putting this new emphasis in practice?

Our early research efforts into this daring direction always have been attempts to contribute in the margin of the knowledge, experiences and insights skillfully generated in Bhutan, and mirrored in situations in Thailand, the Mekong Region, Asia & Pacific and globally.

The tentative conclusion that arose from our engagement in the GNH movement so far is as follows. In addition to the conservation and rehabilitation of Nature, and innovations in technology as well as governance that makes urban and industrial development 'greener, cleaner and more humane' (in the same time concurring with major technology and governance trends that reinforce consumerism and oppressive structures), <u>humanity should place organic agriculture, or *agroecology*, at the centre of future sustainability scenarios</u>.

This new prioritization should not be perceived as going back to pre-industrial development or blocking progress of agricultural societies that want a share of the modernization cake. Our thesis is that full understanding of present challenges to optimize wellbeing and happiness for all, and reduce inequality, inevitably leads to placing *sustainable food systems* at the centre of modern 'wellbeing societies' and a healthy world economy. The degree of sustainability or 'ecological footprint' of food systems ultimately determines the health of an economy. Food systems are the pivot between the opposing forces of extractive business practices and regeneration of natural, social and cultural capital. Food systems in order to be sustainable should be governed in a spirit of *happiness as altruism*

(Ricard, 2015), care for the Earth – a broad understanding of *our common heritage* (Taylor, 2011) – and responsibility for future generations (World Future Council, undated).

GNH, Economic Development and *Re-thinking Property*

GNH4 in Thimphu, took place in the auspicious year 2008. This year was marked by ongoing commemorations of '100 years monarchy in Bhutan', the first democratic elections and adoption of the first Constitution as well as the preceding ascendance to the throne by HM the Fifth King, Jigme Khesar Wangchuck. In this glorious context the GNH Index and the result of an initial and experimental Index survey were gracefully presented by Dasho Karma Ura, President of the Centre for Bhutan Studies. The results of the second full GNH Index survey were presented during GNH6 in Paro, November 2015, at the occasion of the 60th birthday of the emblematic Fourth King (Centre for Bhutan Studies & GNH Research, 2015).

Our contribution to the GNH4 conference, back in in November 2008 in feisty Thimphu tried to address – in an attempt to carve out a pathway to the new development paradigm – the earlier conceptual framework of Gross National Happiness as tentatively formulated in 1998 (published in 1999, Kinga Eds.) and later elaborated as the *Four Pillars of GNH*. We attempted to put the Four Pillars "in perspective" (van Willenswaard, Hans, 2016) meaning that we explored resonance successively with the *Triratna*, the The Triple Gem, a core teaching of The Buddha; as well as inter-connectedness with the three values of the French Revolution, with Dr. Ambedkar, architect of the constitution of independent India as the assumed catalyst between the two philosophical frameworks. (Dahiwale, Mangesh et al., 2016). Moreover, interpretation of the three values of the French Revolution in the context of an appeal for Peace and reconstruction in light of the First World War by Austrian philosopher Rudolf Steiner (1972, English version).

Later followed around the year 2000 by a re-interpretation of Steiner's "threefolding" by social activist and public intellectual from the Philippines Nicanor Perlas in light of 'sustainable development'. By then sustainability had become a broadly accepted common goal pointing at the fourth, overarching, pillar of GNH: environmental conservation (including: rehabilitation in places other than Bhutan); and the implementation of *Agenda 21*. (Perlas, Nicanor, 2000).

In 2008 our 'paradigm exercise' was rather premature as the real historical milestone was the introduction of the GNH Index as a guideline for social research and analysis. But three years later further steps towards exploring paradigm change were being jointly explored by means of international gatherings both in Bhutan and Thailand.

Following the groundbreaking adoption, July 2011, of UN General Assembly resolution 35/309, *the Happiness Resolution*, proposed by the Government of Bhutan, the Centre for Bhutan Studies organized in August 2011 a high level conference *GNH and Economic Development* at the Royal Banquet Hall in Thimphu. While the School for Wellbeing convened later in the same month a modest 'international exchange platform' titled *Re-thinking Property. Pathways to the Wellbeing Society scenario?* at Chulalongkorn University, Bangkok.

Prominent participating scholars at the conference in Thimphu were economists Jeffrey Sachs, among many positions at that time, Advisor on the *Millennium Development Goals* (MDGs), instituted in 2000 for 15 years, to the UN Secretary General; Sir Richard Layard, London School of Economics and author of the global bestseller *Happiness. Lessons from a New Science*; and John F. Helliwell, famous Canadian economist and happiness researcher.

One of the crucial issues discussed during the conference was the continuation of the 'MDGs beyond 2015' and how to include happiness and wellbeing with their relevant indicators in a new set of goals to be negotiated. An interesting comment made by Jeffrey Sachs was that, in his analysis, from all eight Millennium Development Goals, the implementation of the last goal, MDG8 "to develop a global partnership for development", had been the least successful.

In response to the analysis of Prof. Sachs we had an opportunity to present the outcome of our small-scale 'research development' project 2008 – 2010, supported by *Thailand Research Fund* (TRF). The project formulated a concluding recommendation: to undertake participatory *action research* towards a consensus building process, locally and globally, in line with the threefolding or 'tri-sector' principle as outlined by Nicanor Perlas. The overarching aim of consensus building towards our common interest: "a global development partnership with the shared aim of 'caring for Nature and Humanity'" was considered to be extremely urgent and should basically include governments, civil society and the business sector as equal partners. More in particular we proposed to focus on *Food Security* and the development of a *Wellbeing Society scenario*. (Figure 1.)

In each of the three sectors focal points for *action research* were identified. At that point, the year 2010, negotiations proper towards the Sustainable Development Goals (SDGs) 2015 – 2030 still had to begin. Civil society and the business sector were later indeed included in the SDG and Agenda 2030 formulation process, in addition to the member governments of the United Nations (UN).

Tri-sector Dialogue 2010-2014

Consensus building towards our common interest:
caring for nature and Humanity: Food Security
'Well-Being Society' scenario

Governments
Un-system
ASEAN - SAARC
Thailand - Bhutan

Civil Society
World Social Forum
Regional NGO networks
Interreligious dialouge

Business Sector
World Economic Forum
Global Compact
CSR initiatives

Figure 1. **Tri-sector Dialogue 2010-2014. Proposed conceptual framework for action research 2010-2014, Thailand Research Fund project report, presented during the conference *GNH and Economic Development, Thimphu, August 2011, (School for Wellbeing Studies and Research*, 2011).**

The international exchange platform *Re-thinking Property* later in August 2011 at Chulalongkorn University, Bangkok, included – in addition to scholars from Chulalongkorn University – regional social activists and public intellectuals, including Sulak Sivaraksa, Thailand, Nicanor Perlas, Philippines, Dasho Karma Ura, Bhutan, Sombath Somphone, Laos, Silke Helfrich, Germany, François Bafoil, France, and others.

Silke Helfrich, Germany, of the *Commons Strategy Group*, highlighted the work of Nobel laureate Elinor Ostrom, an unconventional economist from the USA whose Nobel Prize acceptance speech was titled *Beyond Markets and States: Polycentric Governance of Complex Economic Systems.* (Ostrom, Elinor, 2009). The exchange platform was a first step in the

exploration of the "commons", another powerful constituting element of a new development paradigm. (Bollier & Helfrich, Eds., 2012).

Two important results had emerged from the earlier *GNH and Economic Development* conference in Bhutan: 1. The Royal Government of Bhutan was granted the opportunity to organize a global gathering on Happiness at the UN Headquarters in New York and undertake an international research project. 2. Jeffrey Sachs, Lord Richard Layard and John F. Helliwell decided to co-publish the annual *World Happiness Report* (WHR).

The WHR is now published annually. It depends entirely on secondary data and not on a participatory survey methodology like the GNH Index in Bhutan. Also at other points the WHR deviates from the GNH Index. It depends to a high extend on GDP per capita rankings.

In Thailand, within the limitations of our moderate means, the progress of the School for Wellbeing's efforts both in civil society collaboration and in the business sector can be highlighted as in Figure 2.

In the civil society sector the *Towards Organic Asia* (TOA) network was started as an initiative of the School for Wellbeing, while our colleagues from the International Network of Engaged Buddhists (INEB) shaped a major initiative called ICE = *Interreligious Climate and Ecology Network.*

In the context of the business sector we moved beyond the CSR approach to articulating Suan Nguen Mee Ma publishing house more radically as a social enterprise: an actor in social enterprise advocacy. Moreover we actively engaged with the "commons movement" (van Willenswaard, Hans, 2017).

At the overarching level, related to the fourth pillar of GNH: environmental conservation, our major initiative for future consensus building is emerging from both the *GNH and Economic Development* and *Re-thinking Property* findings: we try to co-develop a global *Earth Trusteeship Platform.*

GNH and Economic Development + Re-thinking Property: Earth Trusteeship Platform

SDGs and
Agenda 2030

Tri-sector Dialogue 2010-2014
Consensus building towards our common interest:
caring for nature and Humanity: Food Security
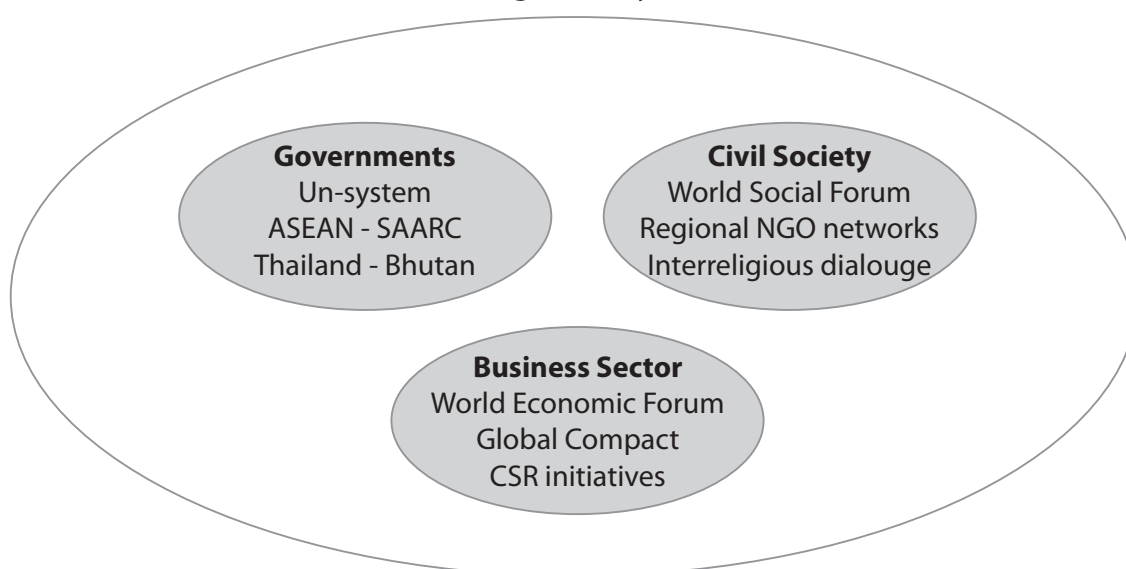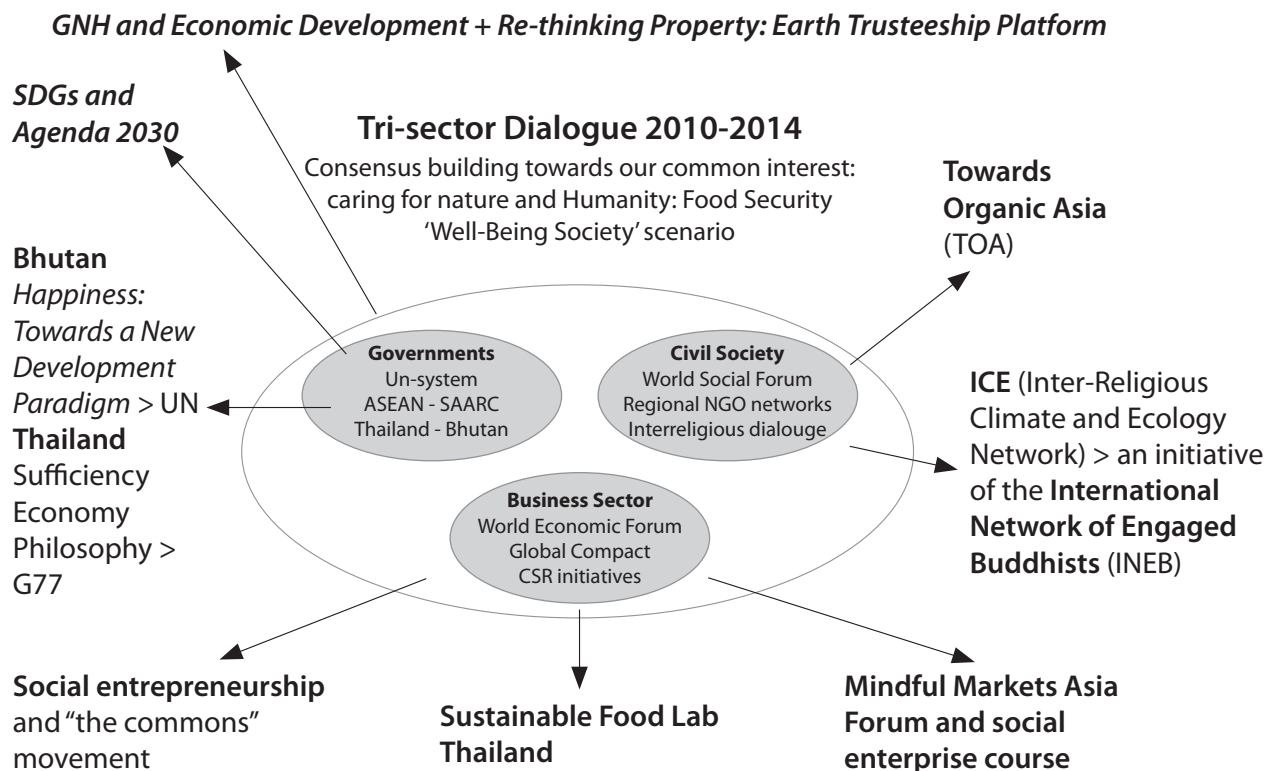'Well-Being Society' scenario

