



*Editorial*

## *Children as Partners*

The international human rights system responds to the need to protect those who are in vulnerable and disadvantaged situation. The Convention on the Rights of the Child has formally categorized children as people in need of such protection. But the same Convention likewise asserts the autonomy of children, who have the capacity to take part in matters affecting them.

Protection and participation are two concepts that have not necessarily been given equal treatment. People are more familiar with the protection side of the human rights system as far as children are concerned. There are existing mechanisms at the national level, though not necessarily adequate, aimed at shielding children from abuse, rescuing them from exploitative situations, or facilitating their rehabilitation from traumatic experiences.

Mechanisms that give children active role in fulfilling their own rights are still largely undeveloped, however. The exercise of their rights to express their views, be directly heard in judicial and administrative proceedings affecting them, form their own group and freely assemble in public places, and freely participate in cultural and artistic activities seems to be unfamiliar.

The evolution of mechanisms that support not only the protection of children but also their active participation in matters affecting them benefits the human rights system in general. Child participation is likely to lead to children taking the responsibility of fulfilling their own rights.

FOCUS Asia-Pacific is designed to highlight significant issues and activities relating to human rights in the Asia-Pacific. Relevant information and articles can be sent to HURIGHTS OSAKA for inclusion in the next editions of the newsletter.

FOCUS Asia-Pacific is edited by Yoshio Kawashima, Director of HURIGHTS OSAKA.

# Children's Rights in Northeast Asia

*Yanghee Lee\**

Northeast Asian countries share many things in common. Four countries (the Republic of Korea, Democratic Republic of Korea, China, and Japan)<sup>1</sup> in particular currently receive much attention in the international stage. This article focuses neither on the political and economic implications surrounding this attention, nor on the many sensitive political issues existing in this subregion. Quite the contrary, this article aims to put the "human" aspect back into human rights, especially children's rights.

All four countries have during the past two years finished the review process of the second State Party Report submitted to the United Nations (UN) Committee on the Rights of the Child (Committee) on the implementation of the Convention on the Rights of the Child (Convention). The Committee is the only human rights treaty body based on a nearly universally ratified (with the exception of Somalia and the United States) instrument. This is a treaty body that puts children in the forefront and makes all stakeholders responsible for promoting, upholding, and protecting their rights.

Now that the review of the second report of these countries is done, it is noteworthy to explain the common observations relating to them. There is no attempt to compare in any way the countries to each other. Although they share many common points, it must be emphasized that there are specific economic and social characteristics inherent to each country. But shared history, religion, tradition, and culture not surprisingly make their belief systems, values, and everyday way of life similar.

Human rights have long been understood and accepted as an important concept, but also as "western" concept. And yet even "western" countries find it difficult to fully implement the Convention. This perhaps explains why some of these "western" countries made reservations and declarations to the Convention. Societies that view children as properties of parents seem to have much resistance to compliance with the Convention.

This article provides (1) some basic and general observations in relation to the concluding observations made by the Committee on the reports of the Northeast Asian countries; (2) common themes; and (3) challenges to be addressed. Though these obser-

vations are not exclusive to this subregion, they may have subregional and cultural implications. References to particular countries are made only to better understand the situation of children's rights in the respective countries.

## **Situation of the children**

Children are considered the future leaders of society. In one country, they are even referred to as 'kings'. However, the lives of these future leaders are not as "regal" as one would like to believe. Since the first review, there have been improvements such as the passage of new laws, policies, and guidelines, etc., in order to realize children's rights. But the countries of this subregion, similar to countries in other regions, can still do a lot more to improve the lives of the children. There may not be an ideal model on how to implement the Convention, but the principles and provisions it outlines should serve as a basic guideline for countries in making the world fit better for children. It cannot be emphasized enough that the idea is not just to implement and comply with the Convention, but to have the environment and processes that realize the rights of children.

All four countries demonstrate positive effort in not only implementing the Convention but in actually recognizing children as a group of persons possessing rights to be recognized, respected, and protected. However, the general measures of implementation still deserve thorough attention. First of all, reservations and/or declarations to the Convention should be withdrawn in accordance with the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights (1993). The principles and provisions outlined by the Convention are a product of an agreement among members of the United Nations. As with all treaties, the Convention went through a long drafting process that studied all religious, economic, and cultural points of view. There seems to be no reason why States Parties should continue to hold reservations to the Convention.

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The concern, though not unique to the four countries, about domestic laws not fully reflecting or complying with the principles and provisions of the Convention is another common ground. A major concern is the fact that in practice the Convention cannot be invoked directly by the Courts. The decentralization process provides greater concern as localities and municipalities adopt different laws or ordinances that do not conform with the Convention, leading to a possible situation where children are "visibly invisible".

Domestic law definition of "child," "juvenile justice," "discrimination," "children with disabilities," "child abuse and neglect," "corporal punishment," "sexual and economic exploitation," among others, is an issue affecting compliance with the Convention. With the legal definition failing to conform with the Convention, *de facto* discrimination against certain groups of children exists alongside *de jure* discrimination (usually against the most vulnerable groups such as children born out-of-wedlock, minority and/or ethnic children, and children with disabilities).

Difference in the age of marriage without parental consent between girls and boys puts the girl-child at a disadvantage. Tradition dictates that girls get married earlier than boys do. This results in States Parties denying the female population of equality between genders. This is a matter the civil society should pay more attention to in countries such as the two Koreas and Japan. Setting a lower age of marriage without parental consent (13 years old) for girls, as is the case of Japan, opens the door wide open for sexual exploitation of young girls. Also, one-child per family birth registration system could put the girl-child at the gravest disadvantage.

Juvenile justice is perhaps the most overlooked part of children's issues. This is most harshly dealt with in all four countries. Extension of pre-trial detention period (adopted by Japan after its initial report and before the second report); continued lack or absence of judicial proceedings (China and DPRK); deprivation of liberty in the absence of on-going criminal procedures, lowering of the age of criminal responsibility, and many of the reforms affecting juveniles do not conform with the principles and provisions of the Convention,<sup>2</sup> the Beijing Rules (UN Standard Minimum Rules for the Administration of Juvenile Justice),<sup>3</sup> and the Riyadh Guidelines (UN Guidelines for the Prevention of Juvenile Delinquency).<sup>4</sup> They

are often the reality in all four countries.

