



# The ASEAN Dialogue

on the **UN Convention  
on the Rights of the Child**

GENERAL COMMENTS

7-8 December 2021  
Manila, Philippines



unicef   
for every child



Child Rights  
Coalition Asia

 UNITED NATIONS  
HUMAN RIGHTS  
OFFICE OF THE HIGH COMMISSIONER

# The ASEAN Dialogue on the UN Convention on the Rights of the Child General Comments

7-8 December 2021 | Manila, Philippines  
Dialogue Proceedings



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# The ASEAN Dialogue

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# Acronyms & abbreviations

<b>ACRM</b>	Alliance for Child's Rights Mindanao	<b>NHRI</b>	National human rights institutions
<b>ACWC</b>	ASEAN Commission on the Promotion and Protection of the Rights of Women and Children	<b>NMIRF</b>	National Mechanism for Implementation, Reporting, and Follow-up
<b>AICHR</b>	ASEAN Intergovernmental Commission on Human Rights	<b>OECD</b>	Organisation for Economic Cooperation and Development
<b>AIP</b>	Annual investment plan	<b>OHCHR</b>	Office of the UN High Commissioner on Human Rights
<b>AMS</b>	ASEAN Member States	<b>OPAC</b>	Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict
<b>ASEAN</b>	Association of Southeast Asian Nations	<b>OPIC</b>	Optional Protocol to the Convention on the Rights of the Child on a Communications Procedure
<b>AWPR</b>	ASEAN Women for Peace Registry	<b>OPSC</b>	Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution, and Child Pornography
<b>BARMM</b>	Bangsamoro Autonomous Region in Muslim Mindanao	<b>PPA</b>	Programs, plans, and activities
<b>BCPC</b>	Barangay Council for the Protection of Children	<b>RSPO</b>	Roundtable on Sustainable Palm Oil
<b>COP</b>	Conference of the Parties	<b>SAARC</b>	South Asian Association for Regional Cooperation
<b>COVID-19</b>	Coronavirus disease	<b>SDG</b>	Sustainable Development Goal
<b>CPS</b>	Child Protection Services	<b>TWG</b>	Technical working group
<b>CRC Asia</b>	Child Rights Coalition Asia	<b>UN</b>	United Nations
<b>CRC Committee</b>	United Nations Committee on the Rights of the Child	<b>UNCRC</b>	United Nations Convention on the Rights of the Child
<b>CSO</b>	Civil society organization	<b>UNICEF</b>	United Nations Children's Fund
<b>CWC</b>	Council for the Welfare of Children	<b>UNICEF EAPRO</b>	UNICEF East Asia Pacific Regional Office
<b>Dep Ed</b>	Department of Education	<b>VAC</b>	Violence against children
<b>DSWD</b>	Department of Social Welfare and Development		
<b>GC</b>	General Comment		
<b>HCI</b>	Human capital index		
<b>LCPC</b>	Local Council for the Protection of Children		
<b>LGU</b>	Local government unit		
<b>NGA</b>	National government agency		
<b>NGO</b>	Non-government organization		

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# Executive summary

**T**he ASEAN Dialogue on the United Nations Convention on the Rights of the Child General Comments took place from 7 to 8 December 2021, at a time when the governments in the region and the world were just beginning to regain footing amidst the global COVID-19 health crisis.

The ASEAN Intergovernmental Commission on Human Rights (AICHR) Philippines led this Dialogue in partnership with Child Rights Coalition Asia (CRC Asia), UNICEF East Asia and the Pacific Regional Office (UNICEF EAPRO), and the Office of the UN High Commissioner on Human rights South-East Asia Regional Office (OHCHR SEARO).

The Dialogue is in line with the AICHR's priority action in its Work Plan 2021-2025 to promote effective implementation of international human rights treaty obligations. It aimed to deepen understanding of the United Nations Convention on the Rights of the Child (UNCRC) and its related instruments among duty bearers, with the bigger goal of streamlining various efforts in the promotion of children's rights to make them more responsive to changing times and unique national contexts. The Dialogue was the third of a continuing series, with the first and second held in October 2018 and December 2019.

Specifically, the 2021 Dialogue focused on two foundational General Comments (GC) on Article 4 of the UNCRC: **1) GC No. 5 (2003) on general measures of implementation of the UNCRC and 2) GC No. 19 (2016) on public budgeting for the realization of children's rights.**

Although the topics were planned before the COVID-19 pandemic, the need to discuss these has never been more important as political attention and public budgeting were being refocused toward public health servicing and economic recovery. Children's welfare was in danger of being relegated as an afterthought. The Dialogue was a necessary pause to remind ASEAN Member States (AMS) to bring children back to the center of attention.

The two-day event was conducted in a hybrid format with key participants meeting in person in Manila, Philippines and most joining online. It was attended by 132 officials and representatives from the ASEAN Secretariat, ASEAN sectoral bodies, relevant ministries of AMS, embassies, international organizations, civil society organizations (CSOs), and other groups working and advocating for children's rights and welfare.

The Dialogue was divided into nine (9) sessions and six (6) open forums. On **Day 1**, resource speakers and participants explored thematic interpretations



AICHR Philippines, together with the representatives from other Philippine Government Agencies, attended the ASEAN Dialogue on the UN Convention on the Rights of the Child held 7-8 December 2022 to discuss salient points and features of General Comment Number 5 (2003) on general measures of implementation and Number 19 (2016) on public budgeting. **AICHR Philippines**

as well as applications of State Parties' obligations in implementing the UNCRC – respecting, protecting, and fulfilling the full range of children's rights – through legislation, programming, resourcing, monitoring and assessment, and making the treaty and country reports available to both adults and children.

Emphasis was given to the justiciability of children's rights, or simply making sure that children's full range of rights are at their reach. Justiciability includes but is not limited to instituting effective remedies for redress within States through national and local laws, and within the community of nations, through the UNCRC Optional Protocol on a Communications Procedure (OPIC).

**Day 2** was devoted towards examining the theoretical underpinnings and application of State's obligations to mobilize and use resources to implement the UNCRC. One session presented how human capital development is equivalent to investing in children and therefore must be improved in ASEAN. Regional and local organizations working for children's rights shared existing efforts and new practices in promoting public investments for





children. These include children's consultations, research and publications, participation in planning and budgeting processes at the local level, lobbying for budget allocations amid a broader policy advocacy on taxation and universal health, and initiating offline and online regional campaigns. The Philippine Council for the Welfare of Children likewise presented the development and use of Child-focused Budget Tagging Tool, a government initiative to promote public budgeting for children's rights.

The Chair of the UN Committee of the Rights of the Child (CRC Committee), Atty. Mikiko Otani, and Focal Person for Asia and the Pacific, Dr. Rinchen Chopel, shared some developments in the overall work of the CRC Committee, including updates on country reviews and the finalization of GC 26 on children's rights and the environment. This part of the conference was designed to encourage better collaboration among the CRC Committee, ASEAN, and the AMS.

The Dialogue surfaced the following essentials that cut across work for children's rights:

1. Good quality, disaggregated, and comparable data for programming, public budgeting, monitoring and assessment
2. The genuine and meaningful participation of children, especially the most marginalized and vulnerable

3. Cooperation among governments, independent human rights institutions, civil society, UN agencies, international donors, the private sector, and children that follows a child rights-based approach.

The UNCRC is a living document that has been ratified for more than 32 years. It is crucial that the AMS interpret and apply it based on the situations and evolving conditions in the ASEAN region. To this end, the following main recommendations were made:

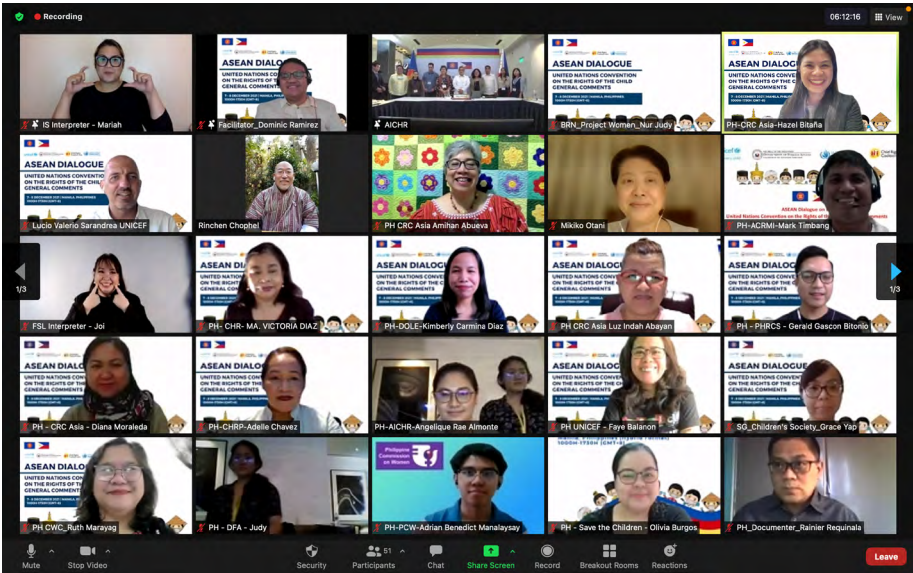
### On GC No. 5, general measures of implementation

- Regional bodies such as the AICHR could continue providing the platform for AMS not only to share good practices, but also to examine common challenges in implementing the UNCRC and how to overcome these. The succeeding ASEAN Dialogues could focus on the following topics:
  - Follow-up actions on the CRC Committee's recommendations to State Parties
  - How national mechanisms for implementation, reporting, and follow-up (NMIRF) can coordinate State Parties' implementation of the UNCRC
  - Mainstreaming a child rights-based approach to international cooperation
    - As an area of improvement, succeeding ASEAN Dialogues could invite UN agencies and donor countries.
    - Emphasis should also be given to strengthening bilateral, aside from multilateral, cooperation.
- In depth examination of AMS reservations to certain articles of the UN CRC - AICHR can provide a platform for AMS to reconsider their stance in light of recent developments in the interpretation of UNCRC articles as reflected in GCs and Concluding Observations.
- Jurisprudence of the CRC Committee through OPIC and experiences of other countries that have already ratified the OPIC - The OPIC is a fundamental tool that allows direct justiciability of rights. Showcasing experiences of countries that have already ratified it could encourage other AMS to follow suit. Discussions on jurisprudence issued by the CRC Committee would be useful.
- ASEAN can encourage the AMS to not only monitor and assess their own implementation of the UNCRC, but also conduct continuous evaluations on the social, economic, educational, health, and recreational impact of the State responses to COVID-19 on children, especially in places where protracted restrictions impinge on children's civic and political rights. Sharing of impact monitoring and assessment results must also be continuously done among the AMS.

- Monitoring mechanisms must be built into national legislation, policies, and programs.
- Disaggregated and comparable data yield better analysis and enable focused strategizing. Obtaining, analyzing, and applying data must always be done in a participatory manner, involving children and civil society.
- Child rights due diligence must be undertaken by the business sector to scrutinize how their operations directly or indirectly affect children, including their right to safe digital spaces and healthy sustainable environment.
- In the context of education and COVID-19 pandemic, a continuous child impact assessment is critical to evaluate the long-term effects of online learning.
- ASEAN can synergize efforts with CSOs, the ASEAN Youth Forum, the ASEAN Business Advisory Council, the ASEAN Media Forum, and the alliance of national human rights institutions (NHRIs) to craft and carry out a stronger and more coherent strategy in making the UNCRC known and relevant to all. The creation of child-friendly materials on the UNCRC and its related documents must continuously be supported. These must be produced in various languages and formats to ensure accessibility. The use of social media must also be maximized.

## **On GC 19 on public budgeting for the realization of children's rights**

- Implementation of all appropriate legislative, administrative, and other measures to uphold child rights entail resources. However, integrating child rights approach to budgeting is a challenge for most countries. Therefore, ASEAN can share experiences and dig deeper into the challenges of public budgeting for child rights.
  - Discussions may include how AMS determine and monitor budget lines for children.
  - Special attention must be given to the possibility of adapting and refining technical tools for monitoring public budgets as utilized by countries such as the Philippines.
  - ASEAN could bring together its three (3) pillars (political security, economic, and socio-cultural) as this may result to the involvement of all relevant national-level ministries.
  - CRC Committee members may also join the Dialogues so they could learn more about how public budgeting is done at the national and local levels.
  - ASEAN could learn from experiences of other regions, such as the European Union, in public budgeting for children.



The Dialogue was conducted in a hybrid format, with delegates joining the discussion on-site and online via videoconferencing platform.

- ASEAN is in a good position to initiate data sharing on public budgeting and to create comparative indicators that can be applied across countries to determine how much of States' budgets benefit children whether directly or indirectly.
- Not including minorities in the budgeting process will contribute to the growing gap or social disconnect between the State and its citizens. ASEAN, the AMS, and civil society must support children's participation in public budgeting, starting at the local level and then at the national level. To do these, they can:
  - Facilitate children's understanding of the budget cycle and process by producing child-friendly materials in various languages and organizing learning sessions
  - Champion the inclusion of children in local level councils that have the power and authority to craft official government policies, plans, and programs and allocate funding for these
- As there are many competing concerns regarding children that need to be addressed, States have to optimize the budget by identifying the priority areas. Aside from health and education, States must allocate budgets in strengthening mechanisms that would allow children to practice their civic and political rights, such as their freedom of expression and peaceful assembly.

The recent developments in the global landscape make children's unique rights hang in a precarious balance. Hence, ASEAN and the AMS have been quick on the draw in ensuring that their interpretation of the UNCRC and their individual and collective efforts do address the gaps that those who crafted the Convention were not able to anticipate. The ASEAN Dialogues have been successful so far in providing the space for this collaboration. As such, ASEAN will work to continue discussions and proactively engage and provide concrete guidance to AMS for the most effective formulation and implementation of child-centered programs.

# Introduction

**T**he COVID-19 pandemic has put the world in a tailspin in the last two years.

At the household level, families struggled to stay financially afloat while navigating massive lockdowns to curb virus transmission. Although older populations felt the effects of the virus more dangerously, children were not spared of the threat as vaccines were more immediately available to adults. Quarantine protocols deprived children and young people of face-to-face education and outdoor play, and many were put into situations of domestic physical and sexual abuse. Widespread pay cuts and job losses resulted in increased malnutrition rates and the rise of child labor as families grappled with putting food on the table.

At the national and regional levels, governments and non-government institutions scrambled to reprioritize public spending towards pandemic response and bolstering the economy. The situation has understandably hampered development work for various sectors even as civil servants and development workers transferred activities online.

Precisely because of these developments, it is crucial for ASEAN and its member states, along with civil society partners, to adapt and continue the important work of meeting children's basic needs and helping them reach their full potential amid turbulent times.

Indeed, the world today is vastly different from 32 years ago when

the UN Convention of the Rights of the Child (UNCRC) was adopted. Aside from the health crisis, global changes such as digital technology, environmental upheavals, armed conflict, and mass migration are challenging a healthy childhood. However, the UNCRC and its general comments and optional protocols, remain to be an anchor, a guide, a framework, and a standard that focuses the work of State Parties that agreed and committed to secure, protect, and promote the rights of all children regardless of religion, race, and abilities.

The UNCRC, the most widely and most swiftly ratified treaty in the world, allows for a more focused response as State Parties are bound to continue creating or changing laws, setting aside money, and strengthening data collection and analysis so that children get basic needs, are protected from violence and exploitation, and are heard. The UNCRC also allows for a more nuanced response as it includes a mechanism that gives civil society and children a crucial role in implementation and monitoring.

While there are many significant efforts undertaken by the ASEAN member states (AMS) to improve the lives of children through the years, the AMS also recognize that they need to be more agile in protecting and promoting children's rights. This entails continuous cross-border collaboration in deepening understanding of the UNCRC and its general comments and optional protocols, and in innovatively adapting these to regional characteristics and changing national and global situations.

## O V E R V I E W :

### **The United Nations Convention on the Rights of the Child (UNCRC)**

The UNCRC is a global act of unity to secure, protect, and promote the rights of all children regardless of religion, race, and abilities. It was adopted by the UN General Assembly on 20 November 1989.

It is the most widely ratified international human rights agreement – 196 countries have signed up and only one country (United States of America) is yet to ratify.

It is historic because all signing parties agreed that all children have rights separate from the rights of adults, and that childhood should be a special protected time when children are allowed to live and flourish with dignity.

Governments that ratified the treaty agreed to be guided by an international legal framework that requires their commitment to 1) recognize each child's inherent right to life and 2) ensure each child's survival and development to the maximum extent possible.

Signing Parties therefore committed to meet children's basic needs and help them reach their full potential. In addition, State Parties not only have to protect children, but they also have to allow and encourage children to exercise their rights, such as their civil, political, and socio-economic rights. Governments must do so by undertaking studies, creating laws and

policies, and utilizing public budget to implement child-centered programs.

### **UNCRC Optional Protocols and General Comments**

Emerging child rights issues that did not exist or were still unclear when the UNCRC was adopted are addressed and discussed in instruments such as the UNCRC Optional Protocols and the General Comments.

Optional Protocols are additional parts of the UNCRC. They are treaties too and are legally binding to those countries that have ratified them.

### **The UNCRC now has three Optional Protocols**

- Optional Protocol on the Involvement of Children in Armed Conflict (OPAC)
- Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography (OPSC)
- Optional Protocol on a Communications Procedure (OPIC or OP3 CRC), which enables children, whose rights have been violated, to complain directly to the UNCRC.

On the other hand, General Comments are authoritative interpretations of the articles in the UNCRC and its Optional Protocols. These aim to address what the CRC Committee sees as misunderstood provisions, inadequacies in implementation, systematic violations,

or emerging issues relevant to children's rights.

General Comments help State Parties understand the UNCRC better and therefore implement it better. Although not legally binding, in some instances, General Comments have been used by courts as a basis for their judgements over crimes or disputes involving children.

As of March 2021, the CRC Committee has issued 25 General Comments, the latest of which is about children in the digital environment which emphasizes that children's rights apply both offline and online.

### **The UN Committee on the Rights of the Child**

All signing parties agreed to ensure the UNCRC's implementation and submit to be monitored by the UN Committee on the Rights of the Child (CRC Committee). The CRC Committee is a UN body composed of 18 independent experts from different countries. It reviews reports submitted by State Parties, as well as alternative reports by children, civil society, and NHRIs. It issues Concluding Observations that contain recommendations to ensure that children in those particular countries fully enjoy their rights.

The CRC Committee holds a Day of General Discussion every two years where representatives of all State Parties, UN bodies, civil society groups, and children come together to further discuss the contents of the UNCRC, its related instruments, and their implementation. Using the consolidated

information, the CRC Committee later issues General Comments or General Recommendations that provide guidance to all countries moving forward.

### **ASEAN and the UNCRC**

The UNCRC is the first human rights treaty ratified by all ten ASEAN Member States who have bound themselves to respect, protect, and fulfill the unique and full range of rights for all children.

Some of the AMS had announced reservations and declarations on certain articles of the UNCRC because of different interpretations of the articles and implications of these articles to their local context. However, the number of reservations and declarations have declined over time, and some had been withdrawn.

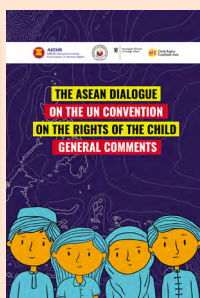
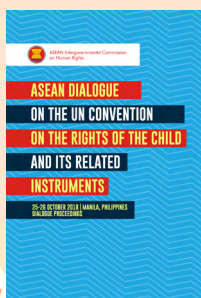
The AMS's commitments to the UNCRC are reaffirmed and reflected today in several ASEAN regional instruments, such as the ASEAN Human Rights Declaration, Declaration on the Commitments for Children in ASEAN, Ha Noi Declaration on the Enhancement of Welfare and Development of ASEAN Women and Children, Declaration on the Elimination of Violence against Women and Elimination of Violence against Children in ASEAN, and the ASEAN Regional Plan of Action on the Elimination of Violence against Children, among others. Adapting and applying the UNCRC to all policy frameworks that guide country and regional action demonstrate that the AMS fully agree with its purpose and significance.