**Towards
Organic Asia**
(TOA)

Bhutan
*Happiness:
Towards a New
Development
Paradigm* > UN
Thailand
Sufficiency
Economy
Philosophy >
G77

Governments
Un-system
ASEAN - SAARC
Thailand - Bhutan

Civil Society
World Social Forum
Regional NGO networks
Interreligious dialouge

ICE (Inter-Religious
Climate and Ecology
Network) > an initiative
of the **International
Network of Engaged
Buddhists** (INEB)

Business Sector
World Economic Forum
Global Compact
CSR initiatives

Social entrepreneurship
and "the commons"
movement

**Sustainable Food Lab
Thailand**

**Mindful Markets Asia
Forum and social
enterprise course**

Figure 2. **Follow-up of School for Wellbeing action-research 2010-2017.**

In terms of business development and networking we started organizing an annual *Mindful Markets Asia Forum* as a meeting point for Asian entrepreneurs active in the food sector (producers, consumers and 'mediators') (van Willenswaard, Wallapa, 2015). This culminated in an annual *international social enterprise course*: capacity building for sustainable food system leadership.

And most recently we started the *Sustainable Food Lab Thailand*, a company set-up by three partners: Social Lab Thailand maintaining connections with the *Academy for Systems Change* in the USA, co-founded by Peter Senge, author of *The Fifth Discipline* (Senge, 2016), Hal Hamilton and others; Sampran Riverside – an eco-cultural destination, offering hotel, conference and recreation facilities in collaboration with local farmers' communities; and Innovation Network International – *ini*tiative for creative space.

Happiness: Towards a New Development Paradigm

On 2nd April, 2012, the Royal Government of Bhutan convened the High-level Meeting on *Wellbeing and Happiness: Defining a New Economic Paradigm*. More than 800 participants including political and government leaders, representatives of governments, international organizations, civil

society organizations, media, and business, as well as leading economists, scholars, academics, and spiritual leaders from the world's major faiths participated in the proceedings (UN Sustainable Development Knowledge Platform, 2012).

As a result of the High-level meeting at the UN Headquarters in New York an International Expert Working Group (IEWG) was formed with 71 eminent experts from all over the world.

The IEWG met in Bhutan, January-February 2013 and by September 2013 the Report *Happiness: Towards a New Development Paradigm* (the Bhutan Report) was submitted by the Royal Government of Bhutan to the UN General Assembly. (NDP Steering Committee and Secretariat, 2013).

In July 2013 a new government had taken the stage after elections in Bhutan. The new government emphasized initially domestic development efforts over participation in global dialogue. The number of 70 foreign eminent experts co-drafting the Bhutan Report may indeed have felt overwhelming. However, full commitment to GNH continued and the quotes from the Bhutan Report reproduced here are to our assessment valid in both local and international contexts.

The Bhutan Report places the Four Pillars of GNH and the 9 domains of the GNH Index in one conceptual framework. The Four Pillars represent a Holistic Development Agenda while the indicators under the 9 domains of GNH assess progress in order to articulate the outcome of development efforts in terms of to which degree an Equitable & Sustainable Society is realized, also translated in responsible use of resources. In other words how far *societal happiness* is experienced by citizens as a result of the Holistic Development Agenda.

The Bhutan Report concluded with three general recommendations:

- **Happiness** be adopted as the overarching goal for the future development of the post-2015 development agenda.

- **Wellbeing and happiness** be included in the suggested Sustainable Development Goals.

- Relevant UN research institutes and independent researchers take up the task of elaborating the details and mechanisms of the proposed new paradigm for global application (NDP Steering Committee and Secretariat, 2013:45).

In light of the *GNH of Business* conference, November 2017, relevant analysis and recommendations formulated in the Bhutan Report focus on one of the Four Pillars: *Sustainable and equitable socio-economic development.* The Bhutan Report, 2013, says:

Socio-economic development that depletes resources at the expense of other species and future generations is unsustainable. Similarly, inequitable development that benefits only a few and excludes the vast majority cannot bring societal happiness. Socio-economic development must therefore:

- Be fully aligned with nature

- Use natural resources equitably (since they are the common property of all beings)

- Be based on equity between groups, genders and generations, and in the distribution of power.

  In sum, the new development paradigm recognizes that *the wellbeing of each individual depends upon the wellbeing of all* (Ibid.: 22-23; emphasis added).

Moreover, under the same socio-economic GNH pillar:

Sustainable agriculture and its products are the very basis of our survival and health. The New Development Paradigm approach recognizes that responsible food production, distribution and consumption are vital components of equitable and sustainable development (NDP Steering Committee and Secretariat, 2013: 23).

The special importance attributed to sustainable agriculture raises questions about the present state of affairs in Bhutan, Thailand and in other countries of the world.

How sustainable are our food systems? *BioThai.*

A full answer to the question how sustainable our food systems are transcends the limitations of this paper. But let us make some observations from our professional perspectives. Are food production, distribution and consumption sustainable in Thailand and the region?

BioThai, a major NGO in Thailand for sustainable agriculture advocacy has a long history of combating authorities on various fronts: to uphold the precautionary principle and prevent the introduction of GMO's, to ban hazardous pesticides and herbicides, to reveal the extremely intensive use of imported poison by Thai industrial agri-business and to protect 'seed freedom' of traditional and small-scale farmers. The struggle to transform the conventional supply chain of our food into a genuinely sustainable food system that restores climate stability starts at the regulatory framework around seeds.

At this very moment BioThai is entangled in a fierce dispute (not the first one) with the Department of Agriculture (DOA) in Thailand which quietly tries to replace or amend the Plant Variety Protection (PVP) Act of 1999, bypassing parliament which should play a leading role as the proposed amendment has international implications.

Here is how BioThai clarifies the situation. The one and half page detailed description provides due insight into the ultra complex regulatory environment in which small-scale farmers deliver their services and goods to society:

(…) the new draft law would violate peasants' rights, increase monopolization of giant seeds companies and support biopiracy:

- The new law would abolish peasants' rights to save seeds and regrow them by removing Article 33 (4) of the former law. If the law passes, peasants would be punished or imprisoned for re-growing plants from saved seeds.

- The new law (…) would extend the duration of the patent on new varieties from 12-17 years to 20-25 years (except tree plants).

- The new law would expand the restrictions and patents on "new plant varieties" to also include "produces" and "products."

- The new law would also allow patents on sub-varieties of a new plant variety or 'Essentially Derived Varieties (EDVs)'.

- The new law would increase support for biopiracy, by not requiring the companies to identify the source of genetic materials when they want to acquire the patents. It also redefines local breeds, which allows companies not to share benefits when they use local

breeds. The companies only have to take local breeds and take it "through a genetic improving process" before being allowed to use them.

- The new law would take out the requirement to go through a process of checking biological safety for GMOs before these new varieties are patented.

- The new law would not have the conditions for the state to intervene or suspend patent rights if the price becomes too costly for farmers and may threaten food security.

- Under the new law, the decision making committee, consisting of honorary members such as farmers, academics, non-profit organizations or private sector, would be selected, not elected as before. In conclusion, the new draft would allow giant corporations to monopolize rights over plant varieties, punishing peasants and farmers who keep and protect seeds—the fundamental basis to sustain biodiversity. *In the end, this would be detrimental to our food security* (BioThai website, 9 Oct 2017).

The dispute on seeds stands model for one of the many fronts where corporate agribusiness tries to overtake power and convert the agriculture sector into an industrial operation. Adoption of the amendment would undermine the pivot role of agriculture (the middle ground between wild nature conservation and extractive industry) as a health-bringing sector and as a support system towards sustainable development.

Business responsibility for food safety. *UNICEF*

Another rationale for advocacy towards prioritizing sustainable food systems is the required access to healthy food and snacks for children. *UNICEF South East Asia* made a report on growing malnutrition among children in South East Asia. (UNICEF, 2016). Under the title *The double burden of malnutrition: under-nutrition and overweight* the UNICEF Regional Report on Nutrition Security says:

> *Bangkok, 28 March 2016 – A joint report from UNICEF, WHO and ASEAN has shed new light on the nutrition situation of children across South East Asia. The report finds that several ASEAN countries are facing simultaneous crises of over and under-nutrition, with some children overweight while their peers suffer from stunting and wasting. This 'double burden of malnutrition' is happening in middle income countries such as Indonesia, Malaysia, the Philippines and Thailand.*
>
> *In Indonesia, the proportions are exactly the same: 12 percent of children are overweight and 12 percent are wasted. In Thailand, child wasting and overweight are both on the rise: between 2006 and 2012, wasting increased from 5 percent to 7 percent, and overweight from 8 percent to 11 percent.*

Recently UNICEF, the Global Compact and Save the Children released a manual *Children's Rights and Business Principles.* (UNICEF, 2013). Apart from issues like child labour and decent employment the document spells out a range of principles which can directly be applied to *agriculture products*, food processing and marketing:

Children are even affected by everyday hazards differently and more severely than adults. Due to their physiology children absorb a higher percentage of pollutants to which they are exposed, and thus their immune systems are more compromised and vulnerable. (UNICEF, 2013).

Responsibilities of corporations for children's rights include:

- Ensure the protection and safety of children in all business activities and facilities.

- Ensure that products and services are safe, and seek to support children's rights through them.

- Use marketing and advertising that respect and support children's rights.

- Respect and support children's rights in relation to the environment and to land acquisition and use. (UNICEF, 2013).

In addition to the rights responsible business should respect and possible sanctions for them if they do not, the question also rises: what are the economic costs for society at large of non-compliance?

The *True Cost* of Food

GNH not only records happiness of citizens, it also serves as a screening tool for policy decisions. Therefore the costs and benefits of choices-to-be-made should be evident.

Clarification of the true costs and benefits of various food systems, financially, socially, environmentally and culturally, is still work in progress, though essential for decision making.