Absence of an independent monitoring mechanism on child rights seems to be the general situation in the Northeast Asian sub-region. This mechanism seems to be mistaken for an inter-ministerial policy monitoring mechanism. The Committee has repeatedly asked States Parties to set up an inter-ministerial coordinating mechanism where all the policies that affect children can be communicated within different organs of the government. This mechanism should also have a system to monitor the effects of different laws, policies, ordinances, etc. Furthermore, it has been recommended that this mechanism undertake time-bound child impact assessments.

The Committee adopted for its second General Comment "The role of independent national human rights institutions in the promotion and protection of the rights of the child" (CRC/GC/2002/2). The national human rights institution is different from an inter-ministerial monitoring mechanism. This institution must be equipped to deal with complaints from children in a child-sensitive manner, provide remedies for violations of their rights, and follow the "Paris Principles" (Principles relating to the status and functioning of national institutions for protection and promotion of human rights).<sup>5</sup> This institution helps States Parties comply with their obligation under Article 4 of the Convention to "undertake all appropriate legislative, administrative and other measures for the implementation of the rights".

Corporal punishment, a global issue on violence, led the UN Secretary General (Kofi Anan) to call for a study on all forms of violence against children (UN Study on the Violence Against Children).<sup>6</sup> The common saying in the West "spare the rod and spoil the child" has a Northeast Asian equivalent: "rod of love" (ROK). If you love your children, then you will not hesitate to discipline them using the rod. What has been overlooked in our societies is the fact that this is a definite form of violence against children. It serves no purpose but to punish them (even so, this form of punishment has no positive effects, and is morally wrong!). If we are concerned with the betterment, and the learning process, of the children, and not simply to punish them, alternate forms of disciplining must be considered and carried out. In compliance with the Convention, the four countries banned corporal punishment in schools, institutions, and homes. However, reports from all the four countries indicate that corporal punishment is still

practiced in schools, institutions, and even more at home.

The final areas worth noting refer to data collection and budget allocation. These two issues are closely related. The Convention requires the collection of data on all children up to the age of 18. In all four countries, data collection system could be improved to include all children under the age of 18. In some cases, variation in the age of children in different laws almost render it impossible to accurately assess the amount of budget allocated and the efficacy of programs and policies for this population. For whatever reasons, there seem to be insufficient data on children, the most vulnerable population. Unless the State Party has accurate disaggregated data on the number of children of all groups and on the allocation of resources for them, it would be impossible to come up with an appropriate plan of action (with child impact assessment as follow-up).

### **Basic principles**

Perhaps the three principles of the Convention that are least understood and even ignored are the "best interest of the child" (Article 3); "evolving capacities of the child" (Article 5); and "respect for the views of the child" (Article 12). Often, these principles are treated as mere rhetoric.

In a culture where children are viewed as important leaders of the future, this principle probably requires no further explanation. And yet, this is exactly the reason why the principle of the best of interest of the child deserves more attention than it had in the past. Article 3 of the Convention stipulates, "that all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration." It goes on to state that it is the responsibility of the State to ensure the child such protection and care and to take "all appropriate legislative and administrative measures", while taking into account the rights and duties of all persons legally responsible for the child. The duties of all stakeholders are underlined in this article. This article puts the child to the forefront as an entity with rights that need to be protected and respected. Traditions in Northeast Asia such as respect for the elderly, filial piety, father before self, and country before self have left little room for children to be viewed as primary concern. To use a modern termi-

nology, a "top-down" approach has been more of the norm in this part of the world. It even goes beyond the concept of "father knows best". The country comes first, then the father, followed by the son, the mother, and finally the daughter - in this strict order. This type of social structure has in the past supported authoritarian decision-making and the adoption of certain special interests other than those of children as primary concern.

Article 5 further emphasizes that the State should respect the "responsibilities, rights, and duties of parents or, where applicable, the members of the extended family or community as provided for by local custom, legal guardians or other persons legally responsible for the child, to provide, in a manner consistent with the evolving capacities of the child, appropriate direction and guidance in the exercise by the child of the rights." This article, again, emphasizes the role of the State in ensuring full realization of the rights of the child. It again highlights the duties and responsibilities of the parents and all persons responsible for the child. Yes, there is a mention of the "rights" of these persons. However, this does not mean that the rights of the parents and others, per se, supersede the rights of the child. The Convention has already stipulated that the best interest of the child shall be the foremost concern. The Convention is often misunderstood as relinquishing the rights of parents or those who are responsible for the child. Quite the contrary, it should be understood to mean that the State should be responsible in providing the means to ensure that the family, etc., can assist the child in exercising her/his rights. Childhood is a period of constant change. This means that the child is in a state of change, or development, with capacities commensurate to the different developmental stages. Recognizing the capacities of the child in different periods of life is imperative in decisions that are made for the child.

Article 12 emphasizes that the State "shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child." This article should be understood together with the aforementioned two articles. The best interest of the child shall be of utmost priority and that the child, recognizing the nature of the evolving capacities shall be given the right to participate in all matters concerning her/him.

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# Fostering a Culture of Child Participation: The Case of Tsurugashima City

*Yoshie Abe\**

In 2004, the United Nations (UN) Committee on the Rights of the Child recommended the promotion of child participation in the development of national and local government policies regarding children. The UN, however, has yet to indicate specific methodologies or theories for this purpose. In Japan, Kawasaki City in Kanagawa Prefecture adopted a comprehensive local ordinance on child rights, one of the first such initiatives by local governments in the world. The Kawasaki City Committee on the Rights of Children, which monitors the implementation of the policies, tried in its first term (September 2001 to April 2004) to include children in the monitoring process. But there were many issues that needed to be solved. The development of methods to promote child participation in drafting policy and in its evaluation is therefore necessary. This article introduces the efforts of Tsurugashima City in Saitama Prefecture in promoting child participation.