# About the dialogue

In 2018 and 2019, the ASEAN Intergovernmental Commission on Human Rights (AICHR) Philippines organized dialogues on the UNCRC related instruments, such as the UNCRC Optional Protocols and General Comments, to help improve understanding of these instruments.

## RECOMMENDED READING:



ASEAN Dialogue on the UN Convention on the Rights of the Child and its Related Instruments 2018

<https://bit.ly/37wG3xn>

The ASEAN Dialogue on the UN Convention of the Rights of the Child General Comments 2019

<https://bit.ly/3DSqk7O>

When the COVID-19 situation stabilized in 2021, AICHR Philippines hosted the third dialogue on 7-8 December in a hybrid format, with key participants meeting in person at the Manila Peninsula Hotel in the Philippines and most joining online. The dialogue was implemented in partnership with Child Rights Coalition Asia (CRC Asia), with support from the UNICEF East Asia and the Pacific Regional Office (UNICEF-EAPRO) and United Nations High Commissioner on Human Rights South East Asia Regional Office (OHCHR-SEARO).

## The 2021 ASEAN Dialogue focused on two GCs, namely:

- General Comment No. 5 (2003): General measures of implementation of the UN Convention on the Rights of the Child
- General Comment No. 19 (2016) on public budgeting for the realization of children's rights.

Like the previous conferences, this event was expected to provide appropriate ASEAN bodies, concerned government agencies, and civil society with new and relevant information and to identify new action points in implementing the UNCRC and its related documents. In the long-term, the takeaways should contribute to the full realization of child rights, with the progress reflected in the respective State Reports of AMS to the CRC Committee.

### **The 2021 Dialogue was conducted in accordance with AICHR's mandate to**

- Enhance public awareness of human rights among the peoples of ASEAN; and
- Promote capacity building for the effective implementation of international human rights treaty obligations undertaken by AMS

### **The Dialogue is also part of the AICHR 2021-2025 work plan to**

- Promote effective implementation of human rights treaty obligations through consultations/dialogue of the human rights treaty bodies' General Comments/Recommendations/Concluding Observations; and
- Strengthen cross-pillar and cross-sectoral collaboration on human rights and gender equality, including support to gender mainstreaming efforts across ASEAN Community Pillars.

The event was envisioned as a cross-sectoral endeavor of the ASEAN Political-Security Community (APSC), the ASEAN Socio-Cultural Community (ASCC), and ASEAN Economic Community (AEC) as it operationalizes some of the aims of these pillars.

The Dialogue was attended by around 132 participants from the ASEAN Secretariat, ASEAN sectoral bodies, government agencies/ministries of ASEAN Member States, embassies, international organizations, civil society organizations, and other groups working for children's rights and welfare.

**Table 1: Aims of the ASEAN Dialogue as aligned with the purposes of each ASEAN Pillar**

<b>Pillar</b>	<b>Purpose</b>
APSC	Encourage AMS to enhance engagement with the UN and relevant human rights mechanisms to which AMS are parties
APSC	Strengthen cross-pillar and cross-sectoral collaboration among relevant ASEAN organs and bodies
ASCC	Align ongoing efforts in mainstreaming child rights approach to public budgeting in ASEAN
AEC	Align ongoing efforts in accelerating human capital development through integrated policy investments and innovative policy reforms – putting focus on children and young people as keys to success.

## The dialogue at a glance

The 2021 Dialogue was divided into nine sessions with six open forums.

### Day 1

#### Time

#### Agenda

9:30 – 10:00

Technical set-up

10:30 – 11:00

Welcome remarks and special messages

11:00 – 11:15

Introduction on the Convention on the Rights of the Child (UNCRC) General Comments

11:15 – 11:45

**SESSION 1:** General Comment No. 5, General measures of implementation of the UNCRC, Article 4: State Parties' implementation obligations

11:45 – 12:05

Open Forum/Dialogue for Introduction and Session 1

12:05 – 13:30

Lunch break

13:30 – 13:55

**SESSION 2:** General Comment No. 5, General measures of implementation of the UNCRC, Article 4: Justiciability of Rights

13:55 – 14:20

**SESSION 3:** Applying GC No. 5 on the child impact assessment and evaluation during the COVID-19 pandemic

14:20 – 14:50

Open forum/Dialogue for sessions 2 & 3

14:50 – 15:00

Short break

15:00 – 15:25

**SESSION 4A:** General Comment No. 5, General measures of implementation of the UNCRC, Article 42: Making the Convention known to adults and children

**SESSION 4B:** Children and business rights

15:25 – 15:50

**SESSION 5:** General Comment No. 5, General measures of implementation of the UNCRC, Article 44 (6): Making State Party reports more widely available

15:50 – 16:25

Open forum/Dialogue for sessions 4 & 5

16:25 – 16:30

Reminders for Day 2 sessions

## Day 2

### Time

09:30 – 10:00

10:00 – 10:10

10:10 – 10:40

10:40 – 11:05

11:05 – 12:00

12:05 – 13:30

13:30 – 14:25

14:25 – 15:00

15:00 – 15:10

15:10 – 15:40

15:40 – 16:05

16:05 – 16:10

16:05 – 16:20

### Agenda

Technical set-up

Recap of the Day 1 discussions

**SESSION 6:** General Comment No. 19 on public budgeting for the realization of children's rights (Article 4)

**SESSION 7:** Results of the ASEAN High-level Meeting on Human Capital Development

Open forum/Dialogue for sessions 6 & 7

Lunch break

**SESSION 8:** Researches/studies/initial experiences on public budgeting related to children's rights in ASEAN Member States

Open forum/Dialogue for session 8

Short break

**SESSION 9:** Updates from the UN Committee on the Rights of the Child

Open forum/Dialogue for session 9

Photo session

Closing remarks

## W E L C O M E R E M A R K S



**H.E. Jaime Victor B. Ledda**  
Representative of the Philippines  
to the AICHR

**H**is Excellency Will Nankervis, Australian Ambassador to ASEAN; Atty. Mikiko Otani, Chair of the United Nations Committee on the Rights of the Child; Ambassador Elizabeth Buensuceso, former Philippines AICHR Representative and Undersecretary of (Department of) Foreign Affairs; esteemed colleagues from the ASEAN Intergovernmental Commission on Human Rights; Ms. Cynthia Veliko of the Office of the High Commissioner for Human Rights in South-East Asia; Mr. Lucio Sarandrea and Ms. Ida Hyllested of UNICEF East Asia Pacific Regional Office; Ms. Amihan Abueva of CRC Asia; distinguished colleagues from DFA, the Department of Foreign Affairs, from the Department of Interior and Local Government; from the Philippine Commission on Women; our dear friends from Development Action Women Network or DAWN; dear guests, participants, ladies and gentlemen from around the screen and here at the Manila Peninsula Hotel, a pleasant good morning to all of you, and I warmly welcome you all to the ASEAN Dialogue on the UN Convention on the Rights of the Child.

At the recent ASEAN Summits and related Summits, Philippine President Rodrigo Roa Duterte called for action, unity, and common resolve in finding resolutions and moving forward on a certain matter. He gave three short words with monumental impact: *Acta, non verba*. Actions, not words.

Today, we are gathered here to put our words into action.

Specifically, we will discuss the UN Convention on the Rights of the Child General Comments No. 5 and 19. We will look back and see how ASEAN has made progress in the implementation of this Convention since the Philippines, Singapore, and Switzerland hosted the inaugural Discussion on the Convention on the Rights of the Child in 2018, which was sustained by the Philippines' partnership with Norway in September 2019.

We will take stock on matters we have yet to do in pursuit of our goals of continuing to protect children's rights and promoting their interests.

“

***Acta, non verba. Actions, not words.***  
**Today, we are gathered here to put our words into action.**

”

There were some concerns which we did not foresee when we had the Dialogue in September 2019, such as the COVID-19 outbreak. The pandemic continues to ravage the world and adversely affect the global population, specifically the vulnerable groups, including the children. This pandemic has exacerbated inequalities among the developed and developing countries, the adverse effects of which trickles down to the youngest of our populations.

Currently, most of our children are being deprived of education while our countries implement lockdown restrictions in compliance with health and safety protocols. Most of our children remain unprotected from the COVID-19 virus due to the lack of suitable vaccines for their young age, thus endangering their health, their future, and their lives.

Moreover, this disruption of education poses a most pressing challenge to the youth, as this gradually but exponentially affects child labor, underage marriage, and malnutrition in the region. School closures will eventually diminish each student's future earnings and increase reliance of some families on early marriages to supplement household income. These closures will thus affect poverty and income levels, while slowing down the region's post-pandemic economic recovery.<sup>1</sup>

Furthermore, our region continues to face challenges which affect our children and their future, such as climate change. The houses which are supposed to provide warmth to the children either burn down because of wildfires or forest fires or get swept in flash floods or even tsunamis.

Another challenge is increasing political or sectarian violence in our world. Instead of holding books to prepare for a brighter future, some children are holding guns. Instead of listening to their lessons or music even, they listen to the ear-shattering bombings and gunfire.

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<sup>1</sup> Lee, K. (2021, July 9). *Covid-19's toll on youth in Southeast Asia*. – The Diplomat. Available at <https://thediplomat.com/2021/07/covid-19s-toll-on-youth-in-southeast-asia/>

This is not the present nor the future we have envisioned for our children. Their innocent minds and young bodies are not equipped to deal with these transnational challenges, so it is up to us to take the cudgels on their behalf.

Thus, in our discourse of the UN Convention on the Rights of the Child General Comments, let us be more anticipatory of the possible issues, challenges, and opportunities that may arise in our implementation. Let us share best practices that our countries have in saving children from abuse and neglect and identify regional and international similarities in advancing the rights of the child.

More importantly, as we submit inputs for policy recommendations at the national and regional levels, let these go beyond rhetoric and instead be practical and actionable. As our President said, “*Acta, non verba.*”

I am pleased to see officials from government agencies, specialists from international organizations, present and former AICHR Representatives, and advocates from civil society organizations.

Your presence in this all-important Dialogue is a reflection of your strong commitment, your agency’s or organization’s commitment towards the rights of the child.

I also wish to acknowledge the attendance of young people from different countries. This Dialogue is for you and your future, and we invite you to participate actively during the discussions in the next two days. We need your perspective to better implement the United Nations Convention on the Rights of the Child.

I heartily thank our partners, CRC Asia, UNICEF-EAPRO, and OHCHR-SEARO for making this Dialogue happen.

We look forward to a dynamic discussion with everyone during this Dialogue.

Thank you very much and as we say in the Philippines, Mabuhay! Maraming Salamat po.



## REMARKS



**HJH Nor Hashimah HJ Mohammed Taib**  
 Chair of the AICHR, Representative of Brunei  
 Darussalam to AICHR

**E**xcellencies, Ladies and Gentlemen, good morning to everyone. At the outset, I would like to express my appreciation to H.E Jaime Victor B. Ledda, Representative of Philippines to AICHR, and his team for organizing this important Dialogue, and for giving me this opportunity to welcome you all today.

As everyone would know, the Convention on the Rights of the Child is the most widely accepted treaty, with 196 State Parties as of June 2021. Furthermore, it is also the first treaty that all ASEAN Member States are party to.

As home to more than 290 million persons under the age of 19 years, the importance of the promotion and protection of rights of children in ASEAN cannot be underestimated.

The ASEAN Human Rights Declaration clearly recognizes that children's rights are inalienable, integral, and indivisible—part of human rights and fundamental freedoms. And these rights are reaffirmed and reflected in ASEAN Declarations, such as: Declaration on the Commitments for Children in ASEAN; Ha Noi Declaration on the Enhancement of Welfare and Development of ASEAN Women and Children; Declaration on the Elimination of Violence Against Women and Elimination of Violence Against Children in ASEAN; as well as the ASEAN Regional Plan of Action on the Elimination of Violence Against Children.

The promotion and protection of the rights of children cut across sectoral bodies in ASEAN, as can be seen from the topics of this event that covers the implementation of the Convention on Rights of the Child and the public budgeting for the realization of children's rights--both of which are in line with the efforts of not only within the ASEAN Political Security Community, but also the ASEAN Economic Community and ASEAN Socio-Cultural Community.

I know that this event is conducted consistent with AICHR mandates namely to enhance public awareness of human rights among peoples of ASEAN



## **The promotion and protection of the rights of children cut across sectoral bodies in ASEAN.**



through education, research and dissemination of information, and to promote capacity-building for the effective implementation of international human rights treaties obligations undertaken by ASEAN Member States, as well as the AICHR Work Plan 2021-2025, as well as to promote effective implementation of the international human rights treaties and to strengthen cross-pillar and cross-sectoral collaboration on human rights and gender equality.

It is without a doubt that sharing of knowledge and best practices through partnership and collaboration is key in fostering universal efforts in promoting and protecting the rights of children. As in previous years, this Dialogue brings together all relevant stakeholders in the region, to share and exchange information and experiences, as well as develop a deeper understanding of the relevant and available ASEAN Mechanisms, in order to realize the UN Convention on the Rights of the Child.

Lastly, World Children's Day is celebrated every November 20th. This is an important day, not only because it is a day to celebrate children and to promote international unity to improve their welfare, but it is also a day that marks the anniversary of the adoption of the UN General Assembly in 1959: The Declaration on the Rights of the Child and adopted by the UN General Assembly in 1989 on the Convention on the Rights of the Child.

As such, this Dialogue is indeed timely to show our support and commitment to advocate, promote, and celebrate children's rights. It is my hope that as part of our collective efforts to promote and protect rights of our children, this Dialogue and its outcome will contribute towards building a better world for our children, in line with our ASEAN theme this year, "We Care, We Prepare, We Prosper."

In ending my remarks, I would like to extend my appreciation and gratitude towards the participants who have taken the time to join us for this Dialogue. I now look forward to your active and invaluable participation over the next two days.

Thank you everyone.

## R E M A R K S



**H.E. Will Nankervis**  
Ambassador of Australia to ASEAN

**T**hanks very much, Chair and it's a real great pleasure to be with you and all of the participants here this morning, or this afternoon from Australia where I'm joining you from.

His Excellency Jaime Victor B. Ledda, the Representative of the Philippines to AICHR;

Her Excellency HJH Nor Hashimah HJ Mohammed Taib, Chair of AICHR;

Her Excellency Elizabeth Buensuceso, Eminent Person of the Philippines to the High-Level Task Force to Chart the Future of ASEAN;

Excellencies, Distinguished Participants, Ladies and Gentlemen,

Firstly, please allow me to express my thanks to the AICHR Philippines and AICHR for inviting Australia to attend today and particularly to H.E. Jaime Victor B. Ledda, Representative of the Philippines to AICHR, for the opportunity to provide some remarks. And I really like his guiding comments "*acta, non verba*" - I think that is something for me to certainly bear in mind and I'm sure all the participants have to bear in mind as we do this really important topic.

As we look to emerge from COVID-19, ASEAN and Australia are working towards closer and deeper relations. The first Annual ASEAN-Australia Summit was held just last month, actually the month before, and in the Summit, ASEAN and Australia agreed to establish a Comprehensive Strategic Partnership. I think that really showed that relations between ASEAN and Australia are at an all-time high and are set to become even stronger.

I'm delighted that Australia's cooperation with AICHR has continued to progress during COVID-19, including closer ties with the Australian Human Rights Commission. Key areas of collaboration include disability rights, trafficking in persons, gender equality and women, peace and security.



**The COVID-19 pandemic has exacerbated the inequalities and hardships faced by already vulnerable groups, including children...Australia stands with ASEAN to respond to these challenges and support longer-term regional recovery.**



In keeping with the theme of today's event, I will speak about two issues: First, Australia's position on protecting the rights of children, particularly in the context of COVID-19, and second, how the programs of the Australian Mission to ASEAN are advancing this important agenda.

Before I do so, I would just like to report Australia's concerns about the situation in Myanmar and in the context of our discussion today. A situation in which human rights, including the rights of children, are at significant threat. Of course, Australia really supports ASEAN's leadership on Myanmar, and we hope for full and timely implementation of the Five-Point Consensus.

So first, Australia's position on the rights of children. Australia recognises the right of children and young people to grow up safe, connected and supported in their family, community and culture. Australia is committed to supporting ASEAN Member States to realize these rights, and others, enshrined in the United Nations Convention on the Rights of the Child (UNCRC) - the most widely ratified human rights treaty body in the world and the first to be ratified by all ASEAN Member States.

Australia commends ASEAN on recent efforts to enable the protection, well-being and development of children, such as through the recent Regional Plans of Action to implement the Declaration on the Protection of Children from all Forms of Online Exploitation and Abuse in ASEAN; and the ASEAN Declaration on the Rights of Children in the Context of Migration.

The COVID-19 pandemic has exacerbated the inequalities and hardships faced by already vulnerable groups, including children. While children have been mostly spared the direct health impacts, we know that the pandemic has increased their vulnerability, and impacted their ability to enjoy the rights they are entitled

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to under the Convention. As Jaime Victor Ledda mentioned, school closures have deprived them of essential educational and social opportunities. More time online, for learning and as a social outlet, has increased their risk of online harm and exploitation. At the same time, social welfare systems have been stretched and access to services has decreased. Australia stands with ASEAN to respond to these challenges and support longer-term regional recovery.

Second, how Australia is supporting ASEAN in advancing this important agenda? Well, Australia is a really strong supporter of ASEAN Centrality by deepening our cooperation under the Comprehensive Strategic Partnership. Our cooperation with ASEAN is underpinned by a strong emphasis on protecting the most vulnerable, especially women and girls.

We are supporting a range of initiatives to protect children impacted by and vulnerable to trafficking through the **ASEAN-Australia Counter Trafficking Program** or **ASEAN-ACT**, our A\$80 million investment in improving responses to trafficking in the region. ASEAN-ACT has commissioned a needs assessment for the protection of child rights in the justice system in seven (7) ASEAN Member States to assess the extent to which duty bearers from the justice sector and other agencies are compliant with international child rights standards in the Convention.

ASEAN-ACT will then work with ASEAN Commission on the Promotion and Protection of the Rights of Women and Children (ACWC) to develop a program which focuses on child rights and protection.

ASEAN-ACT is also working with ASEAN Member States to integrate victim sensitivity throughout the justice sector, with a focus on supporting victim- and child-friendly courts. Assisting courts to undertake a self-analysis of their systems and processes to ensure that court procedures and processes are sensitive to the child's age, wishes, and understanding, as well as their gender, ethnic, cultural, religious, and linguistic background.

These efforts are directly aligned with the UNCRC, particularly Articles 5, 12, 16, 23 and 40.

Today's Dialogue is a valuable opportunity to discuss the application of the General Comments to the Convention and to review progress on the recommendations from the last Dialogue in 2018.

I am really looking forward to today's sessions and a robust, fruitful, and productive discussion. Many thanks, and good luck.

Thanks again to the organizers, particularly to AICHR Philippines and all the participants. I look forward to the discussion and thanks again for the opportunity. Thank you.

## W E L C O M E R E M A R K S

**H.E. Elizabeth Buensuceso**

*Former Representative of the Philippines to AICHR*

**T**he Honorable Teodoro Locsin, Jr., Secretary of Foreign Affairs of the Philippines; the Honorable Leonor Briones, Philippine Secretary of Education; the Honorable Rolando Joselito Bautista, Philippine Secretary of Social Welfare and Development; His Excellency Will Nankervis, Australian Ambassador to ASEAN; Atty. Mikiko Otani, Chair of the UN Committee on the Rights of the Child; Assistant Secretary Jaime Victor Ledda, Representative of the Philippines to the AICHR; H.E. Hjh Nor Hashimah Hj Mohammed Taib, Representative of Brunei Darussalam to AICHR and this year's AICHR Chair; Former and current representatives of the ASEAN Intergovernmental Commission on Human Rights; Ms. Cynthia Veliko of the Office of the High Commissioner for Human Rights in South-East Asia; Mr. Lucio Sarandrea and Ms. Ida Hyllested of the UNICEF East Asia Pacific Regional Office; Ms. Lorraine Marie Badoy, Undersecretary for New Media and External Affairs of the Presidential Communications Operations Office; Office of the President of the Republic of the Philippines, Intergovernmental Commission on Human Rights; my very good friend, Ms. Amihan Abueva, who is here in the room with me, Executive Director of Child Rights Coalition Asia; distinguished guests; ladies and gentlemen; good morning.