Many positive impacts of sustainable agriculture are not recognized or not accounted for like maintenance and rehabilitation of landscapes by organic farmers, voluntary work in farmers' families, mitigation of climate change by organic practices, educational impact of living in and caring for nature, and the generation of intuitive and traditional wisdom.
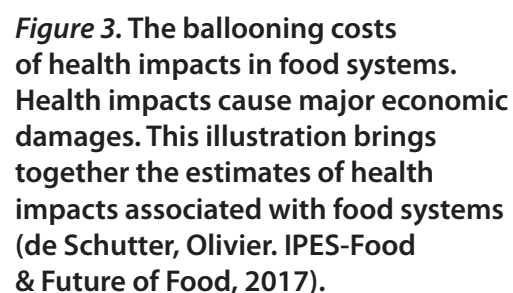
A recent report of the International Panel of Experts on Sustainable Food Systems (IPES-Food) in collaboration with the Global Alliance for the Future of Food, titled *Unravelling the Food-Health Nexus,* (de Schutter, 2017) brings fully to the light the impacts of food systems on health, and the estimated costs incurred at a global level.

IPES-Food is Co-chaired by Olivier de Schutter, former UN Special Rapporteur on the right to food and Olivia Yambi, formerly UNICEF Country Representative in Kenya. The experts' panel includes Hans R. Herren, World Food Prize laureate 1995 (one of the co-initiaters of the IFOAM conference in Thimphu, 2014, and an impressive diversity of experts. Here are the nine points (two pages) that substantiate the panel's appeal to politically prioritize the food – health nexus:

1. Alongside many positive impacts, our food systems have increasingly affected health through multiple, interconnected pathways, generating severe human and economic costs. People get sick because: 1) they work under unhealthy conditions; 2) they are exposed to contaminants in the water, soil, and air; 3) they eat certain unsafe or contaminated foods; 4) they have unhealthy diets; and 5) they can't access adequate and acceptable food at all times.

2. (…) Many of the most severe health impacts of food systems trace back to some of the core industrial food and farming practices, e.g., chemical-intensive agriculture; intensive livestock production; the mass production and *mass marketing of ultra-processed foods*; and the development of long and deregulated global commodity supply chains.

3. The health impacts of food systems are *interconnected, self-reinforcing, and complex* — but we know enough to act. Food systems impacts are caused by many agents, and interact with factors like climate change, unsanitary conditions, and poverty — which are themselves shaped by food and farming systems. (…).

4. The low power and visibility of those most affected by food systems jeopardizes a complete understanding of the health impacts, leaving *major blind spots in the evidence base.* The precarious working conditions across global food systems create a situation in which those exposed to the greatest health risks are not seen or heard. (…).

5. Power — to achieve visibility, frame narratives, set the terms of debate, and influence policy — is at the heart of the food–health nexus. *The industrial food and farming model that systematically generates negative health impacts also generates highly unequal power relations.* This allows powerful actors including the private sector, governments, donors, and others to set the terms of debate. (…).

6. Urgent steps are required to reform food systems practices, and to transform the ways in which knowledge is gathered and transmitted, understandings are forged, and priorities are set. *Silos in science and policy mirror one another.* Governance and knowledge structures are currently ill-adapted to address the systemic and interconnected risks emerging from food systems. Steps to build a healthy science-policy interface may be just as important as steps to reform food systems practices.

7. The evidence on food systems impacts must continue to grow, but a new basis is required for reading, interpreting, and acting on that evidence in all of its complexity. (…).

8. Five co-dependent leverage points can be identified for building healthier food systems: 1) promoting food systems thinking at all levels; 2) *reasserting scientific integrity and research as a public good;* 3) bringing the positive impacts of alternative food systems to light; 4) adopting the precautionary principle; and, 5) building integrated food policies under participatory governance.

9. The *monumental task* of building healthier food systems requires more democratic and more integrated ways of managing risk and governing food systems. A range of actors — policymakers, big and small private sector firms, healthcare providers, environmental groups, consumers' and health advocates, farmers, agri-food workers, and citizens — must collaborate and *share responsibility* in this endeavour. (de Schutter, IPES-Food & Future of Food, 2017).

The research group calculated that only the unaccounted *health care expenses* (apart from environmental damage including climate change, cultural, social damages as well as resulting happiness impact) of our food systems amounts to billions of dollars annually.

Agriculture continues to be the sector of the economy with the highest occupational risk, even in highly developed nations (Nelson et al., 2012 quoted in IPES-Food report).

Figure 3. **The ballooning costs of health impacts in food systems. Health impacts cause major economic damages. This illustration brings together the estimates of health impacts associated with food systems (de Schutter, Olivier. IPES-Food & Future of Food, 2017).**

Contrary to the persistent use of 'GDP contribution' as an indicator for the importance of economic sectors [Appendix], and a narrow perception of agriculture implying that loss of employment in agriculture 'does not disrupt the economy' [Appendix], an appropriate system approach reveals (tentatively) that food systems have huge impacts on life style (culture), community resilience, public health, education systems, governance (science and policy), the environment and thus on sustainable development. *Sustainable Food Systems leadership development* and *collective management models* are needed to build adequate governance dynamics. (Senge, 2015).

So, why are farmers NOT happy?

One of the striking outcomes of the Provisional Findings of 2015 GNH Survey, is the low position of farmers in the 'GNH by occupation' ranking. (Centre for Bhutan Studies & GNH Research, 2015).
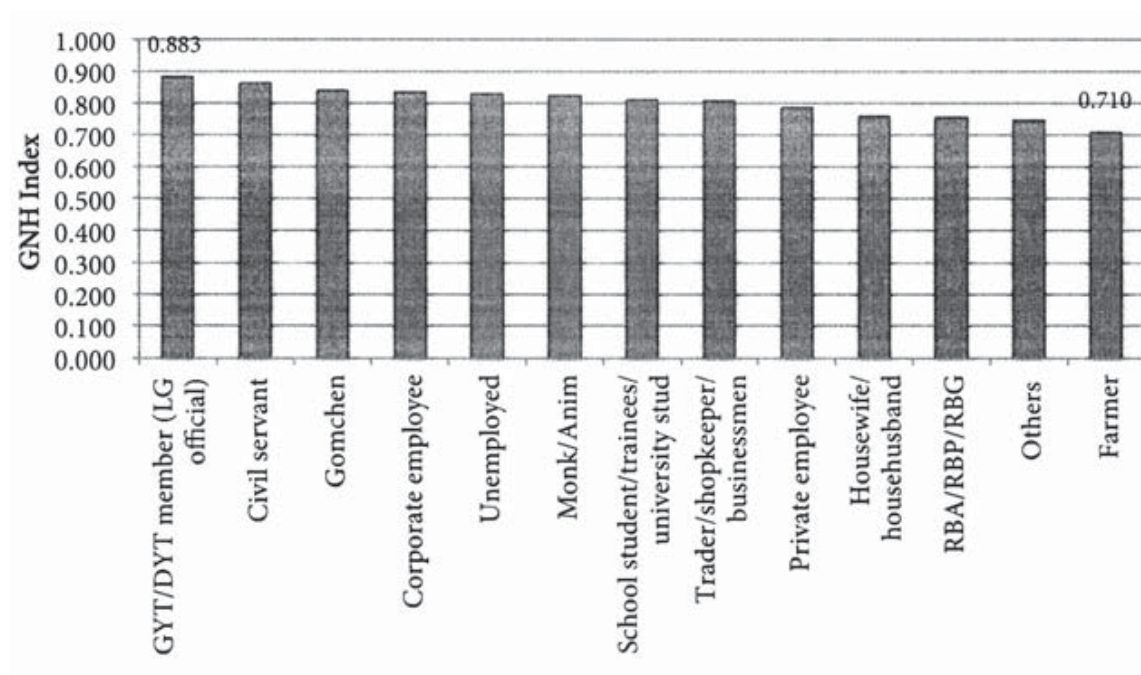

Figure 4. GNH Index, by occupational group. From: Provisional Findings of 2015 GNH Survey, Centre for Bhutan Studies & GNH Research, Figure 14, page 45.

From all occupations farmers are least happy:

(…) 72% of the GYT/DYT (local government) members are happy. 64% of civil servants are happy followed by *gomchen* (Vajrayana Buddhist priest) (60%). Around 55% of monks/anims are categorized happy. Only 33% of the farmers are classified happy (Ibid. page 44).

For traditional farmers in Bhutan unhappiness may have different reasons than for farmers in industrial agriculture. One factor of relative unhappiness in Bhutan is the pressure and recurring damages caused by wildlife.

For whatever reason farmers may experience unhappiness – wildlife interference in Bhutan or exposure to hazardous chemicals in Thailand – qualitative research into the psychological wellbeing of farmers and circumstantial conditions is essential for policy development and business strategy. This research may cast the needed light on the factors that cause rural-urban migration; or affect community resilience and cultural decline. If urban citizens alienate from the farmers' population and its cultural traits rooted in nature, this may result in unsustainable business practices and reductionist worldviews guiding education and science.

Equally important it would be to know more about possible *improvements* by meaningful rural – urban exchanges and collaboration, education, access to media etc.

A TOA experiment in participatory action research in Thailand comparing conventional farmers with organic farmers indicated that organic farmers are far happier than their colleagues who apply industrial practices (*TOA action research project*, by Keadtisak Yungyuen, Sustainable Agriculture Foundation). While conventional farmers were heavily influenced and even dependent on the industrial paradigm, organic farmers derived happiness from both meaningful collaboration with urban consumers, as well as from mutual help and joint advocacy which gave them a strong sense of common purpose. (Yungyuen, 2015).

One issue that may influence farmers' happiness strongly is land tenure. Whether it be inheritance arrangements splitting land into plots too small for decent livelihood in Bhutan, or land loss due to debts (often caused by dependence on expensive inputs) in Thailand, insecurity on land ownership can cause severe feelings of unhappiness. In India land rights movements unites thousands and thousands of farmers in long walks to advocate land security. Land grabbing all over the world destroys communities and livelihoods.

The Art of Happiness Research

Happiness research among farmers can be interesting but difficult, also as farmers tend to be traditionally strong in contentment, inner

happiness independent from outside conditions or equanimity, which is hard to measure. Respondents may say, with a corresponding sense of modesty, that they feel moderately happy under all circumstances.

During the Re-thinking Property exchange platform in Bangkok, 2011, it was postulated that there may be a resonance between modes of happiness and modes of property. (van Willenswaard, 2016). Farmers tend to detach from feelings of private land ownership both in a context of feudal reliance on aristocratic/monastic ownership or on public, collective, ownership exercised by the State in communist regimes. A 'modern', neo-liberal, mode of happiness in terms of satisfaction, utility, correlates with private ownership, both in a positive ("my sacred home") as in a more negative connotation ("conquering empire"). An altruistic mode of outgoing happiness resonates with common property, with the spirit of "the commons" and with trusteeship.

For the future of happiness research in collaboration with the business sector it could be helpful to explore possible correlations between modes of happiness and modes of ownership in that context, and in more depth. If the "the future we want" (UNCED+20) is to make our economies sustainable, a fundamental transition from prioritized private ownership and individual utility towards common ownership and trusteeship may well be required. This transition may only be achievable if we re-vitalize and cultivate a mode of inner happiness – contentment – that is independent from outer conditions and will allow us to cope with changes.

Resonance between modes of Happiness and modes of Property.