## **Adult learning process opening ways for child participation**

Tsurugashima City, about 45 kilometers north of Tokyo, has a population of 69,000. Formerly a rural area, it experienced rapid urbanization. Its population shot up since 1965. Its administrative status changed from village to town in 1966 then to city in 1991. Libraries and other social education facilities (staffed with qualified social education officers, librarians and other personnel) were established considering the milieu of the people's daily lives. This environment contributed to active learning by the people, and their high awareness through these activities led to community building based on people's participation.

The City ensures various forms of people's participation in social education, such as in the management councils of public halls and community centers. But prior to 2000 no such system for people's participation existed in the area of school education or administration of educational policies as a whole. The creation of the Education Council (composed of representatives of schools, education administration, parents, and people in general) in 2000 enabled the

people to pay attention to the participation of children.

## **Children as small community builders**

In 2001, the Board of Education in the City identified children as 'small community builders,' and placed child participation issue as its focus. The concept of children as 'small community builders' means that they are actors as well as partners for cooperation in community building at present and are also responsible for community building in the future. The idea is in line with results of the Special Session of the UN General Assembly on Children in 2002.<sup>1</sup>

Based on this idea, the City started in 2002 the annual "Children's Free Talk" as a way to ensure expression of views and participation by children, as well as to receive views on the City's "Basic Principles on Education."

"Children's Free Talk" is an initiative to incorporate the views of the children in the development of education policies. It involves children from 4th grade primary school up to senior high school. 10 to 20 children participate each time on a continuing basis. The experience shows that for children to become active participants as 'small community builders,' public relations and awareness-raising alone are insufficient. And for child participation to take root, building upon small initiatives such as this is essential.

## **New competencies of adults**

UNICEF, which globally advocates child participation based on the Convention on the Rights of the Child, states that in order to promote child participation, "adults must develop new competencies of their own."<sup>2</sup> Adults "must learn how to effectively elicit the views of children and young people and to recognize their multiple voices, the various ways children and young people express themselves, and how to interpret their messages, both verbal and non-verbal." Further, they "must ensure that there is

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opportunity, time and a safe place for the opinions of children and young people to be heard and given due weight." It sees the need of adults involved with children to develop their "own capabilities to respond appropriately to the messages and opinions of children and young people."

One of the characteristics of "Children's Free Talk" is its emphasis on the role of the facilitator, who has expertise and techniques in child participation. A facilitator elicits the views of children and promotes their participation. Tsurugashima City sees the role of the facilitator as someone who creates an environment in which each participant can express what she/he is thinking, organizes various views based on the agreement of the participants, and assists them in forming new ideas. While facilitation is a very engaging task it still respects the independence of the participants in all situations. The facilitator, therefore, is key to making children express their views, and it is not an exaggeration to say that the success of child participation initiatives depends on him/her.<sup>3</sup> That the importance of the facilitator is recognized is due to the City's climate of respect for expertise in education.

This does not mean that the initiative is dependent on outside facilitators. The Board of Education staff, who have been participating in the "Children's Free Talk", compiled a document on how adults can be involved with children to promote their participation. It provides 11 points such as the importance of adults waiting without giving instructions or assistance until the children themselves become aware and start to act, and recognizing that children can learn from mistakes.

### **"We want to say more."**

With the adults' "waiting and assisting" drawing forth the strength of the children, they (children) started to act on their own, voluntarily initiating discussions in the "Children's Free Talk." Children with disabilities also participate. Through continued involvement of members of the Education Council and local government officials and the building of trust with children, their (children's) voices such as "we want to say more," or "once a month is not enough," can be heard. Many municipalities face the problem of non-participation of children even in organizing events for them, or the decreasing number of participating children over time. In "Children's

Free Talk," this problem does not exist. On the contrary, the children are asking, "When is the next meeting?" and they have so much fun during the discussions.

A number of proposals have been directly incorporated in the "Basic Principles on Education" from the discussions in "Children's Free Talk" such as cutting the number of times the students clean the classrooms so that more time can be allotted to play, development of curriculums and schools based on the children's evaluation, adoption of measures to make the children themselves realize the significance of child participation, promotion of participation of children as official members of school councils, and study of the possibility of on-site inspection of schools by children from other schools.

The primary schools in Tsurugashima City have already started to cut the frequency of school cleaning to create more time for children to play. Children welcomed the move saying, "we can play as much as we want," and "the teacher started to tell us stories." School has become a "fun place." Child participation on a school-wide basis has also started to take place, such as festivals in which children's groups were the main organizers.

The case of Tsurugashima City, which fulfills child participation without local ordinances, indicates that child participation is possible in any municipality. Even though there is probably declining birth rate, there are children in any village, town or city. It is now the adults' turn to change so that they can support the participation of children.

### **Endnotes**

1. For more information about the UN General Assembly Special Session, refer to the document entitled *A World Fit for Our Children* and visit [www.unicef.org/specialsession/highlights/index.html](http://www.unicef.org/specialsession/highlights/index.html)
2. UNICEF, *The State of the World's Children 2003* (New York: UNICEF), page 2.
3. See *Tsurugashima no Kyouiku* (Education in Tsurugashima Newsletter), volume 107 (Tsurugashima: Board of Education), page 6.

# Human Rights of Children in Cambodia: Focus on Trafficking

*Machiko Kaida\**

"Sold like chickens" - description of a human trafficking experience by a Cambodian girl-victim.

Cambodia is a source, transit and destination country for the trafficking of Cambodian and Vietnamese children. Cambodian children from the rural areas are being sold in tourist towns and Phnom Penh in high number. With 35% of the Cambodian population living below the poverty line (US\$ 0.5 a day),<sup>1</sup> the prevailing poverty in the rural areas and the ensuing widening gap between rich and poor in urban areas cause the problem. A larger factor is likely the high "price" paid for virginity by Chinese, Korean and Japanese customers and the huge profits criminal organizations earn through trafficking.