I am delighted to see familiar faces as well as new friends around the room and on screen.

Thank you for your kind invitation for me to participate in this important Dialogue which is the second of a series on the General Comments which we started to organize in 2019 when I was the Philippine Representative to the AICHR. This ASEAN Dialogue on the UN Convention on the Rights of the Child General Comments aims to improve the understanding of the ASEAN Member States (AMS) on the realization of the United Nations (UN) Convention on the Rights of the Child (CRC), the most widely ratified human rights treaty body in the world and the first convention ratified by all ASEAN Member States.



**More than understanding the thematic interpretations of the General Comments, we need to explore new practices and harness existing efforts that are most responsive to the changing needs and interests of our children.**



In 2019, AICHR-Philippines partnered with CRC Asia and Norway to jointly organize the ASEAN Dialogue on the UN Convention on the Rights of the Child, with focus on General Comments Number 14 (2013) on best interests of the child and GC 12 (2009) on the right of the child to be heard.

During the Dialogue, participants had a very productive exchange of ideas and challenges about promoting the rights of the child. Allow me to share two of the pivotal recommendations pushed forward by different sectors and stakeholders during the Dialogue.

First, we recommended that awareness on the General Comments be increased. General comments provide necessary information to explain the specific rights of a child—as stated in the UN Convention on the Rights of the Child. However, not everyone working for children, especially for those of us who are in the government, have seen or read the necessary documents, particularly the 25 General Comments. If there is wider awareness among government and key stakeholders on the General Comments, countries would be more capable of creating child-responsive advocacies, policies, and programs. This is why AICHR Philippines, together with its primary partners, continue to implement these Dialogues. I'd like to thank our partners, UNICEF, OHCHR, CRC Asia, and Australia, for helping us continue meaningful discussions on the General Comments. We encourage participants to make this Dialogue a safe and open space to share best practices and lessons learned in putting the General Comments into action, allowing us to have an enhanced understanding of the fundamental provisions of these documents.

Second, there is a need to streamline various efforts on child protection and promotion of their rights. More than understanding the thematic interpretations of the General Comments, we need to explore new practices and harness existing efforts that are most responsive to the changing needs and interests of our children.

I look forward to hearing from our set of experts in the coming sessions on which efforts are more effective, especially in the implementation of the Convention and public budgeting for realization of child's rights.

I want to make one more radical recommendation, maybe this is your first time to hear of this. Even my colleagues here in the Philippine Department of Foreign Affairs have not heard this. But you know, we have already succeeded in establishing an intergovernmental body that will push for women participation in peace processes and reconciliation—the AWPR (ASEAN Women for Peace Registry). Why don't we also have an intergovernmental body under the AICHR to take care and push for the agenda of children's rights and children's welfare within ASEAN? So, I would really want you to take this up and see how we can go about this recommendation. It took us three years to realize this with the women's groups, why don't we do it faster with the children's rights group?

In the next two days, let us build upon the recommendations made during the 2019 Dialogue. These are still responsive to the situation which we find ourselves in, in the face of new and evolving challenges, such as the pandemic as already described to us by Assistant Secretary Jaime Victor Ledda. We need to address these new and existing challenges to help us in fully realizing children's inherent and inalienable rights.

We have come a long way, yet the future of our children and their children remains uncertain because of the evolving challenges they face. Decisive, well thought out, and thorough action today is what their future requires.

It is imperative that we, adults, continue to hold discussions on how to make ASEAN a better place for our children in order to bring a caring and sharing ASEAN Community. Let us also continue engaging with and for our children and make them at the center of our conversations. Heeding to the calls of our young people will help us picture an environment conducive for growth and become more responsible and caring adults.

As highlighted by child advocate Ericka, yes, we did have a child participating during the 2019 Dialogue, "making children involved is already a solution in itself," she said. Let us listen to the voice of our children.

May we have a productive, engaging, and child-centered Dialogue.

Thank you very much. Salamat po.



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## SPECIAL MESSAGE



**H.E. Leonor Magtolis Briones**

*Secretary of Education of the Philippines*

**T**o His Excellency Teodoro L. Locsin, Jr., Secretary of Foreign Affairs of the Philippines; His Excellency Ambassador Jaime Victor B. Ledda, Representative of the Philippines to AICHR; Her Excellency Ambassador Elizabeth Buensuceso, Former Representative of the Philippines to AICHR; His Excellency Rolando Joselito D. Bautista, Secretary of Social Welfare and Development of the Philippines; Distinguished speakers and guests, ladies and gentlemen, a pleasant morning.

On behalf of the Department of Education (DepEd), it is my great honor and pleasure to join you in this ASEAN Dialogue. I wish to congratulate the Department of Foreign Affairs, AICHR, UNICEF, CRC Asia, and the UN Office of the High Commissioner on Human Rights for the successful conduct of this event. I am pleased to share with you DepEd's insights and priorities when it comes to the rights of the children.

At the heart of the education sector are our learners to whom we dedicate all our good work and efforts in the Department of Education. Thus, we are committed to supporting all initiatives in line with the protection of the rights of the child such as the UN Convention on the Rights of the Child General Comments.

Article 4 of the Convention on the Rights of the Child provides: "States Parties shall undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognized in the present Convention. With regard to economic, social, and cultural rights, States Parties shall undertake such measures to the maximum extent of their available resources and, where needed, within the framework of international cooperation."

The Department of Education, as part of the Philippine government and duty-bearer, undertakes measures to implement the rights of the child, with focus on rights in the context of basic education, in accordance with its legal mandate under Republic Act No. 9155 or the Governance of Basic education Act of 2001.



**In performing its mandate and duty, the DepEd upholds the rights TO and IN basic education, while empowering children and the youth to take part in nation-building.**



In performing its mandate and duty, the DepEd upholds the rights TO and IN basic education, while empowering children and the youth to take part in nation-building.

Indeed, the child and youth and their rights, are at the core of DepEd's mandate, given that DepEd embraces rights-based education (RBE), a framework and approach that clearly defines the obligation of the DepEd, the duty-bearer, to uphold the rights of the child and youth, the rights holders.

DepEd recognizes a three-dimensional framework of education in the realm of rights: right to access education, right to quality education, and right to respect in the learning environment, including the right to respect for identity (e.g., right against discrimination and hate speech), integrity (e.g., right to protection against physical and mental violence), and participation (e.g., right to have the views of a child heard and seriously considered in accordance with his/her age and maturity).

In 2021, DepEd created the Child's Rights in Education Desk (CREDe) to formulate and articulate standards and policies that will strengthen the implementation of the rights of the child in the context of basic education, monitor and report on the implementation education, raise awareness and build capacity of both rights-holders and duty-bearers to anchor on and infuse with child rights the mandate and all aspects of work of DepEd including finances, and collaborate and cooperate with various offices within and outside DepEd to further respect, protect, fulfill and promote child rights in the context of basic education.

Through the newly formed Child Protection Unit, DepEd pursues DepEd Order 03 where the significant right of the child in basic education is the right to protection from all forms of violence, abuse, neglect, cruelty exploitation, and maltreatment.

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DepEd looks forward that through the Child Protection unit, more meaningful and inclusive linkages with non-governmental organizations (NGOs), non-government agencies (NGAs), local government units (LGUs), and community organizations for the furtherance of the Child Protection Unit's mandate which is to serve as the lead of office programs, projects, and activities, including intervention mechanisms related to child protection.

With these initiatives in mind, DepEd reaffirms to always uphold children's welfare in all its endeavors. We are looking forward to the success of this event.

Thank you very much. Magandang umaga po sa ating lahat at mabuhay!

## SPECIAL MESSAGE

**H.E. Rolando Joselito D. Bautista**

*Secretary of Social Welfare and  
Development of the Philippines*

**F**oreign Affairs secretary Teodoro Locsin; Education secretary Leonor Magtolis-Briones; chair of the Association of Southeast Asian Nations Intergovernmental Commission on Human Rights (AICHR) Dr. HJH Nor Hashimah Hj Mohammed Taib; Philippine representative to the AICHR Ambassador Jaime Victor Ledda; United Nations Committee on the Rights of the Child (UNCRC) chair Attorney Mikiko Otani; distinguished delegates from the ASEAN Member States; esteemed colleagues in the ASEAN and the United Nations; our dear partners; stakeholders; our child rights advocates and champions; good morning.

It is with great honor to be part of this activity together with our esteemed colleagues from the ASEAN, the United Nations, and my fellow public servants. The Department of Social Welfare and Development or DSWD recognizes the significance of this two-day ASEAN dialogue as an opportunity to provide a better understanding and grasp of the UN Convention on the Rights of the Child General Comments.

The DSWD, being the lead government agency in social protection, remains steadfast in its commitment to push forward and champion children's rights so that no child in the Philippines is left behind.

The department recognizes that as a national government agency, it has the responsibility, in close collaboration and cooperation with other government agencies, civil society organizations and relevant stakeholders, to craft policies to protect children from all forms of neglect, abuse, and exploitation.

The DSWD ascribes to the 1987 Philippine Constitution that states that the government must defend the right of children to assistance and special protection from all conditions prejudicial to their development. We are also committed to achieve the endeavors and vision of the UNCRC, which provides for participation of children and their free expression of thoughts and feelings on all matters affecting them, and for the special protection of children from all forms of violence.

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**...the DSWD will continue to lead in ensuring that children’s rights are promoted and protected. A major component to achieve this is the allocation, mobilization, and generation of funds and/or resources to finance various undertakings that will instigate reforms and advocate for children’s rights.**

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The DSWD will continue to assert and affirm our commitment to:

1. Extend paramount consideration to child’s best interest in any programs, projects, and activities that directly and indirectly affect them and in all scenarios which require the special protection of children;
2. Create a safe and enabling environment for children regardless of their gender preference, religious beliefs and practices, culture, socio-economic status, and physical and mental condition through the institutionalization of child participation and the use of positive and non-violent discipline in residential care facilities for children; and
3. Deliver services with utmost flexibility with a high degree of consideration to children beneficiaries in order to respond to their needs promptly.

At the commencement of this two-day dialogue, may I affirm once again that the DSWD will continue to lead in ensuring that children’s rights are promoted and protected. A major component to achieve this is the allocation, mobilization, and generation of funds and/or resources to finance various undertakings that will instigate reforms and advocate for children’s rights.

Moreover, we will continue to put a premium on establishing networks and forging partnerships that will prompt synergy of efforts, capacities, and technologies, creating an environment where all partners are recognized and their efforts acknowledged.

May this ASEAN Dialogue on the UN Convention on the Rights of the Child General Comments steer us even more to put children in highest regard and provide relevant information to identify ways and action points to uphold the rights of the child and look for more effective ways to implement the Convention, focusing on planning and budgeting, assessment on the role of the business sector in promoting and protecting children's rights, and acknowledging the important role of human rights institutions.

Thank you and a pleasant morning to everyone.

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**KEYNOTE MESSAGE**

**H.E. Teodoro Locsin, Jr.**  
*Secretary of Foreign Affairs  
of the Philippines*

**E**xcellencies, distinguished guests, ladies and gentlemen, good morning. On behalf of President Rodrigo Roa Duterte and the people of the Philippines, we are pleased and honored to welcome all of you to this Dialogue.

I am grateful to the United Nations Children’s Fund, the UN High Commissioner for Human Rights — South East Asia Region, and Child Rights Coalition Asia for their partnership with us.

In the next two days, stakeholders from governments, international organizations, and civil society will exchange views on how to improve our understanding of the UN Convention on the Rights of the Child. These talks will be reflected in our respective State Reports to the Committee on the Rights of the Child. Far more importantly, they will contribute to our collective goal of protecting every child in Southeast Asia. This is especially important for the Philippines, which holds the dark distinction of being the leading video child porn center catering to pedophiles. We are doing our utmost but as we all know, this nefarious, truly shameful trade is aided and abetted by their parents and guardians. This dark, criminal, and unspeakable activity is scorned and despised by Filipinos. It caters mostly to foreigners, mostly in the West.

We in ASEAN have endeavored to make progress in advancing the rights of children by protecting children rather than just talking about protecting children not just because they have rights but because it speaks volumes of the depravity of those who exploit them for unpaid labor and sex.

We in ASEAN have, of course, adopted key documents detailing UNCRC’s objectives which we all share: the ASEAN Human Rights Declaration, the Declaration on the Commitments for Children in ASEAN, the Hanoi Declaration on the Enhancement of Welfare and Development of ASEAN Women and Children, the Declaration on the Elimination of Violence against Women and the Elimination of Violence against Children, the Regional Plan of Action on the Elimination of Violence against Children.



**We have our work cut out for us. It is not hard. The main work is getting up and getting going... the future of every country, rich or poor, is embodied in the children they are neglecting.**



If we did as much as we sign, we'd achieve more. But commitments have to be formalized to set for ourselves goals we sometimes forget. In this regard, ASEAN has come a long way in overcoming the obstacles to promoting awareness of what every true parent and decent human being instinctively knows: the safety and welfare of every child — is the safety of their own and of others.

The pandemic has complicated efforts; lockdowns encourage exploitation; indeed, they enhance the impunity of the perpetrators. If no one can venture out of doors to stop this hideous activity, the authorities have a harder time stopping it. On top of which, children — exploited or protected — suffer the most from the strict isolation of their situation.

We know, more than ever, that kids need other kids to feel complete and be happy. They need face-to-face classes, to engage their minds more productively, and to enhance their self-worth. They just need to go out and play. But it is far worse with poor children. They have no one to advocate for their essential needs to be the best that they can and want to be. They were behind from the start; they have zero chances of catching up with very little to start with and now nothing at all to restart with.

Job losses, parental frustration and rage, understandable in their situation, have exposed children even more to violence, sickness, and mental stress. These compromise their fundamental ability to build futures for themselves; never mind the future of their countries which are failing them anyway.

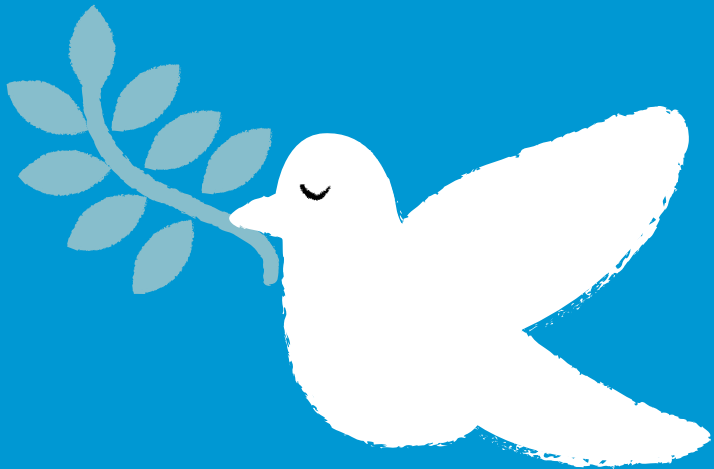
We have our work cut out for us. It is not hard. The main work is getting up and getting going. All governments' have the resources for this job. Officials of even the least developed countries need only tighten their belts; so more can go to those who have so much less. Yet the future of every country, rich or poor, is embodied in the children they are neglecting.

Thank you and I wish you an engaging and fruitful discussion. Now the Philippines must look inward at what it's failed at and hopefully at where it has succeeded. Thank you.



Opening Session:

# The UNCRC general comments





**Speaker: Ms. Amihan Abueva,**

*Regional Executive Director, Child Rights Coalition Asia*

To level-off understanding among participants, Ms. Abueva introduced the UNCRC general comments — their purpose, process, development, and implementation – and why ASEAN member states need to continuously learn and understand these based on evolving regional and global conditions.

## What are General Comments?

**G**eneral Comments (GCs) are a comprehensive interpretation of the substantive provisions of the UNCRC. They discuss wider and cross-cutting issues and help states and everyone working with and for children to understand and implement the UNCRC and its Optional Protocols more effectively. (*See Table 2*).

The CRC Committee evaluates State Parties' implementation of children's rights not only on the UNCRC and its Optional Protocols, but also on the GCs. Thus, countries prepare their reports also with these documents as a guide. The CRC Committee then issues Concluding Observations which are a statement on what they think governments have done very well and what needs to be further improved. In this regard, the GCs help to explain in what ways governments can do better.

While many national, regional, and international courts have used the UNCRC and its Optional Protocols directly or as part of national or local laws in deciding cases involving children, some have also turned to the GCs, although these are not legally binding, to influence court decisions.

The GCs also explain how the UNCRC is linked with other international human rights instruments, which underscores how children must be prioritized in upholding all kinds of rights, whether civil and political, or economic, social, and cultural. (*See Table 3*).

## The UNCRC General Comments

**Table 2: UNCRC General Comments**

- GC No. 1** (2001) The aims of education
- GC No. 2** (2002) The role of independent national human rights institutions in the promotion and protection of the rights of the child
- GC No. 3** (2003) HIV/AIDS and the rights of the child
- GC No. 4** (2003) Adolescent health and development in the context of the Convention on the Rights of the Child
- GC No. 5** (2003) General measures of implementation of the Convention on the Rights of the Child
- GC No. 6** (2005) Treatment of unaccompanied and separated children outside their country of origin
- GC No. 7** (2005) Implementing child rights in early childhood
- GC No. 8** (2006) The right of the child to protection from corporal punishment and other cruel or degrading forms of punishment (Arts. 19; 28, para. 2; and 37, inter alia)
- GC No. 9** (2006) The rights of children with disabilities
- GC No. 10** (2007) Children's rights in juvenile justice
- GC No. 11** (2009) Indigenous children and their rights under the Convention
- GC No. 12** (2009) The right of the child to be heard
- GC No. 13** (2011) The right of the child to freedom from all forms of violence
- GC No. 14** (2013) on the right of the child to have his or her best interests taken as a primary consideration (Art. 3, para. 1)
- GC No. 15** (2013) on the right of the child to the enjoyment of the highest attainable standard of health
- GC No. 16** (2013) on State obligations regarding the impact of the business sector on children's rights
- GC No. 17** (2013) on the right of the child to rest, leisure, play, recreational activities, cultural life and the arts (Art. 31)
- Joint general recommendation No. 31** of the Committee on the Elimination of Discrimination against Women/**GC No. 18** of the Committee on the Rights of the Child on harmful practices

**GC No. 19** (2016) on public budgeting for the realization of children's rights (art. 4)

**GC No. 20** (2016) on the implementation of the rights of the child during adolescence

**GC No. 21** (2017) on children in street situations

**Joint GC No. 3** (2017) of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families and **GC No. 22** (2017) of the Committee on the Rights of the Child on the general principles regarding the human rights of children in the context of international migration

**Joint GC No. 4** (2017) of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families and **GC No. 23** (2017) of the Committee on the Rights of the Child on State obligations regarding the human rights of children in the context of international migration in countries of origin, transit, destination, and return

**GC No. 24** (2019) replacing GC No. 10 (2007) - The rights of the child in the child justice system

**GC No. 25** (2021) on children's rights in relation to the digital environment

*Visit the UN Committee website to read and download the documents at: <https://bit.ly/3wcgk5l>*

**Table 3: Nine core international human rights instruments**

<b>ICERD</b>	International Convention on the Elimination of All Forms of Racial Discrimination
<b>ICCPR</b>	International Covenant on Civil and Political Rights
<b>ICESR</b>	International Covenant on Economic, Social, and Cultural Rights
<b>CEDAW</b>	Convention on the Elimination of All Forms of Discrimination Against Women
<b>CAT</b>	Convention Against Torture and Other Cruel, Inhumane or Degrading Treatment and Punishment
<b>CRC</b>	Convention on the Rights of the Child
<b>ICMW</b>	International Convention on the Protection of the Rights of Migrant Workers and Members of Their Families
<b>CPED</b>	International Convention on the Protection of All Persons of Enforced Disappearance
<b>CRPD</b>	Convention on the Rights of Persons with Disabilities

Source: United Nations Office of the High Commissioner on Human Rights, available at: <https://bit.ly/3M30KA4>

## How are General Comments crafted?

The CRC Committee develops General Comments or updates old ones one at a time. This process usually takes 18 – 24 months.