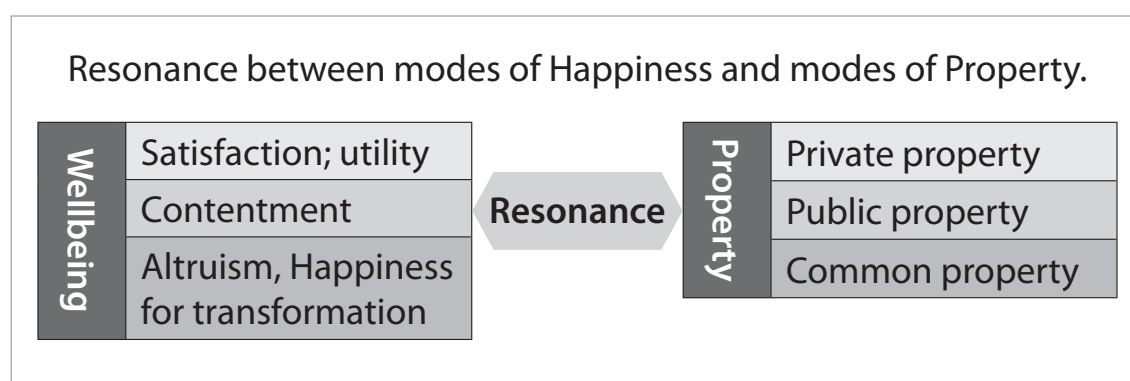| Wellbeing		Property	
Satisfaction; utility		Private property	
Contentment	Resonance	Public property	
Altruism, Happiness for transformation		Common property	

Figure 5. Resonance between modes of happiness (together constituting wellbeing) and modes of property. (*The Wellbeing Society. A Radical Middle Path to Global Transformation*, Hans van Willenswaard, 2016).

A true understanding and appreciation of the life of farmers and of *agroecolgy* is, in our opinion, decisive for the choices stakeholders make in the economy. Farmers are business persons themselves in the modern societal context.

Organic farmers could be alternatively seen as *healers* of humanity and the Earth.

The TOA action research pilot project in Thailand comparing happiness levels of conventional and organic farmers, applied a research framework near-identical with the GNH Index and its 9 domains. (TOA, 2015). Could this experiment be out-scaled and replicated and how does this this action research framework relate to other research approaches?

The Sustainable Development Goals (SDGs). New partnerships for development

The Sustainable Development Goals (SDGs) have by now succeeded the Millennium Development Goals (MDGs). In September 2015 the SDGs were unanimously adopted by the UN's 193 Member States. Indeed a historic positive achievement in terms of consensus building. The monitoring and evaluation process has taken off only recently, so no final judgment can be made on the effectiveness of the framework and the implementation process. Critics say that even if all goals will be met in time, in the year 2030, the world would not yet be sustainable. Observations have been made that it will be difficult to reconcile the contradicting SDG 8 targets for economic growth – stubbornly measured by GDP – with environmental preservation.

An article by *Global Footprint Network* co-founder Mathis Wackernagel, one of the IEWG experts who advised the Bhutan Report *Happiness: Towards a New Development Paradigm* observes (2013):

> *If we want to have a future, the SDGs need to robustly embrace the reality of resource constraints and climate change. Also, we need robust accounting tools that track the outcomes. Without such rigorous metrics, there is great risk to misallocate development investments. (Wackernagel, Mathis. 2017).*

Can the full happiness and wellbeing impact of crucial decisions on agriculture and food system development be made visible with the help of the SDGs?

The Bhutan Report (2013) recommended to adopt "Happiness (…) as the overarching goal for the (…) development of the post-2015 agenda" and "Wellbeing and happiness be included in the (…) Sustainable Development Goals".

It has to be concluded that the recommendations Bhutan Report have not been adopted. Although wellbeing is included in SDG 3 "Good Health and Wellbeing" the corresponding indicators show that wellbeing has not been given any substance. All indicators are (important) health-related indicators, but none related to happiness, psychological wellbeing, mental health and, for example, in terms of health: epidemic depression as a symptom of suppressed unhappiness in industrialized countries.

In general the 17 SDGs, obviously interdependent and overlapping, do not show much coherence or a logical order.

Agriculture has been given its place under SDG 2: "End hunger, achieve food security and improved nutrition and promote sustainable agriculture". The second sub-goal under SDG 2.3 reads:

> *By 2030, double the agricultural productivity and incomes of small-scale food producers, in particular women, indigenous peoples, family farmers, pastoralists and fishers, including through secure and equal access to land, other productive resources and inputs, knowledge, financial services, markets and opportunities for value addition and non-farm employment (SDG 2.3., UN Sustainable Development Knowledge Platform, website).*

The two indicators for this target can stand example for a conventional *reductionist* approach:

- Volume of production per labour unit by classes of farming/ pastoral/forestry enterprise size.

- Average income of small-scale food producers, by sex and indigenous status. (Ibid.)

The transformative impact of governance of food systems, and appropriate sustainable food system realization, can be considered extremely strong in a truly holistic perspective. Without a proper framework this transformative potential will get lost.

Can the *system leadership approach* (Senge, Peter. 2015) contribute to assessment of possible choices for alternative business models in the agriculture sector? Recently the *Sustainable Food Lab Thailand* was set up, inspired by Peter Senge and Hal Hamilton (Hamilton, Hal. 2015).

The Gross National Happiness philosophy as developed by the Royal Government of Bhutan, interacting with stakeholders (including the hands-on business community), can pioneer a globally inspiring direction in doing business – once fully applied to food sector governance.

This should be included in the formation of broader development partnerships in the framework of SDG 17, the ultimate Sustainable Development Goal.

A Wellbeing Society?

October 2013: Dasho Karma Ura, President of CBS & GNH, expressed right after the publication of the *Bhutan Report* his own insights by means of the 29th Distinguished Speaker Lecture at Hiram College, Ohio, US. His speech was titled *Sustainability and Three Debts of Mankind*. It was reproduced in *The Bhutanese* with his permission, but without correction. Among many issue raised he said:

(…) we should adopt a third way of middle path between capitalism and socialism. Half of the previous century was particularly dominated by ideologies of free market liberalism and trade that advocated widespread network(s of) international production. But the third way of middle path is not a quantative balancing of capitalism and socialism. It is a qualitatively different system, where even the measurement of progress will be different, not a mixture of either capitalism or socialism. (From: shortened version of the Distinguished Speaker Lecture in The Bhutanese, 26-10-2013) (Ura, 2013).

Articulating a contribution to the construction of this "qualitatively different system" has been the main direction of our action research in the last decade, while knowing our contribution would only be marginal. In order to a create a conceptual framework with appropriate depth we explored resonance with great visions and analyses from the past and the

present, attempting to put the four pillars and 9 domains, as unified in the Bhutan Report, "in perspective".

In 2016 the School for Wellbeing Studies and Research published a book titled *The Wellbeing Society. A Radical Middle Path to Global Transformation* in which we try to paste some pieces together. (van Willenswaard, 2016). In the book we refer to the *Third Way* as promoted by Tony Blair and Bill Clinton around the year 2000. (Giddens, 1998). It failed to shape a 'qualitatively different system'. It evolved from a compromise into a neo-liberal mono-culture which dominates the world economy until today and will do so in the years to come. Simultaneously a hope-giving counter-movement is emerging of hands-on alternative business initiatives, mindful consumers' activism, sustainable food systems networks and likeminded trends. More and more people wake up to the fact that sustainability will remain out of reach in a 'business-as-usual' scenario. As Joseph Stiglitz said: "Nothing less than a paradigm shift will do." (Stiglitz, 2010).

Will the brand new *Commission on Global Economic Transformation* force a breakthrough? (Institute for New Economic Thinking, 2017).

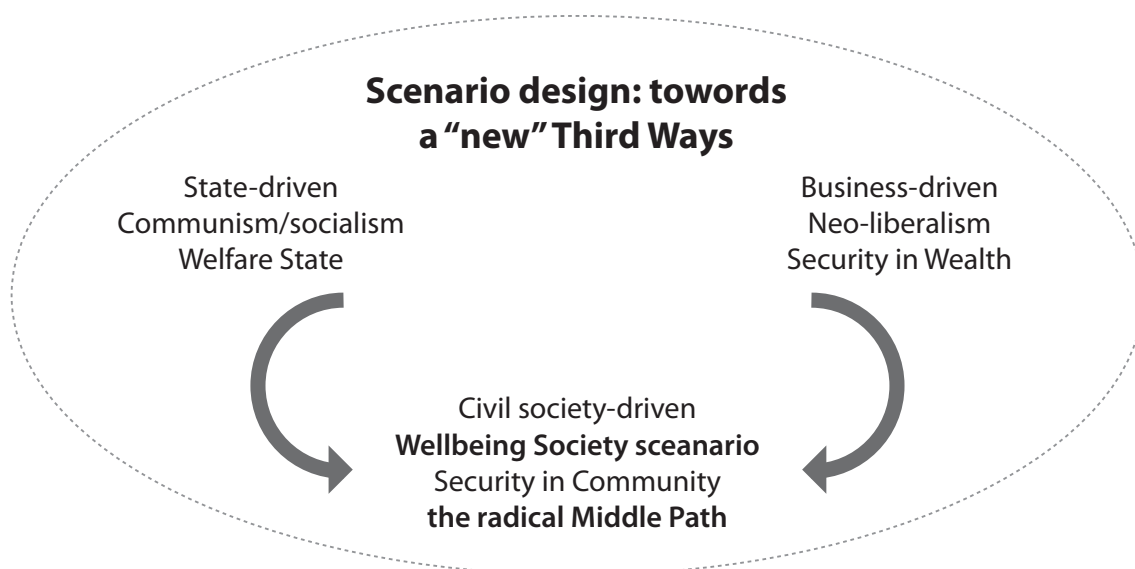Our contributing analysis can be briefly summarized in two charts from the book *The Wellbeing Society.*

Figure 6. Outline for scenario design towards a "new" Third Way.
(From: *The Wellbeing Society*, 2016). The two extremes 'Communism/socialism' and 'Neo-liberalism' co-create a civil society-driven 'radical Middle Path'.
Security is not primarily found in State Welfare or private Wealth but in Community.

Organic agriculture: the heart of global transformation

State-farming
Public property

Seed and chemicla corporations
Private property

Civil society-driven
Organic agriculture networks
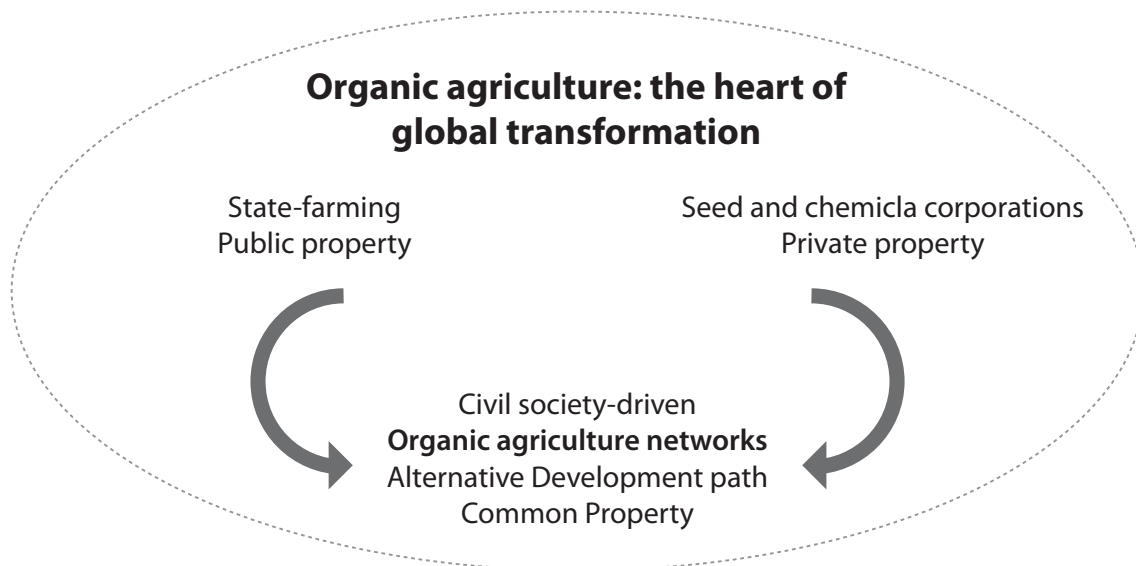Alternative Development path
Common Property

Figure 7. The 'Wellbeing Society' is possible if rooted in the principles of common property, in contrast with private and public property, and when the economy is centered around organic agriculture and *agroecology* networks. More details of a Wellbeing Society scenario are drafted in the namesake book (van Willenswaard, 2016).