The increase in sex-tourists brought on by the rapid development in the tourism industry (1,055,202 foreign tourists in 2004)<sup>2</sup> also plays a large role. Europeans and Americans tend to buy children on the streets while Asians buy them in brothels. European and American buyers befriend the children, give them and their parents gifts, and when trust has been gained sexually exploit them. The parents, therefore, find it harder to press charges later on even when they get to know what had happened. Many of the victims of this kind of trafficking are male street children, 15 years old or younger. Those who have become addicted to drugs agree to have sex with adults out of the need for money.<sup>3</sup>

The number of women and girls trafficked from Cambodia to Thailand for sexual purposes grew rapidly around 10 years ago. During the last 3 years, trafficking of women and girls to Malaysia has been increasing. According to the Cambodian Women's Crisis Center (CWCC), 36 women and girls have been deported from Malaysia during the 2003 to 2005 period.<sup>4</sup> Aside from being victims of trafficking, they faced the problem of detention in Malaysian prisons or immigration centers for illegal entry.

## **NGOs working in Cambodia**

There are many NGOs in Cambodia apart from CWCC working on this issue. ECPAT Cambodia has 32 member-organizations, while the Coalition to Address Sexual Exploitation of Children in Cambodia

(COSECAM) network has 23 member-organizations.

ECPAT Cambodia became more active during the last 2 years and has organized a workshop to review the Cambodian government's first 5-Year National Plan of Action (2000-2004) on the Commercial Sexual Exploitation of Children (CSEC) with COSECAM. They also produced several materials including posters showing that child prostitution and pornography are crimes. It has been working with the Ministry of Tourism and others in 2005 on a campaign to protect children from sex tourism.

COSECAM was established in November 2001 and has a Steering Committee (composed of member-NGOs) that works on (1) advocacy, (2) research, (3) organizational and human resource development and (4) rescue and social rehabilitation of victims.

Two more NGOs engaged in CSEC prevention activities are worth mentioning. One is the Healthcare Center for Children (HCC), which is vigorously implementing awareness-raising and income generating activities in rural areas.<sup>5</sup> HCC organizes workshops to raise awareness among key persons in the community in areas with high incidence of human trafficking (mainly in Prey Veng Province) and then create a community-based prevention network. As a result, not only has there been a decrease in the number of cases of people being deceived by traffickers but also fewer people blindly migrating to urban areas seeking work, and fewer traffickers come to the villages. Since 2005, with the support of the International Center for the Rights of the Child, HCC has also been working on formation of school-based trafficking prevention networks adding to community-based networks. In 14 primary and secondary schools in Prey Veng Province, Komchay Mea District, a 10-member group disseminates information from friend to friend on the dangers of trafficking and the rights of children. It also established a savings group, which provides cattle and pigs as loans to girls from high-risk families, such as one-parent families or those who are extremely poor.

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Another NGO, Friends/Mith Samlanh, protects street children from sex tourists. Specifically, it informs the children that they should refuse offers from sex tourists to engage in sexual acts to avoid facing numerous problems such as contracting sexually transmitted diseases or being shunned by their families. It also raises awareness of drivers of motorbike taxis, so that they will not give rides to tourists who sexually exploit children.<sup>6</sup>

### **Government initiatives and their problems**

The biggest problem pointed out in the context of sexual exploitation and trafficking of children in Cambodia is the corruption in the government and the judiciary. The number of cases of the police, prosecutors and judges receiving bribes from the perpetrators of sexual exploitation is extremely high. This has resulted in the release and failure to convict suspected sexual exploiters and traffickers. High-ranking government officials or members of their family who are linked to traffickers are rarely punished. This is one of the reasons why Cambodia was classified in the Tier 3 in the U.S. Department of State "Trafficking in Persons Report," which means that the country was regarded as "not making significant efforts" to curb trafficking. In particular, the government's lack of proper investigation into the raid in December 2004 on a shelter operated by a non-governmental organization, Acting For Women in Distressing Situations (AFESIP), in which all the women and girls taking shelter were taken away,<sup>7</sup> played a role in the low grading. While the manager of the hotel in question was arrested in September 2005, some point out the involvement of high government officials in the case.

The Cambodian government, however, is not completely lacking in efforts to stop CSEC. It has set up an Anti-Human-Trafficking and Juvenile Protection Unit. The number of people arrested for sexual crimes against children and human trafficking has increased from 342 during the period of January 1996 to December 1999 to 1,021 during the period of January 2001 to October 2005. There were 149 cases of sexual exploitation (10.4%), 193 cases of trafficking (13.5%), and 1,021 cases of rape and sexual abuse (71.6%). But only 60% of the 2,367 cases reported to the Anti-Human-Trafficking and Juvenile Protection Unit<sup>8</sup> resulted in arrests. The number of those handed guilty verdicts is likely to be even smaller.

### **Child empowerment**

Child empowerment in the context of child trafficking includes empowering victims as well as children involved in prevention activities. A workshop organized by COSECAM in 2003 is an example of victims' empowerment. 17 girl-victims of trafficking and sexual exploitation who were staying at a shelter participated in the workshop and spoke about their experiences. There are currently more than 20 shelters in Cambodia for children who are victims of sexual exploitation. It is generally understood that the victims should not be asked about their past or their views on the issue. This is considered an infringement on the mental wounds of the victims. The girls are also considered not in a position to respond due to inadequate education. Cambodian NGO workers, however, learned the importance of child participation at the Second World Congress against Commercial Sexual Exploitation of Children held in Yokohama in 2001. They thought that they should integrate the views of the child-victims in the problem-solving process, and thus began a program of listening to the victimized girls.

As a result, it became apparent that the girls were eager to speak about their experiences and that they become empowered by talking to people and having their views heard.<sup>9</sup> The description of trafficking experiences as similar to being "sold like chickens and ducks" was made by one of the girls participating in the workshop.