### Theme/topic selection

The first step is the selection of the theme or the topic. Every two years, the CRC Committee calls for a Day of General Discussion focused on a specific article of the UNCRC or a related subject. This is usually when the topic for the next GC is chosen.



### Call for submissions

After a topic is selected, the CRC Committee calls on governments, civil society groups, children's groups, individual adults, and children to submit their ideas and contributions.



### Children's consultation

Throughout the process, it is essential to listen to the children, that is why children's consultations are organized through online surveys and face-to-face consultations.



### Experts group consultation

The CRC Committee also consults organizations and individuals from around the world to make inputs into the draft GC.



### Call for draft inputs

Once the draft is made, the CRC Committee publishes a Call for Inputs on its website and conducts regional consultations.



### **Finalization**

All the information and opinions are put together in finalizing the GC before it is approved by the CRC Committee.



### **Dissemination**

The final document is published on the CRC Committee's website and sent to State Parties. CSOs and other stakeholders then contribute in disseminating the GC and helping people understand it better by creating popular and child-friendly versions, whether in print, audio, visual, or multi-media materials.

## **Why do we need to continuously talk about the GCs?**

It's not enough that the General Comments are written. What's more crucial and significant is how these are used. There is still a big gap among duty bearers and stakeholders in understanding these documents. In fact, there are key people within government who have not read all the GCs. It is therefore important that the AMS have opportunities for discussion so that they can help each other understand the GCs better and implement the UNCRC more effectively.

This Dialogue is a good way to not just share good practices but also examine challenges in the implementation of the UNCRC and how to address these challenges.

Discussions like these also inform the working methods of the CRC Committee as they allow for a better understanding of how issues cut across all the different GCs. These encourage people working for and with children to explore questions such as the impact of the business sector on children's rights and the role of national human rights institutions, among others. Inputs in these dialogues feed into the wider discussion at the CRC Committee level which are then considered in the updating of GCs or the creation of new ones.

The latest GC on children's rights in relation to the digital environment is critical because it urges the AMS to review their existing legislation and policies on the topic and examine whether these comply with the UNCRC. However, as CRC



**It's not enough that the General Comments are written. What's more important is how these are used.**



Committee member Philip Jaffe said during the regional launch of the new GC which CRC Asia organized in 2021, the positive impact of the GC will depend on two things: 1) How governments evolve and generate regulatory frameworks that are based on the findings from the GC; and 2) the strength and drive of the CSOs in partnership with the CRC Committee and other interested parties.

The UNCRC is a living document that has been ratified for more than 32 years. It's important that AMS interpret it based on the situations and the evolving conditions in the ASEAN region. This is why GCs must be reread and continuously studied.

By studying the GCs, better programs would be made, and more effective implementation of all the declarations and statements of the UNCRC will become a reality.



Session

1

# State Party implementation measures





**Speaker: Atty. Mikiko Otani,**

*Chair of the UN Committee on the Rights of the Child*

GC No. 5 covers articles 4, 42, and 44 paragraph 6 of the UNCRC. In this session, Atty. Otani focused on discussing Article 4 or the State Parties' overall implementation obligation. She explained the guiding principles to "respect, ensure, and fulfill" children's rights. Atty. Otani discussed how legislation, monitoring and coordination, resourcing, and cooperation are crucial in State Parties' implementation of the UNCRC. She also discussed how State Parties need to review their reservations on certain provisions of the UNCRC, if any.

## GC5 Article 4: State Parties' overall implementation obligation

States Parties shall undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognized in the present Convention. Regarding economic, social and cultural rights, States Parties shall undertake such measures to the maximum extent of their available resources and, where needed, within the framework of international co-operation.

**T**he 2021 ASEAN Dialogue is very important because GCs, while not legally binding, actually explain the UNCRC articles and the obligations of the State Partners in implementing those articles.

The series of ASEAN Dialogues complements the CRC Committee's continuing development and adoption of new GCs, which need to be explained and disseminated at the regional and national levels. GCs need to be understood by all actors.

However, older GCs do need to be revisited. GC 5 on general measures of implementation of the UNCRC and GC 19 on public budgeting for children's rights are essential documents because they provide the foundation of the implementation of the UNCRC.

GC 5 covers Article 4 of the UNCRC which spells out the State Parties' overall implementation obligations. It applies to all succeeding articles of the UNCRC starting from Article 5 up to Article 41. Article 4 is intended to promote the full enjoyment of all rights in the UNCRC by all children.

## Respect, ensure, fulfill children's rights

"Respect and ensure" are not explicitly stated in Article 4 but are nonetheless embedded principles in the UNCRC. This is a familiar phrase to people who study international human rights law and is often used in international human rights instruments such as the International Covenant on Civil and Political Rights.

- "Respect" refers to the State Party's obligation not to violate children's rights by the States themselves.
- "Ensure" relates to the State's obligation to protect children from any abuse committed by other entities or non-state actors.

Another phrase which is often used is "respect, protect, and fulfill".

- "Fulfill" means to set up some institutions and provide some framework so that children can enjoy all their rights.

Fulfilling children's rights necessitates children's access to justice and effective remedy. Some international human rights instruments adopted by UN General Assembly have specific articles that speak about the "right to effective remedies". The UNCRC does not use these words. However, these are implied in Article 4, because while State Parties' first obligation is to protect children from violations, violations happen. Thus, it is the obligation of the State to provide the children access to justice and ensure that they obtain effective remedies.

## Measures in meeting State Party obligations

**Part of State Obligation as stated in Article 4 is to "undertake legislative, administrative and other measures". Specifically, it requires achieving the following:**

- Legislation
  - Establishment of coordinating and monitoring bodies (governmental or independent)
  - Comprehensive data collection
  - Awareness raising and training
  - Development and implementation of appropriate policies, services, and programs.
- The CRC Committee encourages the incorporation of the UNCRC provisions into domestic law by specific legislation because the Commission per se may not have the legal power in the domestic legal system.

- States Parties were required to undertake a comprehensive review of all domestic legislation at the time of ratification. In reality, this was difficult to do and has become a continuing homework for governments. State Parties now have to review if new laws are in harmony with the UNCRC.
- Adopting and amending laws are important, but the real challenge is in implementation. In some countries, administrative guidance (e.g., Implementing Rules and Regulations in the case of the Philippines) is needed after a law has been passed. However, there is often a delay in adopting these.
- Sometimes the new laws are not known to government officers, judges, or children themselves. Thus, dissemination, training for relevant professionals, monitoring, and continuing review are important follow-through actions to determine if the new laws are effective and to push for amendments when needed.
- To implement the UNCRC well, coordination needs to be done between ministries and across sectors at all levels of government – national, municipal, and local. Ministries and government institutions or units have to be given a clear mandate to coordinate. They must also be provided human and financial resources.
- Monitoring needs to be built into the legislation, policies, or programs. States must make sure that these are achieving their aims.
- Monitoring and independent monitoring are two different issues. Monitoring by implementing line ministries is important. However, all the legislation and national activities also need to be monitored by independent bodies such as NHRIs including human rights commissions, child ombudsman, children's commissioners, among others.
- Disaggregated data collection is necessary in monitoring.



**The series of ASEAN Dialogues complements the CRC Committee's continuing development and adoption of new GCs, which need to be explained and disseminated at the regional and national levels. GCs need to be understood by all actors.**



## Resourcing

States need resources to fully implement the UNCRC. The CRC Committee recognizes that not all countries have the same amount of resources for competing priorities. The UNCRC therefore contains the phrase “to the maximum extent of their available resources and, where needed, within the framework of international cooperation” when pertaining to States’ obligation in upholding economic, social, and cultural rights.

However, there is an artificial distinction between civil and political rights on the one hand and economic, social, and cultural rights on the other. The holistic approach sees children’s rights as a whole because it is difficult to separate rights in categories. Rights are indivisible and interdependent. Therefore, states must use resources to realize all rights of children.

## Cooperation of civil society and business sectors and international cooperation

State Parties also need to seek cooperation. Duplication of work occurs when there is no proper coordination. Cooperation with civil society should cover all areas such as drafting legislation, policy programs, providing services, CRC reporting, and in ensuring children’s participation in these processes.

The business sector is likewise not explicitly mentioned in Article 4. However, State Parties must investigate the impact of the business sector on children. It is the obligation of the State to regulate industries to ensure children’s safety and well-being. When business activities infringe on children’s rights, States must provide remedies to abuse or violation.

International cooperation is emphasized not only in the UNCRC but also in the UN Charter (Articles 45, 44, and 56) which states that member states pledge “to take joint and separate action” in cooperation with the UN to achieve its purposes. In the UNCRC, this is mentioned not only in Article 4, but also in specific rights to health and education. Article 45 also highlights international cooperation in the Country Review process.







































The CRC Committee encourages countries to seek international cooperation but emphasizes that donor countries and UN agencies must provide international development assistance, whether financial or technical, using a child rights-based approach.

## Review of reservation

Review of reservation is not explicitly written in the UNCRC as part of State Parties’ obligations. While all AMS have ratified the UNCRC, reservation is a common challenge in the ASEAN region. (*See Table 4*). When State Parties express reservation on certain provisions, these provisions do not impose legal obligations to them.

**Table 4: Reservations, declarations, and withdrawals on UNCRC articles by ASEAN Member States<sup>1</sup>**

 Brunei
  Indonesia
  Malaysia  
 Myanmar
  Singapore
  Thailand

UN CRC article	AMS with initial reservations*	AMS with initial declarations	AMS that has withdrawn its reservations**	AMS with existing reservations/declarations**
1. Definition of a child				
2. Non-discrimination				
7. Registration, name, nationality, and care				
9. Separation from parents				
10. Family reunification				
12. Right to be heard				
13. Freedom of expression				
14. Freedom of thought, conscience, and religion				
15. Freedom of association				
16. Right to privacy				
17. Access to information; mass media				
19. Protection from all forms of violence				
20. Children deprived of family environment (paragraphs 1 and 2)				
20. Children deprived of family environment 21. (paragraph 3)				
21. Adoption (paragraph a)				
17. Adoption (paragraph b to e)				

UN CRC article	AMS with initial reservations*	AMS with initial declarations	AMS that has withdrawn its reservations**	AMS with existing reservations/declarations**
22. Children in refugee situations				
28. Right to education (paragraph 1a)				
28: Right to education (paragraphs b to e, paragraphs 2 and 3)				
29: Goals of education				
32. Child labor				
37. Detention and punishment				
40. Juvenile justice (paragraphs 3 and 4 [under 2b])				
44. Submission of report				
45. International cooperation				

<sup>1</sup> Cambodia, Laos, Viet Nam, and the Philippines have no existing reservations.

\*Upon ratification/accession \*\*as of December 2021

Sometimes State Parties declare reservations on parts of the UNCRC because at the time of ratification, these might have not been easily understood or there might have been some conflict between certain articles with their national policy.

The CRC Committee sees the submission of periodic reports as an opportunity to engage in dialogue with State Parties about a reservation, and for State Parties to review the reserved articles. After over 30 years since the adoption of the UNCRC, it might be a good time for State Parties to study reserved articles and visit the reasons for their reservations in light of the interpretation of those articles by the CRC Committee through the GCs and Country Reviews. Some states may now be willing to change their stance and withdraw their reservations.

The sharing of experiences and examples in the region is therefore important and should be emphasized. States that withdraw certain reservations could encourage other States that have reserved the same articles to follow suit.



## Dialogue discussion points

Open forum for Session 1

**Moderator: Mr. Mikhal C. de Dios,**

*Acting Director, Office of ASEAN Affairs, DFA Philippines*

### On the role of regional bodies in ensuring that State Parties fulfill their commitments to the UNCRC

- Regional bodies such as AICHR have the potential to provide the platform for sharing good experiences in the way State Parties implement the UNCRC. The CRC Committee has received complaints from State Parties that it does not provide enough attention to the progress made by State Parties but tends to focus instead on things that are not being done. A second grievance is that State Parties need more guidance on how to implement the CRC Committee's recommendations. Very often, the recommendations of the CRC Committee to different State Parties are similar, reflecting its interpretation of the articles and taking into consideration the common challenges and emerging issues raised by State Parties. This is where regional bodies can come in. Atty. Otani suggested that AICHR holds a regional workshop to discuss viable follow-up actions on the CRC Committee's recommendations to State Parties.
- Ms. Abueva added that facilitating better understanding of the UNCRC is a never-ending endeavor because there will be new generations of children, new generations of government employees and ministers. She encouraged AMS to continue taking their obligations to the UNCRC very seriously and tap their creativity to find more effective ways to help children and adults understand their rights and responsibilities to society.

### On the role of international cooperation in implementing UNCRC Article 4 in line with SDG 17 on global partnership for sustainable development

- The SDG 17 is not fully integrated in the CRC Committee's Country Review process, thus international cooperation must be given more attention and importance in regional dialogues.
- Often, the CRC Committee's recommendation on international cooperation is for State Parties to seek assistance from UN agencies but not from other countries. Multilateral and bilateral cooperation, as well as regional cooperation, should be strengthened.



- UNICEF, regional bodies, and donor countries can coordinate and strengthen child rights-based approach in international cooperation. This means mainstreaming this approach in all its programs with partner states, whether these are specifically for children or not.
- Donor countries in the ASEAN should be invited in the next ASEAN Dialogues to discuss how to strengthen international cooperation, including mainstreaming child rights-based approach in all their endeavors in the region.

### **On how States' National Mechanism for Implementation, Reporting, and Follow-up (NMIRF) can contribute to the effective implementation of the UNCRC**

- NMRIF can provide the platform for governments and civil society to come up with implementation plans in response to the CRC Committee's recommendations after the Country Review.
- The UNCRC reporting and review is a continuous iterative process. As countries try to implement the CRC Committee's recommendations, they are already preparing reports for the next Country Review which happens every 5 years. Governments and civil society invest so much energy in submitting reports but sometimes forego actual implementation of the recommendations.
- The first year of implementation of the CRC Committee recommendations is a political period as governments and civil society try to understand the recommendations and what these mean in the national context. The CRC Committee identifies six (6) priority actions from the recommendations it has made while governments and civil society can add on to these priorities and come up with an implementation plan. The NMIRF should be at the helm of this process.
- The NMIRF can be effective in serving its purpose if institutionalized. OHCHR provides assistance to countries in establishing NMIRFs.
- Atty. Otani suggested making the NMIRF one of the topics in future ASEAN Dialogues.

### What are NMIRFs?

National Mechanisms for Implementation, Reporting, and Follow up (NMRFs) are mandated to coordinate, track, and follow up the implementation of a State's human rights treaty obligations. To do this, they empower line ministries and strengthen their capacities and expertise on human rights, facilitate communication within government, and institutionalize collaboration with human rights institutions and civil society.

### Why are NMIRFs created?

The current human rights protection framework empowers everyone in the world to claim their rights and seek redress. Today there are eight core conventions, numerous protocols, resolutions, and guidelines that States have signed and committed to. State Parties are required to carry out these obligations, report to international and regional human rights systems, and follow up on recommendations. Recommendations by these mechanisms tend to overlap or be complementary. Many States have established NMIRFs **to make reporting and compliance more efficient and comprehensive.**

Moreover, in the past, most of the international community's attention has been focused on norms-setting or crafting new international treaties or expanding them. Less attention has been paid to how States actually carry out the recommendations and the challenges they face while doing so. NMIRFs function to **examine and guide the entire implementation and reporting cycle.**

**The creation of NMIRFs is crucial to not only ensure that State reports are of high quality but also to improve the responsiveness of the State in protecting the rights of its citizens.**

### How are NMIRFs structured?

NMIRFs are usually established within an existing ministry, such as the ministry of foreign affairs, or are interministerial, with a working group composed of designated focal points per ministry. Some NMIRFs are ad hoc mechanisms but eventually transition to ministerial or interministerial. Sometimes a State establishes NMIRFs that are institutionally separate, which means they are endowed with a separate budget and staff and are allowed to create their own programs.

For more information, read National Mechanisms for Reporting and Follow-up: A Practical Guide to Effective State Engagement with International Human Rights Mechanisms (OHCHR, 2016).

## On CSOs and other stakeholders reporting to the CRC Committee

- The CRC Committee can receive reports from anyone. In fact, it does receive reports from civil society and from children themselves. CSOs reach out to governments to spark dialogues on key topics and forward ideas to the CRC Committee. For example, CRC Asia organized a regional consultation on GC 19 on public budgeting for children's rights. It also sought inputs from civil society groups and government agencies for GC 25 on children in the digital environment. Highlights of these consultations were sent to the CRC Committee.
- International NGOs and human rights institutions play a big role in apprising the CRC Committee on cross-border children's rights issues and violations perpetrated by states and non-state actors such as the business sector.
- Delegations to Geneva include representatives from "municipal entities" that also need to understand the UNCRC and the CRC Committee's recommendations.<sup>2</sup>
- In some cases, even the business sector provides inputs to the GC. Industries should be more involved and should know about the activities of the CRC Committee because they have an important role to play in upholding children's rights.



Image: Child Rights Connect

<sup>2</sup> Municipal entities in this case are ministerial entities. Country delegations that attend dialogues with the CRC Committee include representatives from various government ministries.

## On reservations on specific articles of the UNCRC

- One common reason for State Party reservation is in relation to potential conflict with Shariah or religious law. A deeper discussion of the UNCRC is needed in these cases to examine whether there are indeed contradictions. Doing so could increase the chances for State Parties to narrow down or finally withdraw their reservations.
- The CRC Committee does not make decisions on reservations but may possibly do so in the future if, through the filing of individual complaints using the OPIC, the CRC Committee will find that certain reservations are incompatible with the aims and principles of the UNCRC.
- Atty. Otani emphasized the importance of having a division within the CRC Committee whose main task would be to facilitate the withdrawal of reservations.
- Reservation issues should be made a future ASEAN Dialogue topic.



### RECOMMENDATIONS FOR REGIONAL ACTION

- Hold regional dialogues on the following topics:
  - Follow-up actions on the CRC Committee's Concluding Observations for State Parties after the Country Reviews
  - How NMIRFs can coordinate State Parties' implementation of the UNCRC
  - In-depth examination of reservations of AMS on the UNCRC
  - Mainstreaming a child rights-based approach to international cooperation (ASEAN to invite donor agencies to the Dialogue)
  - Jurisprudence of the CRC Committee through OPIC and experiences of other countries that have already ratified the OPIC
- For AMS to strengthen bilateral cooperation, not only multilateral and regional cooperation, for children's rights
- For UNICEF, regional bodies, and donor countries to mainstream child rights-based approach in all its programs with partner States

Session

2

# Justiciability of rights





**Speaker: Mr. Lucio Valerio Sarandrea,**  
*Child Protection Specialist (Child Justice and Child Rights),  
 UNICEF East Asia Pacific Regional Office*

Mr. Sarandrea's session helped to provide a foundational understanding of the concept of justiciability and how it is fundamental in the fulfillment of children's rights. He also shared the ways in which UNICEF works for its promotion.

## GC5 Article 4, Section 5

### Paragraph 24

For rights to have meaning, effective remedies must be available to redress violations. This requirement is implicit in the Convention and consistently referred to in the other six major international human rights treaties. Children's special and dependent status creates real difficulties for them in pursuing remedies for breaches of their rights. So States need to give particular attention to ensuring that there are effective child-sensitive procedures available to children and their representatives. These should include the provision of child-friendly information, advice, advocacy, including support for self-advocacy, and access to independent complaints procedures and to the courts with necessary legal and other assistance. Where rights are found to have been breached, there should be appropriate reparation, including compensation, and, where needed, measures to promote physical and psychological recovery, rehabilitation and reintegration, as required by article 39.