Business for the *Common Good*

The growing counter-movement in this direction as induced from within the business sector is well captured in the book of the young Austrian social entrepreneur Christian Felber titled *Change Everything. Creating an Economy for the Common Good.* (Felber, 2015 English edition). One of the statements he makes is:

> *The values and goals laid down in our constitutions should be systematically implemented in business practices. The currently existing economic order, which has been constituted by the system itself, diametrically contradicts the spirit of many political constitutions or parts thereof. (Ibid.: xvii).*

In the chapter *Mapping an Emerging New Economic Paradigm in Practice*, concluding part of her groundbreaking book *The Great Mindshift. How a New Economic Paradigm and Sustainability Transformations go Hand in Hand*, Maja Göpel, Wuppertal Institute, Germany, describes four leading trends among stakeholders: 1. Pioneering Business for the Common Good, 2. Pioneering Civil Society, as in the Transition Towns (and Resilient Communities) movements 3. Pioneering Governments adopting Beyond

GDP Measures where she focuses with enthusiasm on GNH in Bhutan, and 4. Pioneering multi-stakeholder Governance as in the "commons" movement. (Göpel, Maja. 2016: 119-147). She recognizes similarities between GNH and the "commons" movement in, among others, shared engagement with what is called "commoning" (a term explained by Silke Helfrich during the *Re-thinking Property* exchange platform in Bangkok, 2011). Referring to the book *The Wealth of the Commons: A World Beyond Market and State* (Bollier, David & Helfrich, Silke (Eds.), 2012.) Maja Göpel observes:

> *(…) practice characteristics and hints at what social life would feel like if commoning became the common-sense of normal way of life of viewing and doing things. Here we find quite a few overlaps with the 'novel' dimensions of the GNH Index like cultural and community vitality (belonging), the connection of one's own happiness with that of a wider community (responsibility), and the spiritual aspects of psychological well-being.*

Here, in our opinion, the notion of *Mindful Markets* comes in. Can we maintain the free market as it is, and by redefining entrepreneurship chance capitalism as Muhammad Yunus said? Can we imagine an economy without market? Aren't traditional markets places where we "common"? How can modern market dynamics be transformed? Dasho Karma Ura at the first *Mindful Markets Asia Forum*, 2014, presented his insights as follows:

> *(…) social relationship(s) are something the market should not, and cannot substitute, yet the market does intervene. The markets tries to replace social relationships with transactions. (…) There is an irony in the situation where individuals are conferred equal human rights on the one hand, while on the other hand inequality of income is rising. Inequality is thus one area where the market and mindfulness are in collusion. The market logic (…) favours inequality. (Ura, 2015).*

In order to co-create a synthesis between mindfulness and the positive elements of market-dynamics, a synthesis from where a 'qualitatively different system' might emerge, we have to open our minds to a state of 'no-selfness'.

> *The loosening of clinging begins when the dawn of 'no-selfness' is experienced in one's mind. It is a moment of inner revolution towards mindfulness, towards freedom from the conventional sense of the self that has gripped and tied us like an iron shackle. The discovery of no-self is said to be the discovery of our true nature, which is free and luminous. (…) During those moments, we can feel a state of inter-being, perfectly reflecting each other in each other like images reflected, and counter-reflected and counter-counter reflected in diamonds. This metaphor of images reflecting endlessly comes from the Buddhist sutra, a chapter in the scriptures, on the Indra's diamond net. (Ibid.: 57-58).*

This understanding of active "happiness for transformation" is also expressed by Laszlo Zsolnai, professor and director of the Business Ethics Centre in Budapest, Hungary in his book *Beyond Self. Ethical and Spiritual Dimensions of Economics.* He contrasts his vision expressly with the views of Amartya Sen who, as Zsolnai paraphrases, bases economics on self-centered welfare, self-welfare goals and self-goal choice (Zsolnai, Laszlo. 2014: Preface).

> *If we want to survive and flourish in the material world we have to transcend the self and embrace wholeness. This value shift requires enormous changes in economics, politics, and social life but there seems to be no other option in view of today's state of ecological degradation and human suffering. (Ibid.).*

Elinor Ostrom (1933 – 2012) evoked confidence in the complexity of "commons"- driven governance as an alternative to state- and corporate-dominated models. If applied to co-operative food system management it may find a possible foundation, in Bhutan – and in countries, organizations that want to follow – not only in Gross National Happiness in general, but as well more specifically in Article 5 of the 2008 The Constitution of the Kingdom of Bhutan:

> *Every Bhutanese is a trustee of the Kingdom's natural resources and environment for the benefit of the present and future generations (…). (Constitution, 2008; emphasis added).*

Trusteeship can be understood as an authentic mode of ownership emerging from a synthesis of the contrasting forces of private and public ownership. This broad understanding of trusteeship, we assume, provides solid ground for the 'qualitatively different system' (Ura, 2013) nurtured by a new paradigm of which it is part. It is not rooted in compromise, mere opportunism or 'quantative balancing' between neo-liberalism and communism, but in a radically new Middle Path.

Sustainable food system development embedded in global tri-sector partnership (SDG17)

Trusteeship is a well-known arrangement in Anglo-Saxon law where ownership is bound to serve the specific interest of others. It can be considered a form of common property if the beneficiary is a community or group of persons. In a broad sense it is equally applicable to social applications of private property, business operations and state property like national parks evolving into community forests. In the business sector trusteeship is especially manifested in *social entrepreneurship*. It corresponds to the mode of happiness generated by altruism.

Earth Trusteeship makes one more step: trusteeship it no longer attached to a specific interest, it is an attitude (a combination of rights and responsibilities; or: the dynamics of freedom, equality and 'brotherhood' combined, the values of the French Revolution) that permeates with service the inter-connectedness of humanity, sentient beings and the Earth as a whole. It is similar to "our common heritage" (Taylor, 2011) but now not limited by boundaries and the sovereignty of nation-states. It does not contradict private or public ownership, but adds a dimension to it, infused with the common responsibility needed to govern our Earth in a sustainable way: so that it/she can be transferred in a better condition to future generations. In this light social entrepreneurship is trying to undertake business 'for the *Common Good*'.

Judge Weeramantry (1926 – 2017), Sri Lanka, the former Deputy President of the UN International Court of Justice, The Hague, undertook in the last years of his long and fruitful life the mission, while following the strict rules and professional discipline of international law, to establish consensus – and thus valid evidence based on customary law – among the world religions:

> *Humanity is in a position of* trusteeship *of the environment and not in a position of dominance. (Weeramantry, C.G. 2009, 2014: 251; emphasis added).*

The spirit of trusteeship can serve as the binding principle for multi-stakeholder dialogue and collaboration on sustainable food system design and realization. The GNH Index approach can be applied as a creative educational instrument for genuine transformation in *learning organizations* (Senge, 2006).

Humanity, according to Weeramantry, is now on its way to adopting a *Universal Convention on Environmental Rights and Duties* -

> *(…) going three steps further than the Universal Declaration of Human Rights which only spoke of Rights and not Duties, which had little to say on environmental rights, and was only a non-binding Declaration as opposed to a binding Convention. (Ibid.: 251).*

This may sound too far-reaching and in the context of this paper it can be just taken as a background note for contemplation.

But recently, 21 April 2017, Klaus Bosselmanna, Professor of Law and Director, New Zealand Centre for Environmental Law, University of Auckland, presented his views at the *Interactive Dialogue of the United Nations General Assembly on Harmony with Nature*, at the UN Headquarters in New York. He said:

> *I have a simple proposition to make, and I hope that it will be perceived with the same sincerity that has guided the General Assembly in its long-standing and ongoing work for more effective governance. The proposition is to accompany the current SDG process with a push for substantial institutional reform. Such a push would not in any way oppose or threaten the SDG process, but to the contrary strengthen it.*
>
> *(…)*
>
> *Nation-states need to engage in a long overdue ethical dialogue with civil society on how we meet our responsibilities towards the Earth system. We believe, that an Earth Trusteeship Council would be a most suitable platform for such a dialogue. (Bosselmann, 2017).*

The 'simple proposition' of Bosselmann fits perfectly within the framework of **SDG17** "strengthen the means of implementation and revitalize the global partnership for sustainable development". New legal and organizational structures may be needed for full implementation. And his proposition indeed adds a paradigmatic perspective. Not only in terms of institutional reform of the UN, but in the same time in terms of vision development as equally inherent in GNH, the commons movement, transition towns and resilient communities as well as business for the common good (Göpel, 2016).

If this dialogue would focus on sustainable food systems with *Towards Organic Asia* as initial actor gradually collective leadership can emerge in **SDG2**: Zero Hunger (and all SDGs related to the environment), **SDG3**: Good Health and Wellbeing and **SDG12**: responsible consumption and production, dialogue, collaboration and partnerships are within achievable dimensions. *Social entrepreneurship* fits well within **SDG12**: Responsible Consumption and Production.

The dimension of institutional reform Bosselmann ads to this cluster, would activate a framework of international law development that matches with **SDG16**: Peace, Justice and Strong Institutions.

Dialogue and partnership related to **SDG3** not only would involve the IPES-Food & Future of Food research and advocacy initiative. It would

provide Bhutan, and in particular the Centre for Bhutan Studies & GNH Research, with an appropriate platform to fill "wellbeing" and happiness with more content and lift it to an overarching inspiration transcending the reductionist tendency inherent in the heavily statistics-supported *Agenda 2030* operations.

> *Achieving the ambitious targets of the 2030 Agenda requires a revitalized and enhanced global partnership that brings together Governments, civil society, the private sector, the United Nations system and other actors, mobilizing all available resources. (…) Increasing support to developing countries, in particular the least developed countries, landlocked developing countries and small island developing States, is fundamental to equitable progress for all. (Unstat, 2016).*

Remarkable is that the UN proposes partnership here engaging the three sectors 'Governments, civil society and the private sector' as equal stakeholder categories.

SDG17 is, like MDG8, the most challenging goal as the partnership for development will risk to continue being based on the seemingly unbeatable *business-as-usual* paradigm. Or can a paradigm securing wellbeing for future generations really be articulated, understood, broadly accepted and fully included in the world views of policy makers, business leaders and practitioners by 2030?

Maja Göpel observes that:

> *(…) large scale transformations are tremendous, conflict-laden and long-term tasks. The outcome will typically be different to what the individual actors in the process foresaw. Nor are the processes lineary predictable. A comparably small change in one subsystem may have huge ripple effects in another. Often there are time delays between cause and effect, especially between single causes and the accumulated effect of a tipping point. (Göpel, 2016: 160).*

Gross National Happiness and the business world are unexpected partners and the effect of collaboration may become the spark of light we all are hoping for.

REFERENCES

Anderson, Ray, summary of his presentation in: GPI Atlantic. (2005). *Rethinking Development. Local Pathways to Global Wellbeing*, Nova Scotia, Canada, June, 2005. http://www.gpiatlantic.org/conference/ proceedings/anderson.htm

BioThai website. (2017). *Seeds.* http://www.biothai.org/tags/seeds

Bollier, David and Helfrich, Silke (Eds.). (2012). The Wealth of the Commons: A World Beyond Market & State.

Bosselmann, Klaus. (2015). *Earth Governance. Trusteeship of the Global Commons.* Edward Elgar.

Bosselmann, Klaus. (2017). *The Next Step: Earth Trusteeship.* Address to the Interactive Dialogue of the United Nations General Assembly on Harmony with Nature, UN Headquarters New York, 21 April 2017.

Centre for Bhutan Studies & GNH Research. (2015). *Provisional Findings of 2015 GNH Survey*.

Constitution of the Kingdom of Bhutan, The (2008). http://www.nationalcouncil. bt/assets/uploads/files/Constitution%20%20of%20Bhutan%20 English.pdf

Corell, Hans. (2011). The Global Compact in Mullerat, Ramon (Ed.) Corporate Social Responsibility: The Corporate Governance of the 21st Century. Pages 265-274. The International Bar Association.