Empowerment among the children involved in prevention activities is also witnessed. Children who received training on prevention of human trafficking in Prey Veng Province mentioned earlier, became confident after acquiring knowledge on how to solve this issue, and began actively working in the area. One of these children says that since they now know well the dangers of trafficking, even better than their parents, they can teach their parents as well as other students in their school.<sup>10</sup>

In the Mekong Children's Forum on Human Trafficking (Bangkok, October 2004),<sup>11</sup> children-victims of trafficking, children involved in child rights activities, and children from areas with high risk of trafficking came together to discuss how child trafficking could be eliminated and came up with recommendations to the government and other stakeholders.<sup>12</sup>



The efforts of the Cambodian NGOs to listen to the children themselves and work on the issue with them in preventing sexual exploitation and human trafficking as well as protecting the victims deserve our continued attention.

## Endnotes

1. "World Bank: Local Poverty Down Sharply," *The Cambodia Daily*, 4 November 2005.
2. Notice of the Child Safe Tourism Commission, Ministry of Tourism, 7 December 2005.
3. Report of Ms. Beatrice Magnier, Director, Action Pour Les Enfants, at the Child Safe Tourism Conference held on 7 December 2005.
4. Report on the National Workshop on Trafficking of Women to Malaysia organized by CWCC on 18 August 2005.
5. See International Center for the Rights of the Child website <http://jicrc.org> and the Center's Cambodia blog <http://blog.goo.jp/jicrc/>

6. Ibid.

7. 83 women and girls were rescued from trafficking and sexual exploitation at the Chai Hour II Hotel and brought to the AFESIP shelter.

8. UNICEF Cambodia, *Fact and Figures on Child Protection in Cambodia*, 2005.

9. Sandy Hudd, "Sold like Chickens: Trafficked Cambodian Girls Speak Out," COSECAM, 2003. COSECAM also published a guidebook proposing minimum standards that the shelters protecting victimized girls should fulfill. *Minimum Standards for Residential Child Care* (Phnom Penh: COSECAM, 2003).

10. "First Hand Knowledge: Voices across the Mekong," ILO, 2005.

11. The forum came out with the Mekong Children's Agenda for Action on Human Trafficking, see [www.ilo.org/public/english/region/asro/bangkok/child/trafficking/downloads/finalcommunique.pdf](http://www.ilo.org/public/english/region/asro/bangkok/child/trafficking/downloads/finalcommunique.pdf) for more information.

12. See *Komu-Kome* No. 49 (15 December 2004), newsletter of the International Center for the Rights of the Child for details on the recommendations.

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## Children's Rights in North East Asia

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This translates into all matters, small or large, family or school, community or national, and legal or non-legal.

## Challenges

The challenge for the countries in Northeast Asia is in the creation of a culture that regards children as rights-bearing, important members of society. In considering low birth-rate in the Republic of Korea and Japan, or the opposite situation in China, the needs-based approach addresses only the aging society issue or the enforcement of strict population control policy. The real challenge in these countries is the resolution of this issue in a child-sensitive, rights-based fashion.

Regardless of the political, economic, or social structures, children must be the utmost priority.

I would like to close by emphasizing the "human" element in human rights, or in this case, children's rights issues. If children are indeed viewed as the leaders of the future, their situation at present, here and now, should not be forgotten in order that they are prepared for this expected role.

## Endnotes

1. Mongolia, considered part of the Northeast Asian sub-region, is covered by the discussions in this article though not specifically cited.
2. The Committee devoted a Day of General Discussion on this topic on September 1995 and will adopt a General Comment on Juvenile Justice perhaps in 2006.
3. General Assembly resolution 40/33 of 29 November 1985
4. General Assembly resolution 45/112 of 14 December 1990
5. General Assembly resolution A/RES/48/134 of 20 December 1993
6. For further information on the UN study visit [www.violencestudy.org/r25](http://www.violencestudy.org/r25)

# South Asia Workshop on Human Rights Education in Schools

## *HURIGHTS OSAKA*

Curriculum developers and other educators from the Ministries of Education and government education institutes in India, Nepal, Pakistan, and Sri Lanka participated in the South Asia Workshop on Human Rights Education in Schools held on 13-15 December 2005 in New Delhi, India.

The workshop reviewed international human rights standards and the experiences in some countries in Asia on integrating human rights education into the school curriculum; and facilitated exercises on improving the integration of human rights education into the school curriculum.

Presentations by resource persons dealt with the international and regional contexts of the workshop, the Universal Declaration of Human Rights, the Convention on the Rights of the Child, experiences on and concept of integrating human rights education into the school curriculum.

### **Opening ceremonies**

Professor Yoshio Kawashima, Director of HURIGHTS OSAKA,<sup>1</sup> in his opening message stressed the importance of sharing ideas and experiences in the workshop. He said that while

this workshop is meant to train the participants, it is also significantly designed to facilitate the exploration of their wisdom and experience. It is therefore our fervent wish that this short three-day gathering would focus on sharing of ideas and experiences, reflecting on them in light of human rights principles, and developing sample curriculums that integrate international human rights standards.

Professor Radha Kumar, Director of the Centre for Peace and Conflict Resolution of Jamia Millia Islamia, lamented the increasing number of human rights violations cases brought about by the "war on terror" as well as the weakening of the international human rights institutions particularly the United Nations Commission on Human Rights. She stressed the need for the strengthening of human rights education to counter this situation.

### **Workshop proceedings**

The workshop proper started with the presentation

on the international and regional contexts of the workshop. Mr. Jefferson R. Plantilla of HURIGHTS OSAKA presented some of the international developments that support human rights education including the United Nations (UN) Decade for Human Rights Education, the UNESCO conferences and the UN World Programme for Human Rights Education. He pointed out that there are also a number of regional activities such as the annual workshop on Regional Cooperation for the Promotion and Protection of Human Rights in the Asia-Pacific organized by the Office of the UN High Commissioner for Human Rights, and the Asia Pacific Forum of National Human Rights Institutions (APF) organized by the national human rights institutions in the region. These two annual regional human rights activities declare support for human rights education. He also stressed that South Asian countries under the South Asian Association for Regional Cooperation (SAARC) have signed 2 major human rights instruments (regarding women and girls)<sup>2</sup> which call for efforts to increase public awareness on human rights. The workshop thus supports all the international, regional and subregional initiatives on human rights or human rights education.