### Paragraph 25

The Committee emphasizes that economic, social and cultural rights, as well as civil and political rights, must be regarded as justiciable. It is essential that domestic law sets out entitlements in sufficient detail to enable remedies for non-compliance to be effective.

## What is justiciability?

*"Acta non verba"* (actions, not words) perfectly summarizes the idea of justiciability.

Before the UNCRC, children were being treated as objects, that is, they did not have their own rights but could only attain their rights through adult representatives. What the UNCRC has done is to put children at the center of attention.

Justiciability means that children should be able to easily exercise their rights without necessarily having to seek help from lawyers or other specialists. In addition, remedies should be available and easy to understand. Justice should be easy to reach, otherwise, society is harmed.

Remedy implies that a violation has already occurred. But working for justiciability means working for the rights of children in a preventive manner, even before a remedy is necessary.

Traditionally, the concept of justice was limited to the criminal sphere – the protection and punishment accorded to victims and perpetrators when a criminal violation has occurred. Now, justice has come to mean the fulfillment or preservation of rights. As such, for children, access to justice may also refer to the rights of a child to a birth certificate, access to home, access to education and access to all other freedoms, including climate justice. Justiciability therefore means allowing children to achieve all their rights.

## Progressive realization of children's rights

As stated in Article 4 of the UNCRC, justiciability applies not just to civil and political rights but also to economic, social, and cultural rights. It is essential that domestic law sets out entitlements in sufficient detail to enable effective remedies for non-compliance.

Upholding economic, social and cultural rights, however, is subject to progressive realization as it takes time to build the laws and institutions that will protect these rights. Hence, State Parties should progressively realize rights based on their available economic resources.

Moreover, per Article 4 of the UN CRC, international cooperation is an imperative as State Parties need the support of donors and UN agencies for them to have in-depth realization of rights. Thus, international agencies, not just States, are also obligated to fulfill all children's rights.

## Legal empowerment

In many cases, the problem is not the absence of legislation but the fact that legislation is so far out of the reach of normal people.

UNICEF works toward legal empowerment, or the “use of law specifically to strengthen disadvantaged children and enable them in accessing their rights”. It means to use existing laws and creating an enabling environment that would allow children to access them and make them understand that they can obtain a remedy, or they are entitled to a certain right.

Very often, after a legislation has been adopted, the by-laws and regulations would come in very late. This creates a level of distrust of the State among

citizens, especially children, because it is worse to have a declaratory right but not be able to access it. This is similar to having a nice building in the middle of the desert but without any roads leading there. In paper, the law works but in reality, it doesn't. Absence of implementing procedures negatively affects social cohesion at the vertical level; it widens the gap between the people and the State.



**Justiciability means that children should be able to easily exercise their rights without necessarily having to seek help from lawyers or other specialists. In addition, remedies should be available and easy to understand.**



UNICEF supports States in the implementation of rights through several steps:

1. **Information dissemination** – helping adults and children know and understand children's rights
2. **Legal assistance** – UNICEF enables paralegals who assist vulnerable people in legal procedures. These are teachers, nurses, law students, or whoever has the capacity to help. This is premised on studies showing that rights are not fully realized not because laws are inadequate but because aggrieved parties do not know technically how to access their rights, (e.g., where to file complaints, who is in charge, and procedural deadlines).
3. **Advocating for specialist independent human rights institutions for children** – NHRIs are intermediate bodies between the State and its citizens. They are channels for legal remedies. Similarly, specialist children's rights institutions can, not only advocate for children's rights, but also provide legal assistance to children.

Drafting a new law to solve the problem is like thinking to fix the health system of a country by building a large-scale hospital in the capital, leaving village healthcare systems behind. "*Acta non verba*" could mean that instead of coming up with new laws (*verba*) it will be better to remove one by one the obstacles that impede children from fully exercising their rights (*acta*).

**Justiciability would be better achieved if the approach is more bottom-up: listening to children, putting them at the center of attention, accompanying them, and removing barriers to their rights.**



Session

3

# Child impact assessment and evaluation during COVID-19





**Speaker: Ms. Cynthia Veliko,**  
*Regional Representative, Office of the UN High  
Commissioner for Human Rights in South-East Asia*

Ms. Veliko shared the importance of self-monitoring and evaluation of governments, as well as independent monitoring by other stakeholders, in the implementation of the UNCRC, especially as related to children's right to education during the COVID-19 pandemic.

## GC5, Article 4, Section 6

### Paragraphs 45 to 47

Ensuring that the best interests of the child are a primary consideration in all actions concerning children (art. 3 (1)), and that all the provisions of the Convention are respected in legislation and policy development and delivery at all levels of government demands a continuous process of child impact assessment (predicting the impact of any proposed law, policy or budgetary allocation which affects children and the enjoyment of their rights) and child impact evaluation (evaluating the actual impact of implementation). This process needs to be built into government at all levels and as early as possible in the development of policy.

Self-monitoring and evaluation are an obligation for governments. But the Committee also regards as essential the independent monitoring of progress towards implementation by, for example, parliamentary committees, NGOs, academic institutions, professional associations, youth groups and independent human rights institutions.

The Committee commends certain States which have adopted legislation requiring the preparation and presentation to parliament and/or the public of formal impact analysis statements. Every State should consider how it can ensure compliance with article 3 (1) and do so in a way which further promotes the visible integration of children in policymaking and sensitivity to their rights.

The CRC Committee has highlighted that the COVID-19 pandemic has had a very serious impact on children worldwide. Many children have been gravely affected physically, emotionally, and psychologically, especially in countries that have declared states of emergencies or put in place mandatory lockdowns, and particularly where children have been unable to continue with their schooling.

Indeed, while the world was working hard prior to the pandemic to meet the international standards that were enshrined in the 2030 Sustainable Development Goals for children's universal access to education, studies show that the public health crisis has exacerbated the pre-existing disparities across all countries that have vulnerable children who are usually more at risk of facing discrimination and who are at an even higher risk of being left behind. Distant learning solutions have created more inequalities in accessing education.

The CRC Committee indicated that in addition to home learning, which relies very much on the parental support that is available, it is important to look at where inequalities already existed and where the pandemic has indeed exacerbated them further. It has emphasized that States should ensure the availability of computer equipment and sufficient internet access, giving particular attention to children in rural areas and children with disabilities.

Online learning is a creative alternative to classroom learning and has become essential for many to be able to continue with their education amidst the pandemic. However, a continuous child impact assessment is critical to be able to evaluate the long-term effects of online schooling, as well as to identify needs for additional guidance and support that would be provided to teachers.

**258**  
**million**

**out-of-school  
children and youth  
pre-pandemic**

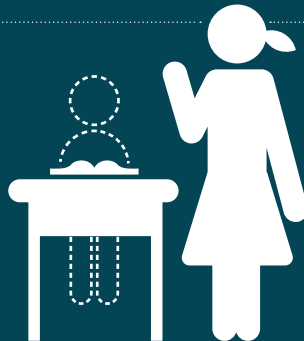
**7.6**  
**billion**

**out-of-school children  
and youth during the  
COVID-19 peak period**

**24**  
**million**

**learners at risk of not  
going back to school  
(2020)**

**The largest share of  
learners at risk of not  
returning to school are in  
South and West Asia.**



Source: The State of the Global Education Crisis  
(UNESCO, UNICEF, The World Bank, 2021):  
<https://bit.ly/3kHtJNQ>

Child impact assessments are essential tools that support:

- States' effective evaluation of laws, policies, and budget allocations and their effects on children
- States' compliance with international standards enshrined in the CRC
- the best interest of the child

Prior to the outbreak of COVID-19, the CRC Committee has raised the importance of these assessments with some ASEAN member states in their Concluding Observations to State Party reviews. One proposed way was to engage children or use a child rights-based approach in preparing state budgets. This entails establishing systems that track the allocation and use of resources for children throughout all government budgets, and monitor and evaluate their ultimate impact on the effective fulfilment of the rights of the child.

In the context of COVID-19 pandemic, the CRC Committee has reiterated the paramount importance of impact assessments. The CRC Committee specifically recommended ensuring routine evaluations of the social, economic, educational, health, and recreational impact of the COVID-19 responses that have been put in place by States on children. It further stressed that continuous assessment must be done, notably in contexts where states of emergencies have been maintained, leading to protracted periods of restrictions on the overall enjoyment of human rights that include child rights.

The CRC Committee has stated that restrictions imposed on children's rights in order to protect public health must be imposed only when necessary, and they must be proportionate and kept to an absolute minimum. Furthermore, any such restrictions, including on the right to education, should reflect the best interest of the child.



#### RECOMMENDED READING:

**“Right to Education, Impact of the COVID-19 Crisis on the Right to Education, Concerns, Challenges and Opportunities”** (Special Rapporteur on the Right to Education, Ms. Koumbou Boly Barry, June 2020)

<https://undocs.org/A/HRC/44/39>



**A vibrant, pluralistic, and diverse civic space that is well protected by the state is critical to meaningful and robust implementation of child impact assessments, which are needed more than ever.**



In Southeast Asia and in various parts of the world, measures undertaken by States to address the pandemic have further constricted and repressed civic space. These have had knock-on effect of adversely impacting the possibility of conducting comprehensive, participatory, and in-depth impact assessments and evaluations needed to ensure that the rights of children continue to be upheld and protected during this public health crisis.

A vibrant, pluralistic, and diverse civic space that is well protected by the state is critical to meaningful and robust implementation of child impact assessments, which are needed more than ever.

Discussing the possibilities and importance of building back better after the pandemic will require that we take stock and analyze how measures, laws, and policies have either worked or failed to support and promote the rights enshrined in the UNCRC, including the right to education. Only then can we move forward to strengthen existing structures and tools that will ensure that all child's rights are protected and promoted throughout our societies.



## IN FOCUS:

### **Child Rights and Wellbeing Impact Assessment (CRWIA) – Scotland**

The Scottish government uses the CRWIA, a tool and process through which public authorities and non-government organizations identify, research, analyze, and record anticipated impacts of proposed laws, policies, or measures on children's rights and wellbeing. It uses two frameworks: 1) the UNCRC and 2) wellbeing indicators that the country has developed to assess children's services provision.

The CRWIA is used on all new legislation that may impact children. Assessment protocols include gathering secondary evidence as well as directly involving children and young people.

At least three (3) CRWIAs were undertaken and published from 2020 to February 2022 on Scotland's policies related to the COVID-19 pandemic. These include the CRWIA on COVID-19 restrictions on children and young people; on accepting a negative lateral flow device (LFD) or polymerase chain reaction test (PCR) as an alternative to proof of vaccination; on Scotland's Strategic Framework Update which shifts the country's focus from suppressing cases to managing COVID-19 effectively.

**Here are Scotland's CRWIAs as of February 2022:** <https://www.gov.scot/publications/child-rights-and-wellbeing-impact-assessments-list/>

### **Independent Children's Rights Impact Assessment (CRIA) by the Children & Young People's Commissioner – Scotland (CYPCS)**

In 2020, the CYPCS worked with the Observatory of Children's Human Rights Scotland and conducted an Independent CRIA which analyzed how emergency laws and policies on COVID-19 have actually impacted children's rights in Scotland. It is the biggest assessment of such kind that has been done anywhere in the world.

The CRIA was framed by the UNCRC's 11 recommendations in light of COVID-19, which was published in a statement in April 2020. (See page 96). The CRIA was done by experts on nine (9) thematic areas, namely, the pandemic's impact on

1. Children and young people's physical health
2. Children and young people's mental health
3. Children and young people's education

4. Children and young people in poverty
5. Children and young people's rest, recreation, and play
6. Child Protection, Children's Hearings and Care
7. Domestic abuse
8. Children and young people with disabilities and additional support needs
9. Children and young people in conflict with the law and secure care

CRIA results were submitted to the Scottish Government and non-government entities to help ensure children's human rights amidst the pandemic, during recovery, and in any future crises.

**Access the Independent CRIA here:** <https://www.cypcs.org.uk/resources/independent-childrens-rights-impact-assessment-on-the-response-to-covid-19-in-scotland/>



## Dialogue discussion points

Open forum for Sessions 2 and 3

**Moderator: Ms. Hazel Bitaña,**  
*Child Rights Coalition Asia*

### On the role of AICHR in promoting child rights in the region

- AICHR's role cannot be underestimated as it has a comparative advantage in organizing regional dialogues. Peer learning is better than theoretical learning. AICHR should keep stimulating these dialogues to discuss lessons and strategies.
- With AICHR's help, countries can compare notes and discuss practical solutions by using data. Data is a powerful tool in achieving children's rights. Data that is comparable across contexts results in better analysis. Having good data is already half the battle. It is instrumental in understanding the dimensions of any problem and in overcoming it.

### On strengthening the collaboration between AICHR and ACWC in upholding children's rights

- Although they have already been working together, the relationship of AICHR and ACWC could be strengthened by embodying ASEAN's long-term vision for human rights. Both are working for the same thing.

Women's and children's rights are interlinked. For example, studies on inter-generational violence show that children who have experienced or seen violence against women are more likely to accept or perpetuate the same when they become adults. While there is a need to have specialized bodies such as AICHR and ACWC in the ASEAN, both should be aligned, like two separate pillars that support a heavy building.

### **On the suggestion that the UN should help States in improving their respective capacities to realize the UNCRC**

- Indeed, UN bodies should help State Parties improve their capacity in complying with the UNCRC. Mr. Sarandrea said that we should not only work on OPIC ratification, for example, but progressively strengthen justiciability wherein children activate their rights and States empower children to activate their rights.
- Ms. Bitaña also pointed out that after Concluding Observations are released, State Parties and other stakeholders can still reach out to the CRC Committee for help in implementing the recommendations.

### **On supporting Member States towards the ratification of the Optional Protocol on the Communications Procedure (OPIC)<sup>3</sup>**

- UNICEF supports the States' ratification of the OPIC from a broad perspective of supporting justiciability. It will explain to States the positive aspect of ratification while continuing activities that remove barriers for children to access justice at the national level.
- Greta Thunberg filed a case with the CRC Committee regarding violations on climate justice. Her main contention was that countries who have signed the OPIC were not doing enough to ensure a safe environment for children. The case was rejected by the CRC Committee not based on its merits, but because the children who filed the case had not exhausted all national remedies first. The OPIC can only be used as a last resort.
- Using the OPIC will require time and effort as it requires one to deal with an international body. Before that step, children or their representatives will have to go through national tribunals and instruments – an already very lengthy and difficult process. OPIC ratification should be placed on top of the pyramid and supported by more fundamental building blocks such as children empowerment and their ability to access justice and services that

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<sup>3</sup> Among the ten (10) AMS, only Thailand has ratified the OPIC.



are already available to them. Advocating for the ratification of the OPIC should be accompanied and preceded by a more comprehensive effort of removing the barriers to justice at the local level.

### **On the low ratification rate of OPIC in the Southeast Asian region**

- Mr. Sarandrea could not speculate on the reasons why many countries have not yet ratified the OPIC but shared that UNICEF can intensify information campaigns to help State Parties better understand it. Showcasing the experiences of countries who have already ratified the OPIC can encourage buy-in from those who have not yet done so. The OPIC is a complex mechanism and more information on its advantages and benefits could facilitate better appreciation of its intricacies.
- Ms. Bitaña shared that the 2018 ASEAN Dialogue surfaced that some States were hesitant to ratify the OPIC because they don't have human rights institutions in place yet. This means that people could bring complaints on human rights violations to the UN Committee immediately since the complainants would have already exhausted all the national remedies, as there are none. The States did not want this as individual communications could be used for political purposes to put the country in a negative light.

### **On establishing a child advisory group within the specialist independent human rights institutions for children ombudspersons or commissioners for children**

- Children's ombudspersons, commissioners for children, and similar institutions represent a bridge between the State and children. They need to be independent and have specialists working on children's rights, especially in advocacy communications. Having a child advisory body composed of children will be a big help as they can really provide insights and facilitate understanding on the problems of children.

### **On ensuring the safety, security, and independence of child-focused NGOs and CSOs, especially those working in conflict areas**

- To protect children human rights defenders, we also must protect adult human rights defenders. A serious area of concern is the growing number of human rights activists who have been killed recently. Forming a large coalition, even at the regional level, can make CSOs' voices stronger and eventually create some level of protection.

## On the legal empowerment of children

- On the theory of legal empowerment, UNICEF works on two categories, namely climate justice and children's disability. UNICEF will continuously work on giving children and their representatives the proper fora and space to raise their voices. UNICEF has already developed and implemented feedback mechanisms for their child-friendly cities and child-friendly local governance project involving 400 cities worldwide, which they can share in the ASEAN Dialogues if the opportunity arises.



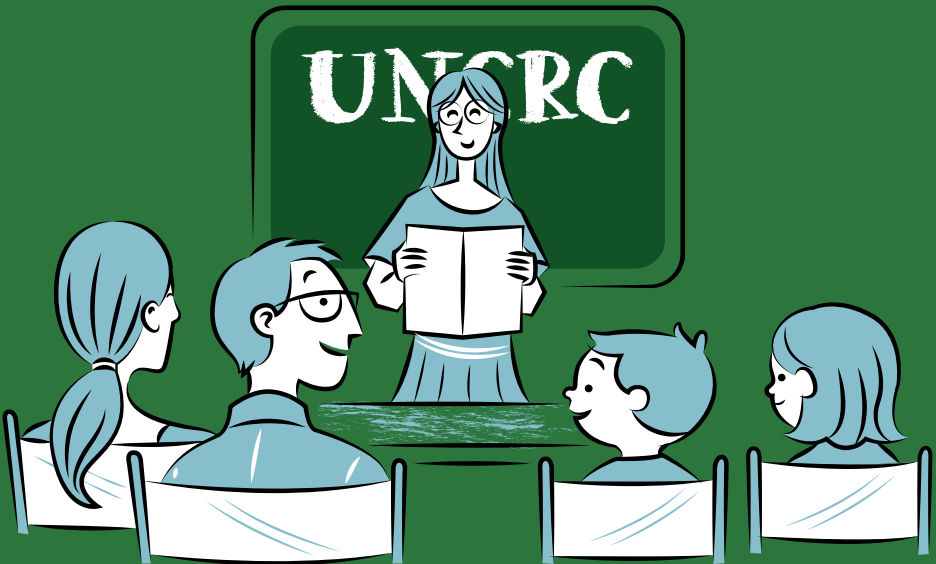
### RECOMMENDATIONS FOR REGIONAL ACTION

- AICHR to continue fostering peer learning through regional dialogues and the collection and sharing of comparable data.
- Align the work of AICHR and ACWC on the broader ASEAN vision of human rights.
- Support OPIC ratification by showing experiences of countries that have already ratified it.
- Establish child advisory groups for children ombudsmen or child commissioners that will also be composed of children who will help in examining children's issues better.
- Promote the legal empowerment of children by increasing their ability and removing barriers in accessing legal services that are already available to them.
- Conduct continuous evaluations of the social economic, educational, health, and recreational impact of the State responses to COVID-19 pandemic on children, especially in places with protracted restrictions.

Session

**4A**

# Making the Convention known to adults and children





**Speaker: Dr. Seree Nonthasoot,**

*Member, United Nations Committee on Economic, Social, and Cultural Rights*

Dr. Nonthasoot laid down the current landscape of risks for children including digital inequality, mental health, and political disillusionment. He suggested strategies to address these at the national and regional level by engaging ASEAN bodies, CSOs, the media, the business sector, and the youth to conduct communication activities in a comprehensive and synergized manner.

## GC5, Article 42

States Parties undertake to make the principles and provisions of the Convention widely known, by appropriate and active means, to adults and children alike.

### Landscape of risks for children

The World Economic Forum's Global Risk Report in 2021 predicted high impact risks, such as infectious diseases (e.g., COVID-19), climate action failure, human environmental damage, and biodiversity loss. These problems indeed occur in varying extent in different parts of the world. However, the report also identified risks that have high probability but whose impacts are not that visible. These include youth disillusionment, mental health deterioration, and digital inequality.