Dahiwale, Mangesh et al. (2016). *Babasaheb Dr. B.R. Ambedkar on Buddhism.* Jambudvipa Trust, Pune, India.

de Schutter, Olivier. IPES-Food & Future of Food (2017) *Unravelling the Food-Health Nexus.* www.futureoffood.org (26 Oct 2017).

Felber, Christian (2015). *Change Everything. Creating an Economy for the Common Good.* Zed Books, English Edition.

Fleming, Peter & Jones, Marc T. (2013) *The End of Corporate Social Responsibility. Crisis and Critique.* Sage.

Giddens, Anthony. (1998). *The Third Way: the renewal of Social Democracy.*

Göpel, Maja. (2016). *The Great Mindshift. How a New Economic Paradigm and Sustainability Transformations go Hand in Hand.* Springer Open & Wuppertal Institut.

Hamilton, Hal (2015) *System Leaders for Sustainable Food.* Supplement on *Sustainable Food Lab* in Stanford Social Innovation Review, Winter 2015.

IFOAM. (2014). *The Thimphu Declaration. Ecological Organic Agriculture in Mountain Agro-Ecosystems: Leading the transformation.* March 8, 2014. https://www.ifoam.bio/sites/default/files/thimphu_declaration.pdf

Institute for New Economic Thinking. (2017). *Nobel Laureates Joseph Stiglitz, Michael Spence to Co-Chair Independent Commission on Global Economy.* https://www.ineteconomics.org/about/news/2017/nobel-laureates-joseph-stiglitz-michael-spence-to-co-chair-independent-commission-on-global-economic-transformation

International Labour Organization (ILO). *Key Indicators of the Labour Market database.*

Kijtewachakul, Nitaya (2007) research summary in: *Gross National Happiness – A New Development Paradigm. Early Years of a Silent Movement*, page 33-37, School for Wellbeing Studies and Research, 2010 (limited edition).

Korten, David C. (2007). The Great Turning: From Empire to Earth Community.

Kuntiranont, Wallapa. (2004). *Small-scale Business Inspired by Timeless Simplicity: A Contribution Towards Gross National Happiness* in Ura, Karma and Galay, Karma. (2004) *Gross National Happiness and Development.* The Centre for Bhutan Studies.

Lane, John. (2001). *Timeless Simplicity: Creative Living in a Consumer Society.* Green Books.

Layard, Richard. (2005). *Happiness. Lessons from a New Science.*

Nations Encyclopedia http://www.nationsencyclopedia.com/economies/ Asia-and-the-Pacific/Thailand-AGRICULTURE.html#ixzz4w73hs27I

NDP Steering Committee and Secretariat. (2013). *Happiness: Towards a New Development Paradigm. Report of the Kingdom of Bhutan.*

Nelson, W.J., Lee, B.C., Gasperini, F.A., Hair, D.M. (2012). *Meeting the challenge of feeding 9 billion people safely and securely.* J. Agromedicine 17, 347–350.

Ostrom, Elinor – Nobel Prize Lecture. (2009). *Beyond Markets and States: Polycentric Governance of Complex Economic Systems.* https://www. nobelprize.org/nobel_prizes/economic-sciences/laureates/2009/ ostrom-lecture.html

Perlas, Nicanor. (2000). *Shaping Globalization. Civil Society, Cultural Power and Threefolding.*

Ricard, Matthieu. (2015). Altruism: The Power of Compassion to Change Yourself and the World.

School for Wellbeing Studies and Research. (2011). *The Well-being Society: a scenario inspired by Gross National Happiness.* Paper presented at the International Conference Happiness and Economic Development, Thimphu, 10-12 August 2011. Unpublished.

Schumacher, E.F. (1966). *Buddhist Economics.* Essay in: Wint, Guy (Ed.) *Asia: A Handbook.* Anthony Blond, London.

Schumacher, E.F. (1973). *Small Is Beautiful: A Study of Economics As If People Mattered.*

Senge, Peter M. & Hamilton, Hal & Kania, John, (2015) *The Dawn of System Leadership.* Stanford Social Innovation Review, Winter 2015.

Senge, Peter M. (1990, 2006). *The Fifth Discipline. The Art & Practice of the Learning Organization.* Revised version.

Shiva, Vandana. (2005). *Earth Democracy: Justice, Sustainability and Peace.*

Sonam Kinga, Karma Galay, Phuntsho Rapten & Adam Pain (Eds.). (1999). *Gross National Happiness: A Set of Discussion Papers.* Second edition CBS & GNH, 2013.

Steiner, Rudolf. (1919, 1972). *The Threefold Social Order.* English translation.

Stiglitz, Joseph E. & Sen, Amartya & Fitoussi, Jean Paul. (2010). *Mismeasuring Our Lives: Why GDP Doesn't Add Up.*

Stiglitz, Joseph E. (2009). *GDP Fetishism.* Project Syndicate, Sep. 7, 2009.

Stiglitz, Joseph E. (2010). *Needed: A new economic paradigm.* In: Financial Times Opinion, 19 August 2010.

Stiglitz-Sen-Fitoussi. (2009). Report by the Commission on the Measurement of Economic Performance and Social Progress, September 2009. http://ec.europa.eu/eurostat/documents/118025/118123/Fitoussi+ Commission+report

Talberth, John. (2010). *Measuring What Matters. GDP, Ecosystems and the Environment.* World Resources Institute. http://www.wri.org/blog/ 2010/04/measuring-what-matters-gdp-ecosystems-and-environment

Taylor, Prue. (2011). *Common Heritage of Mankind Principle.* In Klaus Bosselmann, Daniel Fogel, and J. B. Ruhl, Eds. *The Encyclopedia of Sustainability,* Vol. 3: The Law and Politics of Sustainability. 64–69.

Towards Organic Asia (TOA). (2015). Meeting Summary. *Action-Research Working Group International Workshop. To Develop TOA Wellbeing Indicators Framework.* The Balcony Hotel, Bangkok, 25-26 February 2015.

UN Sustainable Development Knowledge Platform: SDGs and Report on High Level Meeting at UN Headquarters in New York. https://sustainable development.un.org/?menu=1300 https://sustainabledevelopment. un.org/index.php?page=view&type=400&nr=617&menu=35

UNICEF. (2013). *Children's Rights and Business Principles.* http://childrenand business.org/

UNICEF. (2016). *Children in South East Asia face a 'double burden' of obesity and undernutrition.* https://www.unicef.org/eapro/media_25351.html

Unstat (United Nations Department of Economic and Social Affairs Statistics Division) (2016) https://unstats.un.org/sdgs/report/2016/goal-17/

Ura, Karma and Galay, Karma. (2004). *Gross National Happiness and Development.* The Centre for Bhutan Studies.

Ura, Karma. (2013). *Sustainability and Three Debts of Mankind.* Part 2, The Bhutanese, 26-10-2013, pages 10-11. Shortened from 29ᵗʰ Distinguished Speaker Lecture at Hiram College, Ohio, US.

Ura, Karma. (2015). *Mindfulness and the Market*. In: van Willenswaard, Wallapa (Ed.), *Mindful Markets. Producer – Consumer Partnerships towards a New Economy* chapter 3.2. Garden of Fruition, Bangkok.

van Willenswaard, Hans. (2013). *No Food Security Without Food Sovereignty.* In Hongladarom, Soraj. (2013). *Food Security and Food Safety for the Twenty-first Century,* Pages 15 – 31. Springer.

van Willenswaard, Hans. (2016) *The Wellbeing Society. A Radical Middle Path to Global Transformation.* Garden of Fruition, Bangkok.

van Willenswaard, Hans. (2017). *A Radical Middle Path to Global Transformation.* Paper for the conference *Practicing the Commons. Self-governance, cooperation, and institutional change*, 10-14 July 2017, Utrecht, the Netherlands. https://www.iasc2017.org/wp-content/uploads/2017/06/1H_Hans-van-Willenswaard.pdf

van Willenswaard, Wallapa. (2015). *Mindful Markets. Producer – Consumer Partnerships towards a New Economy*. Garden of Fruition, Bangkok.

Wackernagel, Mathis, et al. *Making the Sustainable Development Goals consistent with sustainability.* https://www.footprintnetwork.org/2017/09/01/making-sustainable-development-goals-consistent-sustainability/

Weeramantry, C.G. (2009, 2014) *Tread Lightly on the Earth. Religion, The Environment and The Human Future.* A Report for the World Future Council.

Wezel, A. et al. (2009). *Agroecologyas a science, a movement and a practice. A review* https://www.socla.co/wp-content/uploads/2014/wezel-agroecology.pdf

World Future Council. Legal Working Paper (Undated). *National Policies & International Instruments to Protect the Rights of Future Generations.* Co-published with the Centre for International Sustainable Development Law (CISDL), Canada.

Yungyuen, Keadtisak. (2015). *TOA action research project.* Towards Organic Asia (TOA) with Sustainable Agriculture Foundation, a member of the Alternative Agriculture Network (AAN). Presented at the *Multi-stakeholder Dialogue towards Sustainable Food Systems,* Bangkok, 16 December 2015, Communication Arts Faculty, Chulalongkorn University (unpublished).

Yunus, Muhammad – *Nobel Peace Prize Lecture.* (2006). https://www.nobelprize.org/nobel_prizes/peace/laureates/2006/yunus-lecture-en.html

Zsolnai, Laszlo. (2014). *Beyond Self. Ethical and Spiritual Dimensions of Economics.* Peter Lang, Bern.

INDIGENOUS LANGUAGES AND SOCIAL COHESION IN MALAYSIA
The Challenges of Multi-culturalism and Diversity[190]

ABSTRACT

The presentation will address the multi-linguistic, multi-cultural and multi-ethnic context of Malaysian society and situate indigenous education in its social context marked by pluralism and diversity of a upper middle-income country in Southeast Asia. Using a historical approach, the presentation will analyse the contributing factors and outstanding issues that remain to achieve genuine inclusion and social cohesion in Malaysian society as it embarks on its "last lap" to achieve Vision 2020 and its aspirational goals of the 11th Malaysia Plan.

The presentation will also draw on a UNICEF regional study on "Language, Education and Social Cohesion" conducted in 2013-2015 which included Malaysia. A key general finding of this study was that conventional analyses of conflict have underestimated the role of language and ethnicity differences in generating tensions and conflicts and in sustaining conflicts once they have commenced. While language policy, whether in education, law, or public administration, is often associated with conflict and can

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[190] Presentation to 2nd Malaysia Indigenous Peoples Conference on Education (3rd MIPCE), Kuching, Sarawak, Malaysia, 20 to 22 September 2016.

erode social relations between different groups of people, consultative and inclusive language planning informed by research evidence and opportunities for stakeholders to reflect and engage with issues, invariably plays a productive role in increasing ethnic harmony and social cohesion. With a special focus on indigenous peoples and cultures in Malaysia, the presentation will put forward policy recommendations for the Government of Malaysia to consider, based on evidence and best practices in other countries with a similar context.

PRESENTATION OUTLINE:

Malaysia – Vision 2020 – the last lap: *"Malaysia should not be developed only in the economic sense. It must be a nation that is fully developed along all the dimensions: economically, politically, socially, spiritually, psychologically and culturally. We must be fully developed in terms of NATIONAL UNITY and SOCIAL COHESION, in terms of our economy, in terms of social justice, political stability, system of government, quality of life, social and spiritual values, national pride and confidence".*

Language, Education and Social Cohesion (LESC): Summary of project:

This report was a consolidation of the two studies conducted by the United Nations Children's Fund - East Asia and Pacific Region Office (UNICEF EAPRO), in Malaysia and Myanmar, from 2013 to 2105. The studies were conducted in response to the risks that children face in educational and non-educational contexts associated with language and ethnicity issues, among others. This report discussed the main facets of the LESC Initiative which involved elements of action research, facilitated dialogues and consultations, language policy development, situation analysis, and capacity building. The report generated 10 findings that brought to the fore rich information upon which countries with the same contexts can take into consideration in the development of their respective policies and programmes. A key general finding of the LESC Initiative was that conventional analyses of conflict have underestimated the role of language and ethnicity differences in generating tensions and conflicts and in sustaining conflicts once they have commenced. While language policy,

whether in education, law, or public administration, is often associated with conflict and can erode social relations between different groups of people, consultative language planning informed by research evidence and opportunities for stakeholders to reflect and engage with issues, invariably plays a productive role in increasing ethnic harmony and social cohesion. In its work in Malaysia and Myanmar, the LESC Initiative has shown that governments, especially but not only through education, can influence and mitigate language issues and contribute to social cohesion.