Professor Zenaida Reyes of the Philippine Normal University, facilitated the session on the participants' concerns or issues about human rights. Most participants raised the problem of making human rights a reality. They cite the obstacles toward the realization of human rights in the school, at home, in the community and in the country as a whole. Some participants expressed concern about the lack of understanding of duties in addition to the understanding of human rights. Others expressed the problem emanating from the education system which is getting more competitive and focused on language, mathematics and science and very little on social issues such as human rights. They see this situation as a major obstacle to integrating human rights education into the school curriculum.

Presentations on the Universal Declaration of Human Rights (UDHR) and Convention on the Rights of the Child followed. The presentation on UDHR by Mr. Plantilla stressed the current context within which this international human rights document should be perceived. He stressed the



continuing trend toward greater freedom at various levels (self to country) and the international human rights system that evolved. After a short exercise by the participants on reorganizing the manner by which the provisions of UDHR were written, he presented the principles that support the full realization of human rights such as universality, indivisibility, and interdependence of human rights. Professor Abdulrahim P. Vijapur of Jamia Millia Islamia discussed the Convention on the Rights of the Child (CRC). He discussed the concept of rights of the child, and the drafting history of CRC to address some of the objections raised against it, and the particular rights provided for in the instrument. He also explained some problems relating to the implementation of the CRC due to the number of reservations registered by many countries, the delay in submission of country reports to the Committee on the Rights of the Child, among others.

The experiences of India and the Philippines on integrating human rights education into the school curriculum were presented by Professor Arjun Dev, formerly of the Indian National Council for Educational Research and Training (NCERT) and Professor Lolita Nava of the Philippine Normal University respectively. Both presentations pointed out specific subject areas that can be used to discuss human rights. They also mentioned briefly the results of a multi-country survey on educational policies and human rights awareness of students.<sup>3</sup>

Ms. Pranati Panda, Reader of the NCERT, made the final presentation, dealing with the concept of inte-

gration of human rights education into the school curriculum. She mentioned different integration approaches, the link between integration of human rights education into the school curriculum with its integration into teacher education curriculum, the need to relate to issues affecting students, and the use of participatory teaching/learning processes. A section of her presentation was later used as a guideline for the curriculum review exercise.

### **Participants' presentations**

During the second half of the workshop, the participants reviewed their school curriculums and presented what can be done to improve the integration of human rights education into the school curriculum.

The Nepali participants presented the problem posed by the current internal armed conflict in Nepal which has been causing not only damage to school facilities but death and physical injury to students, teachers and education officials. They proposed to make all schools in Nepal as "Zones of Peace" in addition to supporting students and teachers at the community level. They explained that the current school curriculum includes the teaching of human rights in the form of rights provided for in the Nepali Constitution. In their proposal for integrating human rights education into the school curriculum, they would like to take up issues such as the development of self-esteem, self-confidence and sense of nationalism, and also child abuse and discrimination. They would like to focus on rights that respect people, cul-

ture, democratic norms and values, help the needy and resolve conflict. These issues and human rights can be integrated into language, social studies, creative arts, and physical education subjects for primary level. Human rights relating to conflict resolution, privacy, inclusiveness, creation of human rights community (in school) are proposed to be integrated in all subjects in the secondary level curriculum.

The Sri Lankan participants separately presented the integration of human rights education into primary and secondary curriculums. As a background, it was mentioned that a few years ago teachers were protesting the teaching of human rights in schools due to alleged rise of indiscipline among the students, and likely also due to fear that they are liable to be sued for their actions to discipline students. The government however continued to support human rights education in Sri Lankan schools. It was proposed that human rights education could be integrated into the primary curriculum through environment-related activities as well as subjects such as geography, civic education, science, esthetic education, and physical education. Environment-related activities can be used to learn human rights principles such as non-discrimination and equality, freedom of expression, right to culture, right to work, right to property, and equality before the law. In addition to teaching human rights within the subjects, they can also be taught through ways of teaching, and special projects (such as inclusive education, and education on other languages - Tamil for Sinhalese students or Sinhala for Tamil students). For the secondary level, the inclusion of human rights into the civics and governance subjects will be strengthened. Under the proposed civics and governance subjects, there is a specific topic on human rights and duties, as well as inclusion of human rights in other topics regarding government, law, the economic system and international relations.

The Pakistani participants explained that human rights could be taught in social studies subject (which includes history, civics, and geography) and in Islamic studies subject. They also presented the experiences of one private school<sup>4</sup> specifically about the lesson plans on human rights for Urdu language subject. They emphasized the need for human rights mindset and teacher training. They listed ideas (values) related to human rights that can be emphasized in several subjects (language, mathematics, science and social studies) covering Grades 1 to 10.

The Indian participants explained the democratic process (through consultation with various sectors) of developing the Indian school curriculum and the need

to have human rights education integrated both in the school curriculum and in the teacher education curriculum. A study on the experience on values education in a private school was also presented.

The workshop was indeed an exercise on sharing ideas and experiences. It also helped stress the importance of having explicit, if not comprehensive, inclusion of human rights into the school subjects.

### **Some issues**

Discussions during the workshop revealed a number of important issues relevant to the content, process of development and support system for the integration of human rights education into the school curriculum.

In the context of South Asia, the concept of fulfilling one's duty as a primary concern is a major issue on human rights discussions. Mahatma Gandhi's 1947 letter to UNESCO<sup>5</sup> commenting on the draft Universal Declaration of Human Rights is often cited as an endorsement of the duty-first concept. The workshop discussions however showed a change of perspective. One questioned the fairness of this concept as applied to the Dalits, who are relegated to serving upper castes. And a new view was explained saying that one's duty cannot be performed well unless one's human rights are respected. The discussions on the duty-first concept are important in talking about human rights contextualized in the South Asian socio-cultural terrain.

The current trend among the countries in South Asia, as in other countries in Asia as a whole, is to emphasize language and computer technology in the school curriculum. Parents demand that their children learn English in school as early as possible, and that they also learn communication and information technology in order to equip their children with skills useful for their work in the future. While learning English is important, the question is when should it start? English-language teaching at the primary level may go against the view that learning is more effectively acquired through mother-tongue instruction. These discussions relate to the role of school in learning about human rights. Can school curriculum accommodate human rights education in the context of the demand for greater emphasis on language and communications technology education? Or will issues such as human rights fit into a curriculum that emphasizes learning for future work?