We can focus on these three items to determine how the UNCRC can be more known and relevant to children and adults:

- **Digital inequality** - About 1.6 billion children in many parts of the world have been suffering from more than two years of not attending actual classes in schools. This will have reverberations to their near and far future.
- **Mental health** - A study in the United Kingdom reported that about 16% of their adult population showed signs of depression in 2020. There was an increase in depression in the age group of 16 to 39 in the same year. Another study also revealed that more than 20% of children in the UK aged six (6) to ten (10) have shown probable mental health disorders.

A survey by the Organisation for Economic Cooperation and Development (OECD) showed that, in 2020, the youth expressed concerns on mental health,

disposable income, and employment impacts of the COVID-19-pandemic as most of them were in transition from education to employment at that time. Moreover, for those who work in high impact sectors like tourism and hospitality, the future is still very uncertain.

The trend is certainly troubling. However, one good thing that came out of the pandemic was the recognition of mental health as an issue that should be faced, and not a stigma.

- **Political disillusionment** - In some countries like in Thailand, the youth experience restraints to and suppression of their freedom of expression and political participation, caused in many cases by COVID-19 pandemic social distancing restrictions. A survey showed that the youth in more than half of OECD countries trust their government less than before.



**ASEAN should have a more coherent and comprehensive strategy in promoting children's rights.**



## Strategies to make the UNCRC known and relevant

At the regional level, ASEAN should have a more coherent and comprehensive strategy in promoting children's rights with the above risks in mind. ASEAN Sectoral Bodies such as AICHR, ACWC and the ASEAN Senior Officials Meeting on Social Welfare and Development (SOMSWD) have done significant work in promoting human rights in the region, such as crafting declarations on out-of-school youth and on the violence on children and women. However, efforts tend to be piecemeal.

There are several national action plans on children's rights, but the more fundamental issue is to ensure that children are being treated as rights holders at the national level.

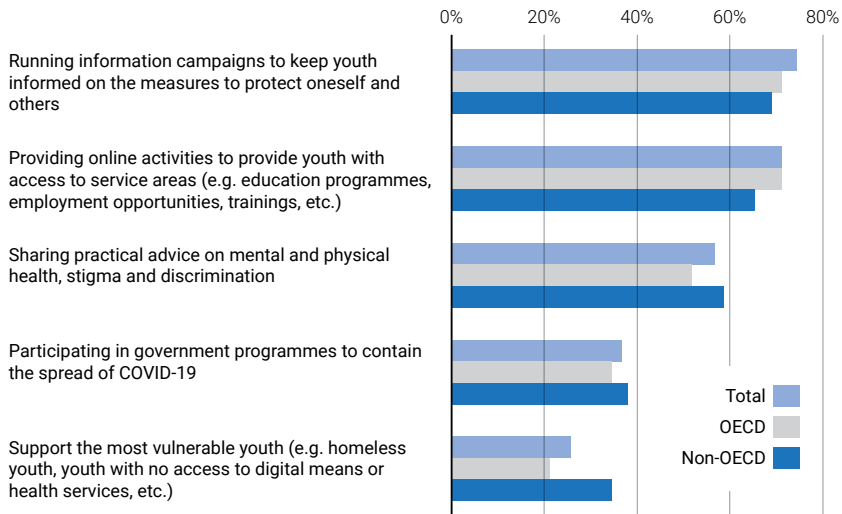
Youth organizations, business organizations, such as those belonging to a global content network, and the media must be partnered with. The ASEAN needs to synergize efforts with the ASEAN Youth Forum who has been very active in this regard, as well as the ASEAN Business Advisory Council, and the ASEAN Media Forum. While there are only five NHRIs in AMS, they

have forged a very strong alliance among themselves, and there is a good opportunity to engage them as well.

Finally, to make the UNCRC relevant, the strategies should be attuned to changing demographics and the rampant use of social media platforms (e.g., Facebook, YouTube, Tiktok). According to the Digital 2022 Global Overview Report by Hootsuite and We Are Social, nearly 5.5 billion out of 7.7 billion are connected online, creating a metaverse that can be readily tapped.<sup>4</sup> Population forecasts for the next three decades put Asia as still the most populated region in the world, making it also the region most populated by young people.

The youth need to keep doing what the OECD has revealed as the ways in which they are already contributing to societal resilience, notably 1) running online information campaigns on measures to protect themselves and others, and 2) providing online activities to provide fellow youth with access to service areas (e.g., education programmes, employment opportunities). (See *Figure 1*).

**Figure 1: How children are contributing to societal resilience**



Source: Youth and COVID-19 Response, recover and resilience (OECD, June 2020)

<sup>4</sup> Hannah Currey. (2022, February 14). Digital 2022: Another Year of bumper growth. We Are Social UK. <https://wearesocial.com/uk/blog/2022/01/digital-2022-another-year-of-bumper-growth-2/>

Session

**4B**

# **Business and children's rights**





**Speaker: Ms. Ida Hyllested,**  
*Child Rights and Business Manager, UNICEF-EAPRO*

Ms. Hyllested discussed key developments that resulted to a paradigm shift in how we see the role of businesses in upholding children's rights. She also discussed positive changes among industries on how they view operations in the natural and digital environment, as well as current challenges in accelerating these changes.

## GC5, Article 42

"State Parties undertake to make the principles and provisions of the Convention widely known, by appropriate and active means, to adults and children alike."

The role of the business sector as a key stakeholder group in the implementation of the UNCRC cannot be separated from the roles and responsibilities of State Parties in ensuring the "corporate respect" for children's rights, as outlined in GC 16 on State's obligations regarding the impact of business on children's rights.

In East Asia and the Pacific, the business sector has been the engine behind the rapid creation of new markets, high rates of diversification, and urbanization. This rapid economic development comes with a price -- throughout the region, there are specific business and human rights challenges linked to global supply chains and to business practices, including forced labor, workplace violations, environmental degradation, and rising inequality, which in turn affect the lives of children, especially the most vulnerable.

### Key developments

Three key developments put the spotlight on the role of business in promoting children's rights: 1) UN Guiding Principles on Business and Human Rights; 2) Children's Rights and Business Principles; 3) and UNCRC GC 16.

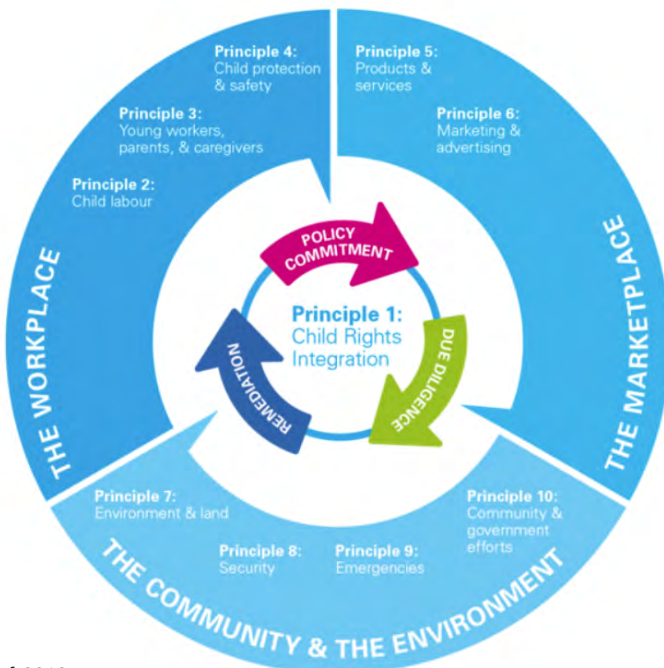
- **The UN Guiding Principles on Business and Human Rights (2011)** – This was unanimously endorsed by the United Nations Human Rights Council. It was a historic achievement because it reaffirmed States' duties to protect citizens against human rights abuses by business. It also established for the



first time that business itself has a responsibility to respect human rights. A decade since it was first endorsed, much has been achieved, most notably, a normative expectation and clarity of action for business to exercise human rights due diligence or the process required from a business entity to identify, prevent, and mitigate their adverse impacts, and to account for how they address them. This is the cornerstone of the basic responsibility to respect human rights.

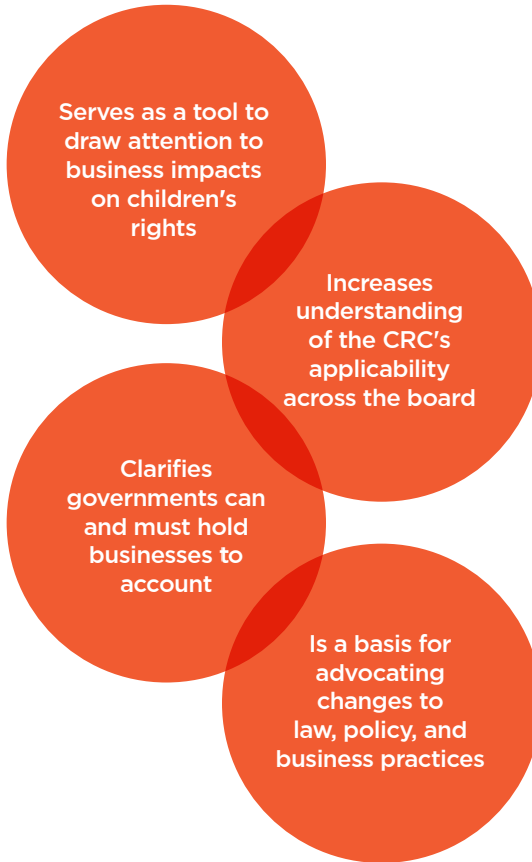
- The Children's Rights and Business Principles (2012)** – UNICEF together with Save the Children and the UN Global Compact, developed this set of principles that could guide companies on the range of actions they can take in the workplace, in the marketplace, and in the community to respect and support children's rights. (See [Figure 2](#)). The starting point for these principles is the recognition that businesses impact children in multiple ways beyond child labor. Companies, for instance, also interact with children as their customers, children of their employees, etc. Children must be treated not just as rights holders but also stakeholders for business. The 10 principles provide a comprehensive framework for understanding and addressing the impact of business on the rights and wellbeing of children. The 10 principles can, among other things, be used to inform government's expectations from, engagement with, and regulation of business.

**Figure 2: Children's Rights and Business Principles**



Source: Unicef, 2012.

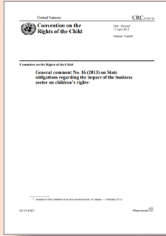
**Figure 3: Aims of GC 16**



- **GC 16 on State's obligations regarding the impact of business on children's rights (2013)** - This was issued by the CRC Committee on the Rights of the Child to provide governments with specific guidance on the role of the private sector. It is addressed to all States that have ratified the UNCRC and OPIC and it broadly covers all national and transnational business enterprises irrespective of their size, sector, location, ownership, and structure. The main thrust of GC 16 is that states have a legal obligation to ensure the private sector enterprises respect the rights of the child, do not hinder efforts to realize and advance children's rights, whether directly or indirectly and intentionally or inadvertently, and engage positively in the realization of those rights.



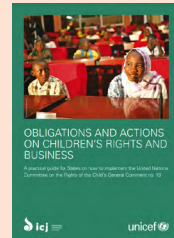
## RECOMMENDED READING:



**UNCR General Comment 16** on State obligations regarding the impact of the business sector on children's rights  
<https://bit.ly/37nsznP>



**Children's Rights and Business Explained** (Save the Children and UNICEF, 2015) - a plain language version of the UNCR GC 16  
<https://bit.ly/3uRdh3M>



**Obligations and actions on Children's Rights and Business** (ICJ and UNICEF, January 2015) - a practical guide for States on how to implement the UNCR GC16.  
<https://uni.cf/3Mf4puD>



**Children's Rights in National Action Plans on Business and Human Rights** (The Danish Institute of Human Rights, International Corporate Accountability Roundtable, and UNICEF, 2015) - provides guidance on how children's rights can be addressed in National Action Plans on Business and Human Rights and other similar policies.  
<https://bit.ly/3McJs3u>



**Children's Rights to a Safe, Clean, Healthy and Sustainable Environment in the ASEAN Region** (UNICEF, UNEP, OHCHR, October 2021) - provides essential policy guidance for governments, civil society, businesses, the media, and children to implement the principles for realizing children's rights to a safe, clean, healthy, and sustainable environment in Southeast Asia.  
<https://uni.cf/3vrtGL8>



**Children must be treated not just as rights holders but also stakeholders for business.**



## **Businesses and children's rights in relation to the digital environment and amidst climate change**

GC 25 on children's right in relation to the digital environment specifies that States are obliged to ensure that all entities whose activities impact children within their jurisdiction meet the responsibilities regarding children's rights, which in this context means the information communication technology (ICT) industry spanning from internet service providers, mobile operators, social media, and others.

GC 25 is important because it specifies that State Parties should require the business sector to undertake child rights due diligence, in particular, to carry out child rights impact assessments, and disclose them to the public, with special consideration given to the differentiated and at times severe impacts of the digital environment on children.

A month ago, UNICEF, in partnership with the United Nations Environment Programme (UNEP) and UN OHCHR, launched the "Principles and Policy Guidance of Children's Rights to a Safe, Clean, Healthy, and Sustainable Environment in the ASEAN Region". This includes separate guidance for the business sector in relation to their responsibility when it comes to children and the environment.

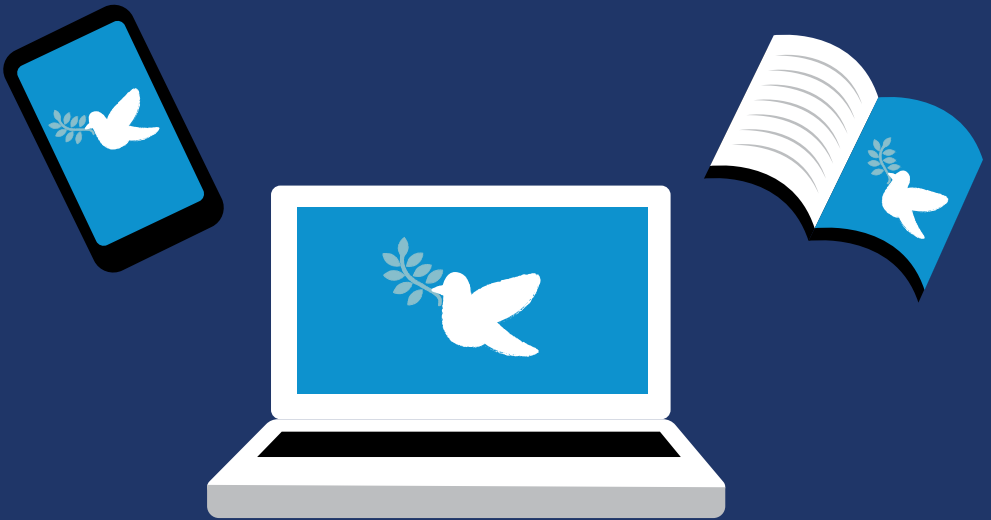
In 2020, UNICEF did preliminary research around the links between business, children and climate change in the ASEAN region and found out that the private sector action on climate change is very limited. While a few companies are now looking at climate change risk assessments, many do not go beyond their own operations and their own value chains where economic impacts are prioritized.

More revealing is that child-centered private sector action on climate change, including action to reduce their negative impacts, is almost non-existent. In addition, the research found that private sector actors are sometimes reluctant to be engaged on the topic of climate change when considering the impacts on children as they were unable to see the relevance of its impacts on children and business.

Session

5

# Making State Party reports widely available





**Speaker: Mr. Lucio Valerio Sarandrea,**  
*Child Protection Specialist (Child Justice and Child Rights),*  
 UNICEF-EAPRO

Mr. Sarandrea underscored the necessity of using simple language in making State Party reports more widely available to children and of translating these to different languages. He emphasized how adults have to conduct activities in a child-friendly manner and warned against the perils of tokenism.

## GC5, Article 44 (6)

States Parties shall make their reports widely available to the public in their own countries.

### Paragraph 72

The Convention explicitly requires States to make their reports widely known to the public; this should be done when they are submitted to the Committee. Reports should be made genuinely accessible, for example, through translation into all languages, into appropriate forms for children and for people with disabilities and so on. The internet may greatly aid dissemination, and Governments and parliaments are strongly urged to place such reports on their websites

### Making State Party reports more widely available to children

**E**ast Asia and the Pacific, where ASEAN is located, is a region with the most number of languages and dialects. The language is so diverse that some people do not even understand the language spoken by most of their country's population.

The UNCRC, Country Reports, and related documents should be accessible to the public and should be easy to understand not just by adults but also by children. This is in line with the essence of the UNCRC of putting children at the center of attention. These should therefore be translated into languages that people are comfortable with. They must reach children, including minorities in far-flung areas.

Young readers should be able to clearly understand all the contents and not just parts of the document. Jargon must be avoided. If children do not understand adults, then adults will not be able to listen to them. Adults need to find ways to discuss with children.

## Guidance for communicating with children

Over the years, many organizations such as CRC Asia, Save the Children, and UNICEF have developed some instructions on how to talk to children and how to encourage children to participate in events. These guidelines encourage adults not to “give voice to children” but to listen to children’s voices.

Moreover, it is getting more common that technical documents are being translated into child-friendly materials with infographics and multimedia features.

**Figure 4: Child-friendly icons of the 43 articles of the UNCRC**





## RECOMMENDED READING:



### **Child participation guidelines for online discussions with children** (ChildFund Korea, CRC Asia, Plan International, and Save the Children, 2021)

These are intended for CSOs organizing online discussions, surveys, and other activities with children. Their use may be mainstreamed in schools and with teachers who are implementing online learning or any individuals or groups mandated to hear the views of children. The publication is available in English, Bahasa Indonesia, Korean, and Chinese.

<https://bit.ly/3McELqb>

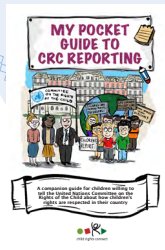


### **Child-friendly versions of the UNCRC**

(Child Rights Connect, 2020)

Materials that help children understand the letter and spirit of the UNCRC through child-friendly language and illustrations.

<https://bit.ly/3rvZj4X>



### **My pocket guide to CRC Reporting**

A companion guide that has been developed for children and adolescents willing to tell the United Nations Committee on the Rights of the Child about how children's rights are respected in their country.

<https://bit.ly/36o0Gvh>

Although children are now given space in conferences and consultation activities for UNCRC reporting, adults should refrain from tokenistic treatment of children. Tokenistic treatment means giving children something and leaving them on their own, like when children are given tokens to play in a theme park.

Just like how parents must play with children, there must be sincere effort to engage with children in these consultations. In the same way, discussions with children should be genuine. Events with children should not be staged just because it is a requirement. Adults must be careful not to put words into children's mouths and make them say things that are not really their own thoughts or sentiments.





## Dialogue discussion points

Open forum for Sessions 4 and 5

**Moderator: H.E. Amb. Prof. Dr. Nguyen Thai Yen Huong,**  
*Representative of Viet Nam to AICHR*

### On engaging children in discussions and decision-making processes

- Due to the COVID-19 pandemic, children, especially those belonging to the minority, have been deprived of social engagement. This has long term repercussions on their adult life. The UNCRC is an important vehicle to empower children as agents in their own right. Empowering children is important in mitigating the impacts of COVID-19. Adults should not wait for children to grow up before engaging them. They should hurdle misunderstandings caused by generation gap (e.g., baby boomers, millennials, generation x, etc.) and engage children now.
- The disintegrating vertical social cohesion between the youth and the State are driven by a few factors such as the increased level of communication among the youth (through online means) and a sort of impatience. While before, citizens were more willing to wait for change to happen, now children and the youth demand immediate action for change and are frustrated if they do not see it. Some related studies discuss low election turnout among the youth as they no longer see this political exercise to be relevant or important. There is a need to explore dimensions of this problem, and ASEAN can dedicate an activity to discuss this topic.

### On responding to emerging child rights issues in ASEAN

- With the myriad of problems affecting children, there is a need for a wide-ranging policy response in the region and not be complacent on just having one or two declarations.
- In ASEAN, there are focal points looking after children such as AICHR and ACWC. However, CSOs are not involved that much. CSOs need to be integrated and recognized in their pivotal role of bringing attention to the concrete issues that children face at the frontlines (e.g., human, trafficking, online bullying, etc.).
- Indeed, there is a need to monitor and assess the implementation of declarations and international treaties and a mechanism to do it. In Thailand, the National Plan on Business and Human Rights has a good mechanism for monitoring that could be emulated by other AMS.