LESC: Major conclusions and findings:

- Gap in perception/expectations – between government officials and minority groups on language, education and across other social domains

- Language is a "sensitive" issue in Malaysia – often a cause of disagreement, tension and conflict

- Stakeholders welcomed collaborative decision-making informed by researched data and evidence

- A wider public acceptance that language is a complex and multi-faceted resource needs to be promoted

- Need for "language policy writing" – based on locally-focused success stories on curriculum innovation, teaching pedagogy, etc.

- Urgent need for public education on multi-lingualism in education and society

- Urgent need to combine "top-down" with "bottom-up" policies and implementation

- Urgent need for a language policy to foster social cohesion

- Such a policy is not only an "education imperative" – but needs to address the socio-economic, ethnic, cultural and political context of society

- The issue of multiple languages is badly mis-understood. It is relatively easily solved, yet is often used to present language rights as impossible to achieve

- ▸ Malaysian Constitution: (a) Malay (ethic/religious), (b) Bhumiputeras – IP's of Sabah/Sarawak, Orang Asli

- ▸ Contradiction – ethnic and IP composition of society – with languages (education policy) – viz, Malay, vernacular (Chinese, Tamil) and Others (Iban, Semaniah, Kadazan)

- ▸ No recognition of other IP languages

HISTORICAL DOCUMENTATION
Diocesan Social Action Centre (DISAC) & Research and Training Center for Religio-Cultural Communities (RTRC) – Chiang Mai Since 1975 to the Present[191]

I first met Fr.Niphot Thianwihan in 1980 when I was then Asian Secretary of the International Movement of Catholic Students (IMCS Asia) based in Hong Kong. We invited Fr. Niphot as a Resource Person for a Southeast Asia Workshop on Education in Penang, Malaysia. Since then I have had numerous occasions to engage with him and his team of dedicated staff at the Diocesan Social Action Centre (DISAC) Chiang Mai for workshops, exposure programmes and personal reflection and consultations. It was during this period of the early 1980s that I was also first exposed to the work of DISAC Chiang Mai among the Karen hill tribes in Northern Thailand and participated in many reflection sessions with "Organic Intellectuals" (OI's), community leaders, women's groups, youth, as well as rituals and cultural ceremonies.

In 1993-1994 I was approached by CEBEMO (Catholic Development Agency in the Netherlands) to lead a team of experts to undertake an "External Evaluation of DISAC Chiang Mai". This evaluation was a great learning experience of the range of activities and initiatives undertaken by DISAC Chiang Mai and the deep impact it had on the lives of hill tribes and lowland poor communities in Northern Thailand. This was followed in 1995-1996 by the "Planning, Monitoring and Evaluation" (PME) Project

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[191] Extract: Book: Chapter 1: Introduction: Historical Documentation, DISAC/RTRC, Chiang Mai, Thailand, April 2019.

which was a global research of indigenous concepts, frameworks, tools and methods of PME used by grassroot communities in Asia, Africa and Latin America. The PME Project was supported by a Consortium of German donor agencies – MISEROER, Bread for the World, and EZE, and I undertook the research for the countries of India, Thailand, Indonesia and the Philippines in the Asia region. This research was of great benefit to DISAC Chiang Mai, not only to document their creative and indigenous PME methods and tools, but also to learn from the experiences from other countries in the region.

Over the years, DISAC Chiang Mai evolved as one of the most dedicated and consistent grassroots organizations working with the Karen and other hill tribe communities in Chiang Mai, Chiang Rai, Mae Hong Son and lowland poor communities in Phayao, among others. The richness of its experiences and lessons learnt, resulted in its transition into the Research and Training Centre for Religio-Cultural Communities (RTRC) in mid-1980s.

The initial idea of undertaking a Historical Documentation of the four decades of work and experiences of DISAC Chiang Mai and RTRC was discussed with Fr. Niphot and his team at RTRC in Chiang Mai in January 2018. There was a strong feeling among the RTRC team as well as others who have been associated with DISAC Chiang Mai and RTRC over these decades, that we need to document this rich history, lessons learnt not only as evidence of impact and change in the lives of the poor; but also to transmit this knowledge and experiences to the hill tribe youth and the younger generation to motivate them to follow the footsteps of their elders and community leaders.

I feel privileged and humbled to lead a team of dedicated staff and researchers to undertake this Historical Documentation of DISAC/RTRC. The study process lasted from February to December 2018 which involved desk study of documents/materials (in Thai and English) accumulated over the years on the work of DISAC Chiang Mai and RTRC; field-visits and interviews and focus group discussions with organic intellectuals, village leaders, young people and others; consultation and feedback from friends and associates of DISAC/RTRC and a Stakeholders Consultation held in July 2018.

This, therefore, is a record of history of the dedication, commitment and contribution of Fr. Niphot and his team to development work among the poor and the marginalised in Northern Thailand. It is also a documentation of evidence and lessons learnt in the process to inform

and enhance our understanding of what change means in the lives of the poor and how local wisdom, indigenous knowledge and practices can be used as a powerful force for community solidarity and action for sustainable development.

This then is a historical process documentation of the development work undertaken by the Diocesan Social Action Centre (DISAC) Chiang Mai and the Research and Training Centre for Religio-Cultural Communities (RTRC) from 1975 to the present. RTRC grew out of DISAC Chiang Mai in 1983 to build on the work done earlier by DISAC Chiang Mai among the Catholic and poor communities in Northern Thailand.

DISAC Chiang Mai has been involved in development work among the hill tribes since 1965 in the four provinces in Northern Thailand – Chiang Mai, Mae Hong Son, Chiang Rai and Phayao. Between 1975 and 1983, DISAC Chiang Mai was a member of the Catholic Council of Thailand for Development (CCTD) which comprises of 10 DISAC's spread all over Thailand.

The history of the work during the past four decades can be broadly divided into five main periods as follows:

(a) Starting years (1931-1959) with the work of the Mission Etrangers de Paris missionaries (MEP) and some Thai priests to build schools and provide relief work for poor among the hill tribes and lowland Thai communities;

(b) Work among the Karen hill tribes (1959-1970) by the Betharam Fathers who followed the work of the MEP missionaries and established first contact with the Karen, Lahu and Akha hill tribes. They used the "holistic approach" in development work – evangelisation, education, improving living conditions, healthcare, and setting up of self-help communities;

(c) Community organisations (1975 to 1995) setup with support from the Betharam Fathers – credit unions, youth groups, teachers groups, etc.

(d) Rice-merit ceremony, water spirit and religio-cultural approaches and development interventions among hill tribe and lowland poor communities in Northern Thailand (1995 to the present), and

(e) Regional exchanges, trainings, formations on the religio-cultural approach and development work of DISAC/RTRC with academics, civil society, religious groups and lay organisations in other neighbouring countries (Myanmar, Lao PDR, Vietnam, etc.) (2005 to the present),

In 1981-1982 DISAC Chiang Mai undertook a major "critical and comprehensive internal review" of its development work. One of the major results of this study was that "DISAC found the structural approach (structural analysis) to development work limiting in relation to identifying and developing peoples' own knowledge and potentials and effectively utilising the same for development work". Instead, it found that the real potential lay in the peoples' own religious and cultural traditions and context. Hence, the "religio-cultural approach" was adopted as the main thrust/vision (shifting paradigm) of DISAC Chiang Mai's development work for the future, and the decision made to set up the "Research and Training Centre for Religio-Cultural Communities" (RTRC) in 1983.

In 1993, CEBEMO (the Dutch catholic development agency in the Netherlands) commissioned an External Evaluation of the work of DISAC Chiang Mai, in collaboration with the Asia Partnership for Human Development (APHD) in Hong Kong. Th e evaluation was carried out by a group of international and local experts and recommended, among others, that DISAC Chiang Mai to build on the excellent work done over the past decades and expand its work in areas related to organisational development, environment, sustainable agriculture, rice theology, partnerships with civil society and academics, trainings and exchange programmes, etc.

Over the last 25 years (from 1993 to the present) DISAC Chiang Mai and RTRC continued the development work among the hill tribe and lowland communities in Northern Thailand, with increasing focus on training/capacity development of staff , lay leaders, village leaders ("organic intellectuals"); providing formation for catechists and lay leaders from Lao PDR, Myanmar, Justice and Peace workers network in Asia Pacific and exchange/exposure programmes for catholic leaders/ farmers from Korea – members of the International Federation of Rural Adult Catholic Movements (FIMARC), among others.

In January 2018, it was decided to undertake a historical process documentation of the past decades of work of DISAC Chiang Mai in order to establish the future vision, strategies and work of RTRC for the

next 10 years. A major inspiration for this historical documentation was Pope Francis' new encyclicals – "Evangelii Gaudium" and "Laudato Si" – which has provided the new vision and mission for Church in Thailand to listen to the cry of the poor and the cry of the Earth. This new vision/mission will be the guiding principle for RTRC's future work for promoting "integral human development" among the hill tribes and lowland poor communities in Northern Thailand.

The main purpose of this historical documentation of work of DISAC/RTRC are the following:

(a) To document the development approach, experiences and lessons learnt over the past 50 years in development work among hill tribes and lowland communities in Northern Thailand

(b) To highlight key achievements, lessons learnt and major challenges faced in development work

(c) To share the historical documentation with leaders and community members among the hill tribes and lowland communities, academics, Church and NGO partners and other stakeholders, so that the memory and lessons learnt can be passed on to the next generation of young people

(d) To inform and guide the development of a futuristic 10-year Strategic Plan of development work for RTRC moving forward in the coming years.

STATEMENT
International Day of the World's Indigenous Peoples Malaysia 2015[192]

Selamat Pagi – Good Morning

Let me – first of all – congratulate JOAS for your dedication and commitment for the rights of indigenous peoples in Malaysia and for consistently observing this day – 9 August – every year as the International Day of Indigenous Peoples – here in Malaysia. I was pleased to be part of this event in Miri in 2012, and very happy to join you here again after 3 years.

The United Nations has declared the theme of today's World Day of Indigenous Peoples as **"Post-2015 Agenda – Ensuring indigenous peoples health and wellbeing"**. This is very relevant as the countries represented in the United Nations will meet at the General Assembly of the United Nations in New York next month in September 2015 to adopt the post-2015 development agenda entitled: *"Transforming our World – the 2030 Agenda for Sustainable Development"*. This agenda is framed on three key concepts: PEOPLE, PLANET AND PROSPERITY. Indigenous Peoples are an inseperable part of PEOPLE and PLANET – and therefore their PROSPERITY is of critical importance to Governments and all people. So, this is a great opportunity for all of us to further our resolve in promoting and protecting the rights of indigenous peoples in Malaysia and the world.

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[192] Speech by Dr. Victor Karunan, Deputy Representative & Senior Social Policy Specialist, UNICEF Malaysia on behalf of the Resident Coordinator and United Nations Country Team Malaysia. World Day of Indigenous Peoples 2015, Opening Ceremony, Kuching, Sarawak, Malaysia, 9 August 2015.

In the latest report on the State of the World's Indigenous Peoples 2014, it is noted that,

> *"Indigenous peoples face systemic discrimination and exclusion from political and economic power; they continue to be over-represented among the poorest, the illiterate, the destitute; they are displaced by wars and environmental disasters; indigenous peoples are dispossessed of their ancestral lands and deprived of their resources for survival, both physical and cultural; they are even robbed of their very right to life."*

It is therefore critical that the needs and rights of indigenous peoples are addressed and included in the next post-2015 Development Agenda.