Increasing human rights awareness of students is not a monopoly of schools. This was revealed in a survey

done in the Philippines and India. The family remains to be a major source of such awareness. The survey likewise shows that children who go to public schools in areas where human rights violations are rampant have higher human rights awareness. This supports the notion that those who suffer from human rights violations are likely to have higher human rights awareness. From this perspective, harnessing the human rights awareness of students and steering it towards a more complete and meaningful understanding and practice of human rights within the school and beyond is a challenge to be faced.

In support of the proper and effective implementation of school curriculum that integrates human rights education, the teacher education curriculum must likewise have human rights education. Those who are training to become teachers should have the proper knowledge, attitude and skills required for human rights education. Thus a parallel effort at integrating human rights education into the teacher education curriculum is needed to ensure that teachers can facilitate human rights learning.

HURIGHTS OSAKA organized the workshop in partnership with the Centre for Peace and Conflict Resolution of the Jamia Millia Islamia in New Delhi, India. South Asia workshop is the second workshop organized by HURIGHTS OSAKA in 2005 with the support of the Office of the UN High Commissioner for Human Rights (OHCHR). The first workshop, Southeast Asia Orientation-cum-Training Workshop on Human Rights Lesson Plans, was held in Manila on 5-7 April 2005.<sup>6</sup>

*For further information please contact HURIGHTS OSAKA.*

**Endnotes**

1. Professor Yoshio Kawashima was not able to go to Delhi due to other commitments. A staff of HURIGHTS OSAKA read the opening message on his behalf.
2. The 2 instruments are the following: South Asian Convention on Preventing and Combating Trafficking in Women and Children for Prostitution (January 2002), and the SAARC Convention on Regional Arrangements for the Promotion of Child Welfare in South Asia (January 2002).
3. This survey involves 4 countries (India, Japan, Philippines and Sri Lanka) which are assumed to have considerable experience in implementing human rights

education programs in schools.

4. Grammar School Rawalpindi, Rawalpindi, Pakistan.
5. Letter of Mahatma Gandhi to Dr. Julian Huxley, then Director General of UNESCO.
6. See *FOCUS Asia-Pacific* newsletter volume 40 for a report on this workshop, or visit [www.hurights.or.jp/asia-pacific/040/05.htm](http://www.hurights.or.jp/asia-pacific/040/05.htm)

<p><b>South Asian Context</b></p> <p>The first ever consultation workshop on human rights education in South Asian schools organized by HURIGHTS OSAKA was held in New Delhi in 1998.</p> <p>This workshop identified the need for the training of teachers, as one of the necessary supporting elements for human rights education in schools programs. Thus in 1999, the South Asia Training Workshop on Human Rights Education in Schools was held in Bangkok with the participation of school teachers, education officials, teacher trainers, and non-governmental organization (NGO) educators from 5 South Asian countries (Bangladesh, India, Nepal, Pakistan and Sri Lanka). This workshop was followed by a research project on education policies and human rights education, and on human rights awareness of students and teachers in India and Sri Lanka. The research started in late 2003.</p> <p>At the national level, several human rights education in schools programs exist. They are implemented by government agencies, NGOs and universities/schools. In Sri Lanka, the University of Colombo's Centre for the Study of Human Rights continues to undertake activities on human rights for its school-based programs. It likewise works with the government's National Institute of Education (NIE) on training teachers. In India, several NGOs continue to expand their programs to more schools. The government's National Council for Educational Research and Training (NCERT) continues to produce materials related to human rights education. In Pakistan, the Ministry of Education adopted a national human rights education plan of action focusing on schools with the support of UNESCO Islamabad office and many Pakistani educators. Some NGOs in Nepal and Bangladesh implement human rights education programs in schools also.</p>
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## HURIGHTS OSAKA Award 2005 Ceremony



Award recipients:  
from left, Ms. Samuel,  
Ms. Hussain, and Ms.  
Niwa

The Asia-Pacific Human Rights Information Center (HURIGHTS OSAKA) held on 5 December 2005 in Osaka the Award Ceremony of the HURIGHTS OSAKA Award 2005 for International Human Rights Education Materials. Representatives of the three award-winning organizations received the award certificate, cash prize of 200,000 Yen, and gifts for each organization.

Ms. Masayo Niwa (Asia-Japan Women's Resource Center: Japan), Ms. Neelam Hussain (Simorgh Women's Resource & Publication Centre: Pakistan) and Ms. Jayamalar Samuel (Women's Centre for Change: Malaysia) were on hand to receive the awards from HURIGHTS OSAKA President (Mr. Tomohisa Maekawa) and Director (Mr. Yoshio Kawashima).

Following the ceremony, the representatives of award-winning organizations gave presentations explaining their materials. Ms. Niwa talked about the *Gender and Human Rights Workbook* that was created by feminist activists from all over Japan. The workbook is meant for women and men of all ages and backgrounds. It aims to provide an opportunity for users to think about gender and human rights in everyday life settings through participatory learning. She also explained how the late Ms. Yayori Matsui (a prominent Japanese feminist activist and journalist) established the Asia-Japan Women's Resource Center in 1995, the year the 4th World Conference on Women was held in Beijing. Ms. Matsui was based in the Asian Women's Association, an active organization since the 1970s. The Center is currently acting as a link between the women in different parts of Japan and the women's movements all over the world, and is holding activities for the empowerment of women working together across borders.

Ms. Hussain, Coordinator of Simorgh Women's Resource & Publication Centre, introduced the *Kaleidoscope Primers - School text for teaching gender equality, human rights and peace*. She explained that the primers aim to retrieve the Pakistani culture of tolerance and to recognize the richness and diversity of life. The latter aim is symbolized by the name "Kaleidoscope." The primers aim to counter the intolerance and violence that may arise from the formal textbooks approved by the government. The primers also introduce the children to their rights as individuals, as well as their rights as members of the human community. The primers are used in 24, mainly private, schools. She also explained that Simorgh Women's Resource & Publication Centre started in 1985, and became a full-time organization in 1995. It is a non-governmental, non-profit organization working for the elimination of discrimination against women, and its education activities are based on the understanding that values learned during childhood play an important role in forming the person.