- Regarding climate change, many understand how it impacts children, but there is no concrete mechanism to mitigate its risks on children.

### **On how private companies in Southeast Asia implemented programs on children rights**

- In the Philippines, PLDT-Smart Telecommunications has recently launched a child-centered corporate policy which integrates child rights impact assessment in its operations in an effort to understand the impacts and risks their business may have on children. Following up on this, it will develop action plans on how to mitigate the impacts that would be identified.
- In 2019, the Roundtable on Sustainable Palm Oil (RSPO) changed its principles and criteria to include specific considerations of children's rights issues. It moved the focus beyond child labor and looked at the ways that plantations employees' children were impacted by the industry. RSPO also produced guidance for palm oil producers, smallholders, groups managers, downstream supply chain, auditors, and certification bodies on child rights protection. A member-based multistakeholder organization such as RPSO is very powerful because positive changes, once they happen, could trickle down to members.

### **On GC 25 and girls' unique experiences online**

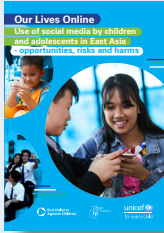
- UNICEF-EAPRO published a report called "Our Lives Online" to understand the online experiences of young people in East Asia and the Pacific. Sixty-nine (69) workshops were done, and 709 children were consulted around their experiences and perspectives on digital technology to inform GC 25. The study found that there was very little difference between girls and boys in terms of encountering adverse experiences online. The main difference is that in many parts of the world, girls do not have the same level of access as boys to digital content and all the opportunities that it provides.

### **On empowering children to push for climate policies that protect their rights**

- The Philippines has laid down the principles of intergenerational equity, which means that the next generation is fully entitled to enjoy the environment as the current generation of adults does. Children can seize the opportunity to claim that they are the inheritors of a sustainable environment.
- Youth campaigners should be empowered and move the agenda on sustainable development and environmental conservation forward, as they recognize that not acting now may have future negative consequences.



## RECOMMENDED READING:



**Our Lives Online** (UNICEF EAPRO, February 2020)  
Use of social media by children and adolescents in East Asia – opportunities, risks, and harms  
<https://uni.cf/389kQKc>



**Our Rights in a Digital World** (Western Sydney University and 5Rights Foundation, 2021) A snapshot of children's views from around the world  
<https://bit.ly/3zVsUZ8>



**Free to be Online?** (Plan International, 2020) Girls' and young women's experiences of online harassment  
<https://bit.ly/385Ti8e>

At the Conference of Parties (COP) 26 for instance, children came out to pressure their leaders so that they would pledge more climate action. The Thai Prime Minister in response has pledged to slash emission by 40% by 2030.

### On empowering children towards OPIC ratification

- Even though all 10 AMS have ratified the UNCRC, only one has ratified OPIC. There is a need to do more in terms of standards-setting among AMS. There is nothing to fear because AMS will improve transparency to their own legal system by empowering children to take legal course of action.
- Children and youth associations should indeed be empowered to use national legal remedies before resorting to the OPIC. State Parties should work relentlessly with children and youth on this. However, children can also participate in the policy arena to push their governments to ratify the OPIC.



## RECOMMENDATIONS FOR REGIONAL ACTION

- ASEAN should have a more coherent and comprehensive strategy for making the UNCRC known and relevant to all.
  - Synergize efforts with the ASEAN Youth Forum, the ASEAN Business Advisory Council, and the ASEAN Media Forum.
  - Engage the alliance of NHRIs in the AMS.
  - Maximize the use of social media such as Facebook, Tiktok, and YouTube to make the UNCRC relevant.
- For ASEAN to integrate CSOs more into their work and recognize their pivotal role in bringing attention to concrete issues that children face
- Continue creating child-friendly materials in various languages that explain the UNCRC, its related documents, as well as technical reports that relate to children's rights.
- State Parties must require businesses to do child rights due diligence.
- Mechanisms for continuous CRC monitoring and evaluation at the national and regional level must be crafted and institutionalized.
- Empower children to be well-versed on national legal remedies for child rights violations and participate in policy making for child-rights and business practices, climate change, and the digital environment.
- Empower youth campaigners to use climate legislation in demanding climate action from their governments through mechanisms such as the COP 26.
- Dedicate a dialogue on exploring political disillusionment among the youth and the disintegrating vertical social cohesion between the youth and the State.

Session

6

# Public budgeting for the realization of children's rights





**Speaker: Atty. Mikiko Otani,**  
*Chair of the UN Committee on the Rights of the Child*

Atty. Otani continued her discussion of GC5 from the previous day by discussing GC19 and how State Parties are obligated to mobilize and use resources to implement the UNCRC.

## GC19 (Article 4)

Article 4 of the UNCRC lays down the overall implementation obligations of State Parties that include legislative, administrative, and other measures in upholding children's rights. GC 19 expounds on resourcing that is crucial in implementing these measures.

State Parties' obligations concerning budget for implementing children's rights include the following.

- **Mobilize, allocate, and spend public resources**
- **Respect** – not to interfere directly or indirectly with enjoyment of children's rights. In relation to budgeting, State Parties, for example, should not discriminate against one group of children in allocating funds.
- **Protect** – to prevent third parties from interfering with children's rights. State Parties have the obligation to protect children from abuse and violation caused by non-state actors. For example, when parents neglect or do not provide support to their children, the State is obligated to provide basic services, which may include placing children in temporary shelters that provide basic needs. These entail resources.
- **Fulfill** – to take action to ensure the full realization of children's rights. One example is using the Child Justice System.<sup>5</sup> To establish children's courts, a State needs to provide training to the lawyers, judges, and prosecutors on children's rights. This requires a budget.

<sup>5</sup> In the UN CRC General Comment No. 24 (2019) on children's rights in the child justice system, the CRC Committee uses the term "child justice system" in place of "juvenile justice" to encourage the use of non-stigmatizing language relating to children who come in contact with the justice system.

## What does “to the maximum extent of available resources” mean?

The difference between “immediate realization” and “progressive realization” of rights was based on the understanding that State Parties must work to realize civil and political rights immediately upon ratifying the UNCRC, but that they were not obligated to implement economic, social, and cultural rights at once. State Parties, instead, were expected to do the latter gradually or progressively.

For a long time, international law used the concept of progressive realization to give some consideration to State Parties in the fulfilment of their obligations. However, times have changed with the realization that there is no clear line between civil, political, economic, social, and cultural rights. It is now widely acknowledged that all rights are indivisible and interdependent. The rights of the child to freedom from violence for instance is related to the right to life, the right to survival, the right to health, the right to education, right to freedom of expression, and others. All kinds of rights, therefore, must be treated as high priority.

Moreover, the concept of progressive realization does not allow State Parties to totally cut certain programs even in times of crisis, because the idea is to realize children’s rights gradually. In emergency situations such as the COVID-19 pandemic, State Parties have to justify that retrogressive measures were necessary, reasonable, proportionate, non-discriminatory, and temporary.

To ensure that resources are truly maximized for children’s rights, State Parties must do budgeting that is accountable, transparent, inclusive, and participative at the national and subnational levels. State Parties need to fight corruption and mismanagement of public resources.

## General principles of the UNCRC and public budgets

The CRC Committee recognizes four general principles under the UNCRC, namely,

1. Right to non-discrimination
2. Best interest of the child
3. Right to life, survival, and development and
4. Right to be heard.

All these principles must be integrated in the budget. The best interest of the child needs to be considered in budget planning, and children need to be involved and given the opportunity to be heard about their opinion on the budget.

## Examples of recent CRC Concluding Observations on public budgeting

- “Allocate designated budget lines at the national, regional, and local levels for the realization of children’s rights, giving particular attention to children in disadvantaged situations, including migrant and Roma children, with the aim of preventing family separation. (Czech Republic).”
- “The Committee regrets the limited progress made in developing a child specific-approach for the planning and allocation of resources in the federal and cantonal budgets, and the lack of information on child related expenditure at the cantonal level.<sup>6</sup> With reference to general comment number 19 (2016) on public budgeting for the realization of children’s rights, the Committee reiterates its previous recommendations for the State Party to incorporate a child rights based approach into the state budgeting process, including by implementing a tracking system for the allocation and use of resources for children and assessing how investments in all sectors serve the best interest of children (Switzerland).”

## Lessons on public budgeting for children

- Data is crucial in monitoring the effectiveness of legislation, policy, and programs relevant in the implementation of the UNCRC. Data must be collected and disaggregated in order to have a robust information system, but obtaining, maintaining, and using data also requires a budget.
- While some budget lines are clearly directly for children, such as vaccination or health, there are budget lines that indirectly benefit children. As such it is important to set comparative indicators that can be applied across cities and countries to be able to determine how much of a State’s budget really benefits children. ASEAN can come together to share experiences in determining and monitoring budget lines for children at the regional level.

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<sup>6</sup> Cantonal level is similar to municipal level in Switzerland.



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**The best interest of the child needs to be considered in budget planning, and children need to be involved and given the opportunity to be heard about their opinion on the budget.**

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- So much effort is put into proposing and crafting policies and programs for children's rights, but budget allocation, which has its own process and timing, is often neglected. It's critical that government officials, CSOs, and children work on the budget together to effectively implement legislative, administrative, and other measures for children's rights.
- For children to be able to recommend effective programs, they also need to know the budget and understand the budgeting process. This is challenging because even adults have a difficult time doing so. Therefore, there must be more effort in producing more child-friendly materials on this topic.
- A few years ago, the Tokyo Metropolitan Government produced a child-friendly version of its budget. Atty. Otani, who was working with civil society at that time was impressed but made a couple of suggestions to the governor. First, she said that the Tokyo Metropolitan Government must also explain how much of the budget is earmarked and used for children, whether directly and indirectly. Second, she recommended child participation in the budget process.



# Dialogue discussion points

Open forum for Session 6

**Moderator: H.E. Mr. Eric Paulsen,**  
*Representative of Malaysia to AICHR*

## On implementing and advocating for public budgeting for children's rights

- Atty. Otani emphasized the importance of following-up on the Concluding Observations and recommendations of the CRC Committee on the topic. It would also be interesting to connect the recommendations that the CRC Committee had for the Czech Republic and Switzerland to the ASEAN setting.
- Integrating a child rights approach into budgeting is the challenge for almost all countries. Atty. Otani emphasized the need for the AMS to share experiences and learn from each other in this regard. Atty. Otani said she intends to dig deeper into the topic herself.

## On child participation in the public budgeting process

- While the CRC Committee has been recommending the participation of children in decision making and policy making processes at the local, national, and regional levels, it would be better for children to be involved in the budgeting process at the local level first – to gain knowledge and skills – before participating in budgeting at the national level.
- Budgeting terminologies, technicalities, and timeframes are already difficult for adults to understand. Children will find this task more challenging. Thus, CSOs must support children so they can effectively participate. For this, child-friendly materials will be helpful, especially if these are in a language that the children understand the best.
- Mr. Sarandrea reported that UNICEF's Child Friendly City Initiative empowers children to participate in local governance through dialogues between local governments and children. Around 400 cities across the globe have participated. Governments and children come up with joint action plans with budgets, making the dialogues practical and effective.
- Some concrete examples that UNICEF's Child Friendly City Initiative works: 1) children's suggestion to put up more streetlights and pedestrian crossings in one city was in fact adopted and implemented thus reducing the number of crimes; and 2) due to reports of sexual harassment in their school, a

group of girls suggested to install CCTVs in every corridor which led to the elimination of harassment incidents.

- Atty. Otani noted that a child rights approach to budgeting could be embedded in the activities of UNICEF's child friendly cities so that children there could understand the budgeting process better and have greater appreciation for policies and programs that their city governments are doing for them.
- Not including minorities in the budgeting process will contribute to the growing gap between the State and those at the grassroots level.

### **On focusing public investments toward specific child rights programs**

- More public funds must be used for improving data collection as it is one of the fundamental tools for the effective implementation of children's rights. Unfortunately, very often, the data collected is not disaggregated. Data quality and granularity must be achieved and sustained.
- To implement child rights, it's crucial to establish effective child participation mechanisms at the national and municipal levels.
- Finally, civil society cooperation, private sector cooperation, and international cooperation must be strengthened. It is worth noting that some initiatives that didn't require much budget have generated positive outcomes.

### **On ensuring a human rights-based approach to programming**

- Children should not be mere inputs in economic development. Public programs must be crafted and implemented with the core objective of upholding people's rights, including those of children. In this session, Atty. Otani was asked how the CRC Committee ensures that States do indeed adopt a human rights approach in their programming.
- Atty Otani explained that the CRC Committee is unable to really look into the details of whether countries ensure a human rights-based approach to programming because country reviews are taken up within a 6-hour timeframe with so many issues to cover. Questions and recommendations are sometimes standardized, and the CRC Committee do not go in-depth into discussions with the State Parties. The CRC Committee usually asks what percentage of the entire budget is allocated for child rights protection. From there, recommendations on integrating a human-rights based approach would usually follow.
- All the practical steps in ensuring that the budget is prepared using human rights-based approach can be found in GC 19. However, absorbing and actually implementing the GC is not easy.

- Atty. Otani suggested including other members of the CRC Committee in dialogues on public budgeting for children. That way, they will learn more about the experiences of national and local governments that they can use when posing questions or presenting effective recommendations to State Parties.

### **On involving different government ministries in child rights budgeting**

- Atty. Otani observed that State Party delegations that join CRC Committee activities on child rights budgeting often include Ministries of Children (when there is one), of Women, Workers, Justice, and Employment. However, it would be helpful to include finance ministries in State Party delegations because child-rights budgeting is not only about allocation of resources but also entails reviewing the mobilization of resources, including taxation, and debt management. Likewise, ministries that are responsible for international cooperation such the Ministry of Foreign Affairs or Ministry of Economy should also be part of State Party delegations. Line ministers that are directly involved in national budgeting should also join.
- As there are many competing concerns regarding children that need to be addressed, States need to optimize the budget by identifying the priority areas.

### **On considering the views of the business sector in the work of the CRC Committee**

- The CRC Committee does not directly engage with the business sector during Country Reviews and in crafting General Comments because, as the monitoring body, its mandate is to monitor State Parties' implementation of the UNCRC and it specifically guides and addresses only State Parties. However, the CRC Committee also recognizes the growing role of the business sector in terms of taxation, financing, and mobilizing resources and the impact that their actions have on children. The CRC Committee therefore will not be able to effectively provide States with guidance without involving the business sector. The business sector was involved in the drafting process of GC 25 on children's rights in relation to the digital environment, but not in a major way. Atty. Otani said the CRC Committee has to look more into engaging the business sector more meaningfully. She will suggest involving industries in crafting the GC 26 to the CRC Committee.

### **On capacitating the local governments on child rights**

- While the ASEAN Dialogue is also a good venue to learn more about the GC, there should be another step to cascade the learnings at the local level in a more practical way.

- Trainings for LGUs where they can also share experiences are essential. UNICEF has produced numerous training modules that can be used for building the capacity of LGUs in mainstreaming child rights in local planning and development.

### **On discussing child rights budgeting at the regional level**

- Some states are hesitant to talk about public budgeting at a regional or international level because discussions may entail disclosing their financial management systems and processes. However, there are some regional bodies, such as the European Union that have integrated child rights budgeting in their international cooperation efforts.
- It would be good if ASEAN brings its three pillars together (political security, economic, and socio-cultural) to discuss budgeting for children as this would lead to the involvement of all relevant national-level ministries.

### **On investing to address violence against children**

- VAC can be curbed if more investments are put in. ASEAN should provide some leadership on the humanitarian crisis in Myanmar. Aside from putting children directly at risk of violence, the situation also endangers public investments that are directed towards children. Myanmar needs greater support from its neighboring countries to ensure that children who are fleeing from violence will be given protection. Greater pressure should also be made so that Myanmar's COVID-19 response improves and attacks on health workers stop.
- Universal parenting is necessary for all parents to raise the children in a non-violent environment. All parents must be supported in their roles and responsibilities of child rearing.<sup>7</sup>

### **On investing on the full range of children's rights**

- Spending for children's health, education and other services can be considered as ensuring the social and cultural rights of children. However, State Parties should also invest in children's civic and political rights, thus they should also allocate budgets for strengthening mechanisms that would allow children to practice these rights. Student activism has to be supported. Students need to understand that they have freedom of expression and peaceful assembly. Spending for children should be attached to the policies enacted by governments.

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<sup>7</sup> Universal parenting programs are interventions offered to all parents in a general population. These aim to improve parents' sense of parenting efficacy and mental well-being and are delivered in a community setting.



## RECOMMENDATIONS FOR REGIONAL ACTION

- Set comparative indicators that can be applied across cities and countries to be able to determine how much of a State's budget really benefits children, whether directly or indirectly.
- ASEAN to facilitate a sharing of experiences on how the AMS determine and monitor budget lines for children. It should bring its three pillars together (political security, economic, and socio-cultural) which would result to the involvement of all relevant national-level ministries. Other CRC Committee members should be included in regional dialogues on public budgeting for children.
- Learn from experiences of other regional bodies such as the European Union in budgeting for children's rights.
- For governments, CSOs, and children to work together in budgeting for measures to uphold children's rights
  - Empower children and the youth to understand the budgeting process. Produce child-friendly materials about public investments for children in different languages.
  - Include children in the public budgeting process at the local level first - to improve their understanding and skills - before bringing them into these processes at the national level.
  - Provide training on public budgeting for local governments and CSOs where they can also learn by sharing experiences.
- ASEAN must focus spending on the following for children's rights: data collection and analysis, child participation, and strengthening cooperation civil society, private sector, and international cooperation.
- As there are many competing concerns regarding children that need to be addressed, States need to optimize the budget by identifying the priority areas. Aside from health and education, States must also allocate budgets in strengthening mechanisms that would allow children to practice their civic and political rights, such as their freedom of expression and peaceful assembly.

Session

7

# Human Capital Development





**Speaker: Dr. Sutayut Osornprasop,**  
*Senior Health Specialist - Global Practice on Health,  
Nutrition, and Population, The World Bank*

Dr. Osornprasop presented the concept of human capital development and how it is really centered on children. He shared current data on human capital index levels in the ASEAN as well as the recommendations to enhance productivity in the region.

## The ASEAN High-Level Meeting on Human Capital Development

The ASEAN High-Level Meeting on Human Capital Development is a platform that brings together policymakers and implementers in ASEAN and development partners in the international community to share knowledge and experiences in human capital development and to translate the ASEAN Leaders' Declaration on Ending All Forms of Malnutrition into action. It was organized in 2018 by the Thailand government and other AMS with support from the World Bank and UNICEF.

### The Human Capital Index (HCI)

In 2018, the World Bank launched its Human Capital Index (HCI) which combines child survival, health, and schooling in measuring future productivity. It considers a typical child today and asks how productive that child could be given their experience of these factors from birth until the age of 18. The HCI looks at the road ahead, drawing attention to the future consequences of investment in human capital today.<sup>8</sup>

### HCI in the ASEAN

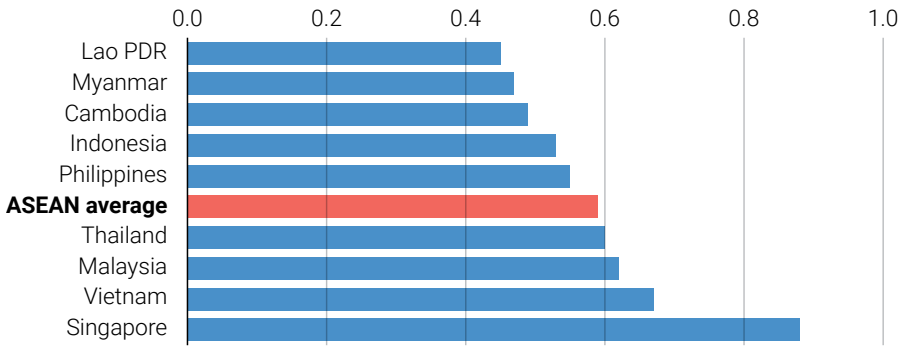
The average HCI for ASEAN is 0.9, which means the average productivity in adulthood of a child born today in ASEAN will reach up to only 59% of its potential. The lack of investments in human capital will limit economic growth and constrain the opportunities of many citizens.