Malaysia ratified the UN Convention on the Rights of Indigenous Peoples in 2007. It is therefore held accountable to protect and promote the rights of indigenous peoples. This Forum today – *"Perayaan Hari Orang Asal SeMalaysia" (PHOAS)* – is an occasion to both "celebrate" your achievements and sacrifices of your leaders, women and youth, and to "reaffirm" your rights and ensure your voices are heard. JOAS brings together more than 87 indigenous organisations in Malaysia – this is a forum that must be recognized and a voice that must be heard representing the rights and wellbeing of all indigenous peoples in Malaysia.

In choosing your theme for today – viz, *"Territorial Domain – Indigenous Peoples' source of life and heritage"* – you draw attention to the life-link between your survival and wellbeing and your natural heritage, ancestry and resources. This is inseparable and must be recognized and respected in policies and laws that seek to address the wellbeing of indigenous peoples in the country.

In 2012, the Secretariat of the Permanent Forum on Indigenous Issues and UNICEF co-organised an on-line consultation on the theme *"Indigenous Peoples and Inequality"* – as input for the drafting of the post-2015 development agenda.

The 7 critical issues/challenges that emerged from this discussion include the following – all of which are relevant for our context here in Malaysia:

1. Recognition of indigenous peoples at national and international levels;

2. Recognition of indigenous peoples' collective rights, in particular the right to land, territories and natural resources;

3. Enactment of intercultural and cultural-sensitive policies at the national level, especially in the areas of education and health;

4. Prioritization of the special conditions and needs of indigenous women, children, youth and indigenous persons with disabilities;

5. Recognition of culture as the 4th pillar of sustainable development, and the inclusion of the indigenous view of development with culture and identity;

6. Enactment of the right to free, prior and informed consent in all matters affecting indigenous peoples;

7. Establishment of partnerships for development issues relating to indigenous peoples.

This is also "agenda for action". As we celebrate today and move forward – let us resolve to stand by these aspirations of indigenous peoples around the world, and add your voice as indigenous peoples in Malaysia to this chorus – so that your voices can be heard and taken into account. The United Nations and UNICEF will stand by you in the framework of the UN Declaration of the Rights of Indigenous Peoples to facilitate and support you in your endeavor to promote and protect your rights – for your children, families and communities in Malaysia.

Wishing you all the very best for this International Day of Indigenous Peoples.

RE-IMAGINING SUSTAINABLE LIVELIHOODS
Creating Synergies through State-University-Civil Society Partnership[193]

Dear RLC Colleagues, Fellow-Academics and Students,
Friends, Ladies and Gentlemen,

I am pleased and privileged to be invited by the Right Livelihood College to speak at this Public Event at TISS-Mumbai. The word "sustainability" is the catch-word for this century – everyone and everything is concerned about sustainability – especially with the adoption of the Sustainable Development Goals (SDGs) by our Governments in 2016. The word "livelihoods" is also one that is getting increasing attention – given the detrimental impact of globalisation based on neo-liberal economics and free trade. So, I like the term "sustainable livelihoods" – because it draws out attention to the everyday struggles of the some of the most marginalised vulnerable families and communities in our societies - and even more so, I like the word "re-imagining" – because it enables us, especially as academics, to dream, to question, to challenge and to project the future.

The guiding principles of "sustainable livelihoods" include human rights and social justice. These are non-negotiable. They provide us the foundation on which all theories and practice of sustainable livelihoods needs to be created, nurtured and replicated.

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[193] Presentation: Asia Alumni Workshop – Right Livelihood College, Public Event, Tata Institute of Social Sciences (TISS), Mumbai, India, 4 to 6 October 2018.

In this short presentation, I will attempt not only to re-imagine what sustainable livelihoods means, but also unpack the term in relation to concepts, approaches and principles that I believe are critical in today's academic discourse on the subject.

I am going to take a "macro" and "big picture" approach to this topic – so please bear with me. But, I hope my thoughts and my messages and conclusions are helpful for our reflection and dialogue today.

Knowledge as Power

I want to begin by asking what seems to be a basic, but important, question – what is "intellect"? There are four key elements of what I think constitutes the intellect:

DATA: i.e., facts, figures, hard data, BIG data – that quantifies reality or problems/issues

INFORMATION: i.e., news, views, opinions, perspectives, analysis – that informs and interprets reality or problems/issues.

KNOWLEDGE: i.e., science, analysis, worldviews – that helps us to better understand the world and ourselves and drives our development

WISDOM: i.e., the ability to think-judge-act based on knowledge, experience, understanding, insight and common sense.

Quote

> *"Knowledge is proud that it knows so much – wisdom is humble that it knows no more".*

Most of academic research and curriculum uses – to varying degrees – all these four elements. But, very few use WISDOM – which in my view, is perhaps the most important element that intellectuals and Universities – as centres of knowledge and learning - need to be concerned about and the foundation on which knowledge needs to be created and used in today's world.

Who is an intellectual?

Who is an intellectual? What is the role of intellectuals in society today?

Intellectuals are those who have diverse wisdom and foresight. Those who apply their intellect and forward-looking visions and perspectives for the purposes of awakening society. They have a social responsibility to society – in that they help to divert the masses from what is unwise and wrong towards what is right and good. In short, they preserve the "social consciousness" of people in society.

Interesting to note that the Vietnamese word for intellectual is *"tri thuc"* – which is a combination of "mind" and "awaken". This means that intellectuals need to be "open-minded"

Quote

"Minds are like parachutes – they function only when open"

Thomas Duncan

In all our countries, there are two types of intellectuals to the class that they represent in society – to borrow from Antonio Gramsci (1929):

(a) Passive Intellectuals (Traditional Intellectuals)

(B) Active Intellectuals (Organic Intellectuals)

Let us briefly discuss these two types. Passive or Traditional Intellectuals are mere observers of reality. They merely communicate the "ideal" (idealism") and the "abstract" ("abstraction"). Julien Benda (1969) defines these intellectuals as follows: *"the intellectual is a dispassionate, disinterested observer, apolitical and socially detached".* They often act as the "deputies" of the dominant class, and directly or indirectly, legitimise the hegemony of the dominant class. Gramsci called this "social hegemony".

On the other hand, Active or Organic Intellectuals are the critical intelligentsia. They are scholars who are "critiques of society". They measure the shortcomings of the status quo in relation to the ideal. Lipset & Dobson (1972) and Tom Bottomore (1975) called them – *"intellectuals as change-*

agents", "intellectuals as change-makers". Their catalyst role in society is exemplified during moments of social crisis or conflict – times when they can play an important role in catalysing social change. Malcolm Gladwell (2000) called it the *"Tipping Point".* Organic intellectuals rise from a particular social class and articulate and defend the fundamental social, economic and political interests of that class, and in doing so, provide that class with an identity, cohesion and agenda for change.

The Threat to Intellectualism and Knowledge today: Changing Hearts and Minds

Today, more than ever before, we are facing a serious threat to intellectualism and knowledge. Extremism is not confined to violent global terrorism, wars and internal conflict in our society today – it is also seen in the attack on the intelligentsia, universities (example, JNU-Delhi), and the re-writing of history. Donald Trump in the United States is perhaps the most well-known and most notorious example of this megatrend today – but this right-wing shift in the political and intellectual discourse is not just confined to the USA. Here in Asia, we are also experiencing a new type of "Asian Populism" – Prime Minister Modi in India, President Duterte in the Philippines, and many other individuals or States in Europe, Africa, the Middle-East and Latin America. This new form of – what I call "Populist Fascism" is winning the "hearts and minds" of the common people. Its message reaches out to the masses. It is gaining more and more popular support among the middle-class and the marginalised communities in our societies. This is a new threat to intellectualism and knowledge that we have not seen before – during the time of classical European-style Fascism and dictatorships during the last century. In short, we are witnessing today the "colonisation of knowledge by right-wing politics".

The Polish philosopher and historian – Leszek Kolakowski (1968) summed this up well:

> *"…the spiritual domination of any ruling class over the people… depends on its bonds with the intelligentsia…for the less one is capable of ruling by intellectual means, the more one must resort to the instruments of force".*

Unfortunately today we also see many Universities and intellectuals who have compromised with this (what I call) neo-colonisation of knowledge and the intellect. What Conway (1972) noted in the American context is also very true for India and our countries in the Asia Pacific region:

> *"Those who live and work with ideas…the academics, the intellectuals, whether expert of romantic democrats, have experienced no rebellion against (American) political and social institutions, but have accepted their promise as the only blueprint for an ideal world order"*

Today, therefore, we are experiencing the danger of the modern State exploiting the privileged position of the intellectual (and the University) as an ideological instrument for social hegemony.

State-University-Civil Society Partnership

How does the State, University and Civil Society safeguard, protect and promote sustainable livelihoods – especially for the poor and the marginalised?

THE STATE: is the primary "duty bearer" in society. Its main purpose is to establish and safeguard the normative framework (Constitution and laws), regulations, enforcement, allocation of resources and security. But, governments have become pawns in a global chessboard - controlled and dominated by corporations and multinational companies. The race to fuel the free market capitalist economy - oil, gas, natural resources - is bleeding Mother Earth if it's natural balance. Starvation, drought, climate change, Artic icecap melting and global warming are the "early warnings" of nature to us. David Korten in his excellent book *"Change the Story - Change the Future"* (2015) says *"When we get our story wrong, we get our future wrong"*. Free market economics today is growing financially at the cost of nature and life. The commodification of nature and life today is based on the value we place on money. Korten describes this worldview as follows: *"First price, then privatise, then commodify, and finally securitize".*

THE UNIVERSITY: Up to end of 19th century, American intellectuals believed that Colleges and University were *"primarily centres of conservative, apolitical thought, concerned with instilling traditional values and thrust into the minds of each new generation".*

Starting with the 20th century, intellectuals began to question the status quo – critical, socially-disrupted and committed to anti-establishment values – emergence of the social sciences.

Example: 1970s onwards: emergence of Development and Post-Development Studies.

I believe the University is the custodian of knowledge, research and learning. It main purpose is to document, interpret and project our reality and the future through learning and knowledge. I am encouraged to see that today we are witnessing a re-awakening among some academics and intellectuals. There is a movement to go "Back to the roots", to harness the potential of "local wisdom" and restore basic human values (of respect, non-discrimination, love, compassion and solidarity). For example: I teach a course in the M.A. programme at Chulalongkorn University in Bangkok on "De-colonizing Development: Critical Issues in Development Studies" – where we focus use a trans-disciplinary lens to discuss Alternative Development Worldviews and paradigms that have emerged in the Global South - Gross National Happiness (Bhutan), Unbuntu (South Africa), Buenva Viva (Bolivia), Buddhist economics (Thailand), Centre for Humanities and Compassion studies – Xavier University, Orissa.

CIVIL SOCIETY: advocate and struggle with rights holders. A catalyst for change. Holding Govts accountable. Differences: NGOs, peoples movements, new social movements. Emergence of new consciousness with the World Social Forums.

CONCLUSIONS

Finally, let me conclude drawing on an excellent paper by my friend – the Belgian sociologist priest – Dr. Francois Houtart called *"From Common Goods to the Common Good of Humanity" (2011).*

We are witnessing today all round the world a deep sense of unease, frustration and hopelessness with the growing divisions in society, lack of respect for justice and human rights, youth unemployment, abuse of power,

violence and destruction of nature. At the same time, a new wave of social movements is emerging – the World Social Forums has enabled their globalization. A collective social consciousness is developing that things cannot go on like this.

The economic development model that we have, with its political, cultural and psychological consequences, is at the origin of these imbalances. But it is necessary to find solutions urgently. The time has come to put forward new orientations and not just adaptations of the existing system. To reflect on this and to bring together the forces for change has become a top priority.

On 28 August 1963 civil rights activist - Martin Luther King – delivered his public speech to millions gathered at the Lincoln Memorial in Washington DC to end racism in the United States. He said *"I have a dream" – not "I have a plan"*… That dream galvanised millions in the United States to work towards ending segregation and to combat racism. We – as intellectuals - need to dream of change – we need to dream of solutions to the world's problems – we need to dream for a better future for ourselves and our children.

We should not only "reimagine" our future - we need to "recreate" the future – with based on the wisdom and everyday struggles of the people.