Ms. Samuel, Project Officer of the Women's Centre for Change in Penang, Malaysia presented the video material *OK Tak OK*. She explained that the Women's Centre for Change is a non-profit organization established in 1985 to provide assistance to women and children (regardless of race, religion or social background) facing crisis situations. She explained her organization's prompt services to women and children in need of emergency assistance, seminars on issues affecting women and children, and outreach projects on raising awareness of local communities.

The award ceremony was also attended by representatives of the Human Rights Section of the Osaka Prefectural Government, Human Rights Division of the Osaka City Government, and the Osaka Prefectural Board of Education.

## Events

An international symposium on "Human Rights and Human Security: Cases of Chinese Farmers, Thai Highlanders, and Foreigners in Europe" will be held on 28 January 2006 in Doshisha University, Kyoto with Professor Gong Renren of Beijing University, Commissioner Ambhorn Meesook of the Thai National Human Rights Commission, and Judge Georg Ress of the European Court of Human Rights as panelists. The discussion will be moderated by Professor Nisuke Ando of the Doshisha University Law School and Member and former Chairperson of the United Nations Human Rights Committee established under the International Covenant on Civil and Political Rights. The panelists will speak on political participation, economic and social difficulties as well as food and medical security; their effects on the life, poverty and health of the Chinese farmers, Thai highlanders and foreigners in Europe; and their relevance to the human security issues of the people in question.

*For further information, please contact: Kyoto Human Rights Research Institute (Sekai Jinken Mondai Kenkyu Sentaa), Kyoei-Karasuma Bldg., Karasuma-Nijo-agaru, Nakagyo-ku, Kyoto 604-0857 Japan; ph (8175) 231-2600; fax (8175) 231-2750; e-mail: jinken@kyoto.email.ne.jp; www.mmjp.or.jp/jinken*

The Regional Consultation on Strategic Action Planning on Advocacy (SAPA) at International Meetings 2006 will be held in Bangkok on 3-4 February 2006. The consultation has the following objectives: enhance cooperation among regional civil society organizations involved in advocacy and lobbying at the inter-governmental processes; increase impact and effectiveness of Asian civil society engagement with inter-governmental bodies; and develop common strategic action plans on the forthcoming international meetings in 2006. Representatives of regional non-governmental organizations (NGOs), civil society organizations, social movements, and people's organizations that have been involved in at least one of the inter-governmental processes (such as Post WTO Hong Kong Ministerial Conference [Trade], Post UN Summit [Peace, Development and Human Rights], IMF/World Bank [Singapore, September 2006], Asian Europe Meeting [ASEM] VI [Helsinki, September 2006]) will be attending the consultation.

*For further information, please contact: Anselmo Lee, Asian Forum for Human Rights and Development (FORUM-ASIA), Baan Vichien, Apartment 3-b, 220 Soi Sukhumvit 49/12, Klongton Nua, Wattana, Bangkok 10110, Thailand; ph (662) 391-8801; fax (662) 391-8764; e-mail: anselmo@forum-asia.org; www.forum-asia.org*

The Diplomacy Training Program is holding, in partnership with Migrant Forum Asia (MFA), the "Capacity

Building on Human Rights and Migrant Workers in the Asia-Pacific Region - A Training Program for Advocates" on 7 - 11 April 2006 in Petaling Jaya. The course aims to bring together advocates from the human rights movement, migrant workers organizations, women's organizations, national human rights institutions and trade unions. The course content will focus on the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Family (ICRMW) in the context of the broader human rights framework, and other relevant standards such as the International Labour Organization (ILO) Conventions. It will explore some of the key trends affecting migrant workers' rights and identify some of the key challenges to implementing ICRMW and other relevant standards in the Asia-Pacific region.

It is also organizing a training program for community advocates working for Indigenous Peoples' Rights in Australia and the Asia-Pacific region. The training provides knowledge of international human rights law and the UN system, with particular emphasis on Indigenous Peoples' rights; understanding of how international standards relate to issues such as intellectual property, the environment, community development and corporate accountability; Practical training in strategic advocacy and peoples' diplomacy including skills in working with the media and using the internet for advocacy. This year there will be a special, additional focus on the Right to Health, particularly as it relates to Indigenous health issues. The training program will take place in Darwin on 3-12 May 2006.

*For further information and application to attend the workshops, please contact: Diplomacy Training Program, Faculty of Law, University of New South Wales, Sydney, NSW 2052, Australia, ph: (612) 9385-2277 or (612) 9385 2807; fax: (612) 9385-1778; e-mail: actiondtp@unsw.edu.au; www.dtp.unsw.edu.au*

The International Human Rights Education Consortium will be holding its regional meeting for Asia on 22 - 24 May 2006 in Taipei. Asian regional organizations involved in human rights education will be making presentations which will be followed by roundtable discussion.

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*www.utica.edu/academic/institutes/ihrec*

## HURIGHTS OSAKA ACTIVITIES

Professor Mab Huang of the Chang Fo-Chuan Center for the Study of Human Rights in Taipei will speak on the situation of migrant workers in Taiwan in a study meeting being jointly organized by HURIGHTS OSAKA and RINK on 7 February 2006.



**PRINTED MATTER**

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May be opened for inspection by the postal service.

HURIGHTS OSAKA, inspired by the Charter of the United Nations and the Universal Declaration of Human Rights, formally opened in December 1994. It has the following goals: 1) to promote human rights in the Asia-Pacific region; 2) to convey Asia-Pacific perspectives on human rights to the international community; 3) to ensure inclusion of human rights principles in Japanese international cooperative activities; and 4) to raise human rights awareness among the people in Japan in meeting its growing internationalization. In order to achieve these goals, HURIGHTS OSAKA has activities such as Information Handling, Research and Study, Education and Training, Publications, and Consultancy Services.



**HURIGHTS OSAKA**

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