<sup>8</sup> UNICEF. (2019, September). *ASEAN High-Level Meeting on Human Capital Development*. <https://www.unicef.org/eap/documents/asean-high-level-meeting-human-capital-development>



There is a wide variation of the HCI across countries. Singapore is at the top of the range with the average child in the country reaching almost full potential in terms of productivity. However, in half of the countries, the average child reaches less than half of their full potential. The data shows inequities in the access to human capital. (See [Figure 3](#)).

**Figure 3: Human Capital Index of ASEAN countries**

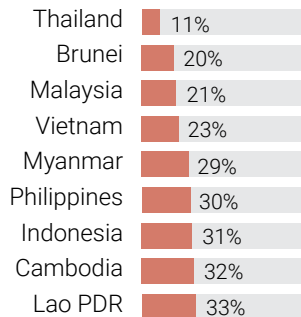


The first component of the HCI is on **child survival rate**. ASEAN posted a high survival rate with 98% of children surviving past their fifth birthday.

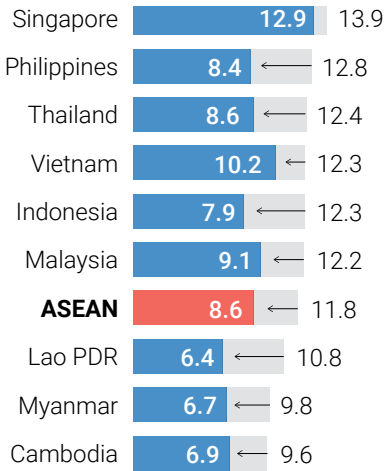
The second measure is on **health** which considers the fraction of children who are stunted – a key marker of malnutrition. The brain of a child who is malnourished will not form the full web of neural connections needed for cognitive development. This means the child will struggle to learn in school, will be at high risk of dropping out, and will have fewer chances of getting good jobs as an adult.

Stunting is a key human capital concern for most ASEAN countries, the World Health Organization (WHO) considers a country to have a high level of stunting if the national rate exceeds 30%. Half of ASEAN countries have rates very close to this level. Others have stunting rates that are high for their country incomes. Thailand stands out because it has brought down stunting to 11% through concerted efforts in the 1980s and 1990s. (See [Figure 4](#)).

**Figure 4: Rates of child stunting**



**Figure 5:** Limited education quality generates large learning gaps  
**Learning-adjusted years of school**



The third component of the HCI is **schooling**. Schooling measures begin with an estimate of how many years of education a child born today will complete through age 18 based on current enrollment rates. For ASEAN as a whole, this number is 11.8, and is high in almost all ASEAN countries.

However, what really matters is not how long children sit in schools but how much they learn while they are there. Thus, one innovation of the HCI is when the years of education component was adjusted based on how much learning actually takes place. The World Bank has found out that in terms of learning, 11.8 years of education in the ASEAN is the equivalent to just 8.6 years of education in a top performing school. (See **Figure 5**). The difference shows a learning gap of 3.2 years, and this reveals that many ASEAN countries could improve their human capital by increasing learning and closing the gap.

In the East Asia and the Pacific, only 1 in 100 children is out of school. No other region has been so successful in getting children into school. However, it is important to look at the learning outcomes. Many of those children who joined schools are not really acquiring the basic skills they needed to succeed. Twenty-one out of 100 children in the Asia Pacific region cannot read and understand a short story at the end of primary school.

We see that investment in human capital is largely about investment in children. Economics research shows that investments in human capital have very high returns, far exceeding investments in infrastructure and physical capital.

### **There were 12 key recommendations from the ASEAN High-Level Meeting on Human Capital Development to enhance productivity in the region:**

1. Encourage enhanced regional cooperation in the area of sustainable human capital development as part of the priority areas of sustainable development cooperation and economic cooperation under the ASEAN outlook in the Indo Pacific.
2. Develop an ASEAN monitoring and evaluation framework to determine action and review progress on the double burden of malnutrition, which has

caused stunting and over-nutrition in the ASEAN region, building on the ASEAN Leaders' Declaration on Ending All Forms of Malnutrition.

3. Accelerate evidence-based multisectoral actions and scale-up nutrition-enhancing interventions to reduce and ultimately end all forms of malnutrition and diet-related non-communicable diseases, particularly among the most vulnerable, poor, and disadvantaged groups in ASEAN.
4. Increase public and multisectoral investments to improve nutrition and ensure healthy diets and increase the level of cooperation through the mutual pursuit of initiatives.
5. Increase social investment to help bring children out of poverty and invest in targeted social protection systems to address inequalities in access to quality health care and education.
6. Expand public early childhood education provision to have positive effects on learning outcomes and retention at higher levels of the education system, as it is among the most cost-effective ways for countries to build human capital.
7. Focus on learning outcomes, skills, and competencies in the education sector to ensure that schooling enables students' skills on adaptability, critical thinking, collaborative attitude, and entrepreneurship.
8. Invest in 21st century learning through multiple pathways, both in and out of the formal school settings, and through the promotion of lifelong learning and access to reskilling, upskilling, and digital literacy.
9. Promote public-private collaborative efforts and policy interventions in healthcare, education, and employment sectors to ensure that the outcomes of human capital development can rightly respond to market demand and can be sustainably obtained through strong partnerships.
10. Create opportunities and ecosystems where people of all ages can thrive and become part of a productive and agile workforce the future, contributing to tomorrow's economy and national competitiveness.
11. Support the establishment of the ASEAN Centre for Active Ageing and Innovation, which will help catalyze and synergize regional efforts to promote sustainable human capital development, leading to enhanced sustainable development cooperation and increased cooperation to meet the Sustainable Development Goals.
12. Promote enhanced engagement in advancing human capital development with relevant sectoral bodies in ASEAN, dialogue partners, international organizations, and the international community, including the G20 countries.



## Dialogue discussion points

Open forum for Session 7

**Moderator: H.E. Mr. Eric Paulsen,**  
*Representative of Malaysia to AICHR*

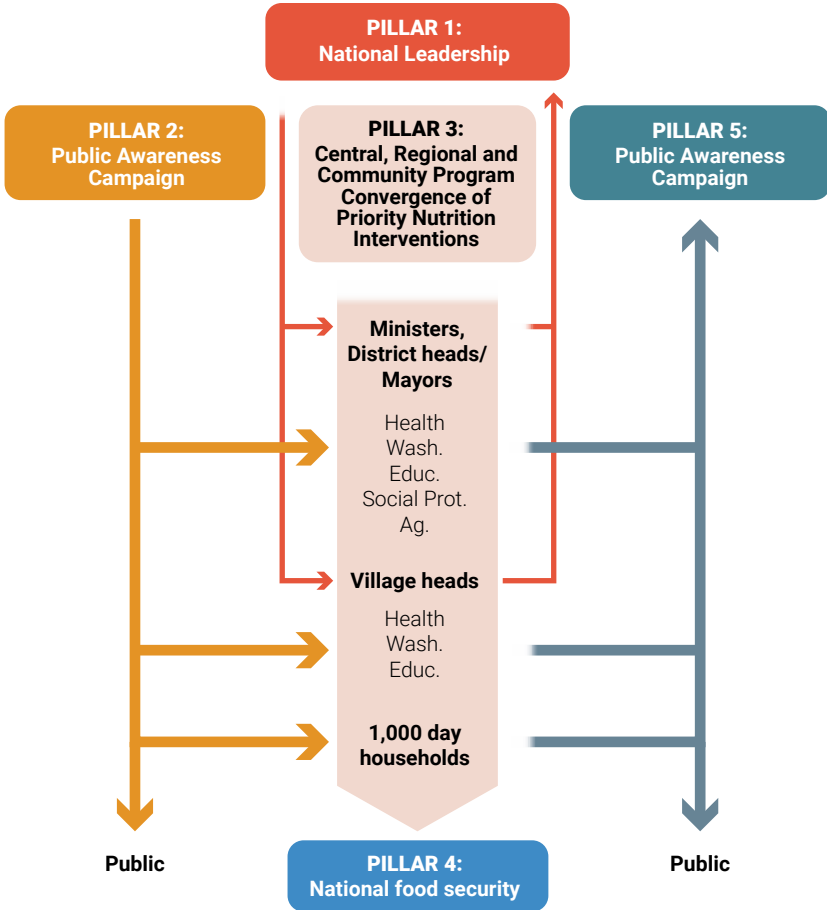
### On the follow up actions to the ASEAN High-Level Meeting on Human Capital Development

- Indonesia used the whole-of-government's approach to reduce stunting founded on five pillars, namely, 1) national leadership; 2) public awareness campaign; 3) central regional and community program convergence of priority nutrition intervention; 4) nutrition for security; and 5) monitoring and evaluation. (See [Figure 6](#)).
- In the Philippines, the package of reforms included introducing universal kindergarten, adding two years of senior high school to the basic education cycle, and creating the fourth largest conditional cash transfer program in the world.
- In Myanmar, student stipend programs have cut the primary school dropout rate.
- In Viet Nam, qualified teachers were attracted and supported to deliver outstanding basic education. The government has likewise invested in preschool and conducted assessments to make teachers and schools accountable for the quality of education they provide.
- Across ASEAN, there is a renewed interest in using assessments to diagnose challenges and boost learning. Brunei, for example, joined an international school assessment for the first time in 2018.

### Job inequity as a failure of human capital development

- There is inequality in the quality of jobs among ASEAN countries. Job quality can be measured by whether jobs pay wages and salaries, and the proportion of salaried jobs versus self-employment.
- Today and in the future, technology should be able to help people in finding jobs rather than displace them. Two ways to make technology enhance workers and create jobs are to 1) ensure that the workers of the future have the basic skills they would need to make them adaptable, and 2) make these lifelong training opportunities possible for everyone.

**Figure 6: Indonesia's whole-of-government approach to reducing stunting**



### On the actions taken by Thailand to reduce stunting among children

- Thailand has invested in public health with a very strong focus on primary health care since the 1970s. In the 1980s, Thailand developed the basic infrastructure and made sure that there were public health facilities in all the districts and in all corners of Thailand.

- What was distinct about Thailand's health program was the involvement of about one million village health volunteers who supported their health workers in the provision of health education, nutrition counselling, and other health services. The nutrition program is part of the government's poverty reduction program which also included education and sanitation (zero open defecation) components.



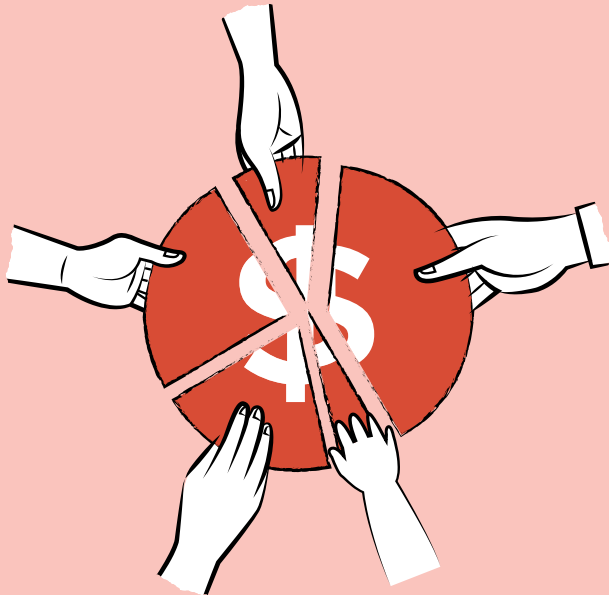
### RECOMMENDATIONS FOR REGIONAL ACTION

- ASEAN countries could improve their human capital by enhancing learning instead of increasing the years that children have to stay in school.
- The region should increase public and multisectoral investments to improve nutrition and increase the level of cooperation through the mutual pursuit of initiatives.
- Develop an ASEAN monitoring and evaluation framework to determine action and review progress on malnutrition.
- Make the workforce technology-proof by 1) ensuring that people have the basic skills that would make them adaptable and 2) making lifelong training opportunities possible for everyone

Session

8

# Studies and experiences on child rights public budgeting





**Speaker: Ms. Amihan Abueva,**

*Regional Executive Director, Child Rights Coalition Asia*

Ms. Abueva shared CRC Asia's experiences in working on public budgeting for children, specifically by conducting consultations with adults and children, research and publication, crafting tools for local planning, and lobbying to push for public budgeting for children within the broader advocacy of tax reform and universal health care.

## Working on public budgeting for children's rights in the ASEAN region

In the past, there were very few laws in the Asian region that could be used to protect children. It was therefore a big achievement for civil society in the Philippines to have convinced Congress to pass a child protection law in 1986. However, the law did not have a budgetary provision. Any programs to protect children relied on the general appropriations of Congress. Simply put, it was a good law, but there was no money clearly allotted for its implementation.

### Consultations

In 2015, the Child Rights Coalition Asia (CRC Asia) developed and implemented children's consultations on budgeting for children's rights. In the same year, it organized a regional consultation to discuss public investments for children vis-a-vis the problem of VAC. This was also when the ACWC was developing a Regional Plan for the Elimination of Violence Against Children (RPA-VAC) and a Regional Plan for the Elimination of Violence Against Women (RPA-VAW). The consultant for the CRC Committee who joined the consultation was able to get inputs from AMS leaders and various CSOs in this meeting. CRC Asia consolidated results of the consultation and shared these with children. All these processes contributed to the development of the GC 19, which was finalized in July 2016.

### Research and publications

CRC Asia did research to put together in simplified form all the various researches on VAC. One interesting finding is the economic cost of VAC. Studies



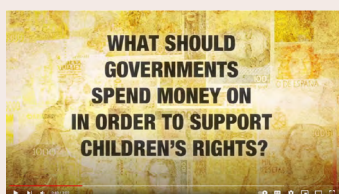
show that VAC shaves off 2% from the regional gross domestic product (GDP). In contrast, investing in children has very high returns to society. Funding must therefore be ensured to really reap the benefits of the ASEAN RPA-VAC.

CRC Asia's work is not just to listen to children but also to ensure that their voices are communicated to policymakers and the public. In 2017, CRC Asia organized a regional consultation on VAC which was attended by then Special Representative of the UN Secretary General on Violence Against Children Marta Santos Pais. Children presented their views about VAC and why public budgeting should be a key component in plans to combat VAC. CRC Asia later published "The Voices of Children at the 7th High-Level Cross-Regional Roundtable on Violence Against Children". This contains results of the consultation and was packaged in a way that is understood by both adults and children.

To understand public finance better, CRC Asia sought to first understand public finance in the Philippines, where it is based. CRC Asia investigated who was doing what and which entities were working on needed policy reforms. CRC Asia also examined public finance management at the sub-national levels in terms of effectiveness and efficiency, as well as the synchronized national and local public finance management. Freedom of information and the principle of transparency are important in getting the data needed for budgeting. CRC Asia benefitted from a movement advocating for open public governance as well as the assistance and insights provided and shared by government agencies and CSOs.



## WATCH!



### Invest in Us: Children's views on budgeting for their rights

(Plan International, 2015)

<https://bit.ly/3x57Td6>



**What is the UNCRC GC 19?** State's obligations to invest in the rights of children in Latin America and the Caribbean (Child Rights Connect, 2016)

<https://bit.ly/3mlwh5d>



In 2020, CRC Asia published “Public Budgeting for Children’s Rights in the Philippines: A Resource Book” which contains guidance on how CSOs can influence budgeting at the local level. CSOs need to focus on influencing public finance at the local level because it is more accessible and doable, and it is where children could actively participate. The big reforms and initiatives that are needed, such as budget tagging, would need specialized technical assistance and more financial inputs. This kind of work would be more suited for big financial institutions such as the World Bank and Asian Development Bank.

## Lobbying

While studying budgeting, CRC Asia made parallel efforts to address other emerging national concerns affecting the youth and children. It looked into taxation and lobbied that taxes on e-cigarettes, not only cigarettes or traditional tobacco products, be used for programs that safeguard children’s health. It also made sure that a child rights perspective was adopted in legislative efforts to pass the Universal Health Care Act.

On the occasion of the UNCRC’s 30th Anniversary in 2019, CRC Asia organized the first Asian Children’s Summit where children from ASEAN, East Asia, and South Asia were encouraged to ask themselves, “What is the Asia I want?”.



In commemoration of the UN CRC's 30th anniversary, ACWC Thailand, South Asia Initiative to End Violence against Children (SAIEVAC), and CRC Asia, in collaboration with several partner organizations, created a space for children to come together and give their recommendations on the realization of their rights. The 2019 Asian Children's Summit was held in Thailand in November 2019 and became the first collaboration of the two child rights-focused intergovernmental regional bodies in Asia and civil society organizations.

The summit was a platform for children to talk about their vision for four major themes, including public investments in children, which children recognize as a crucial ingredient in achieving their aspirations for the region. The children and their peers at home later participated in a regional social media campaign #TheAsialWant where they shared their dreams through various platforms.

Also in 2019, CRC Asia worked with partners in producing "Investing in Child Rights: Ensuring budgets for children in the plans of action in Cambodia and in the Philippines" which gathers commitments and contributions of representatives from governments, private sector, CSOs, and child-led and youth-led networks, to use public funds for programs and plans of action for child rights.

## Child rights programming

In the same year, CRC Asia also began working with the City Government of San Fernando, La Union in the Philippines in developing its local plan of action for

children. CRC Asia developed tools that help the local government unit (LGU) better assess the situation of children as regards health, water supply, sanitation, and adequate areas of play and leisure. This assessment enabled them to craft more responsive immediate-term and long-term programs for children.

Since 2017, CRC Asia has worked with the NHRIs in Southeast Asia by inviting them to regional consultations to raise their awareness in improving public budgeting for children's right to protection. It has also a pending project with the ACWC with the intention of including public budgeting for children's rights in the ACWC work plan.

Working on public investments for children is a long-term commitment for CRC Asia. It hopes to be able to work with its partners, different stakeholders, and the AMS to make sure that promises to children will be realized soon. ASEAN should not wait too long, and it needs to make sure that the children who are growing up now and the children of the future will be able to enjoy their rights.



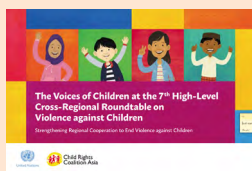
In 2017, CRC Asia brought together representatives of ACWC, national human rights institutions, and civil society organizations in Southeast Asia to discuss the salient points of UN CRC General Comment No. 16 and brainstorm ways forward to implement in the region.



## RECOMMENDED READING:



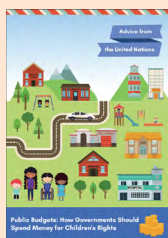
**Violence Against Children in Southeast Asia** (CRC Asia, 2016)  
<https://bit.ly/3Aggk6K>



**The Voices of Children at the 7th High-Level Cross-Regional Roundtable on Violence Against Children** (United Nations and CRC Asia, 2018)  
<https://bit.ly/3LdwSKI>



**Public Budgeting for Children's Rights in the Philippines: A Resource Book** (Centre for Children's Rights, Queen's University Belfast reprinted with additions by CRC Asia, 2016)  
<https://bit.ly/3vHQsyE>



**Public Budgets: How governments Should Spend Money for Children's Rights** (CRC Asia, 2020)  
<https://bit.ly/3xK8Jho>



**Joint Position Paper of CRC Asia and CRC Coalition Philippines on the Universal Health Care Bill** (August 2018)  
<https://bit.ly/3Lf513h>



**Joint Position Paper of CRC Asia and MAGCRP on the Proposed Tax of Electronic Cigarettes, Heated Tobacco Products, and Alcohol Products** (October 2019)  
<https://bit.ly/3k8815x>



**Speaker: Mr. Mark Timbang,**

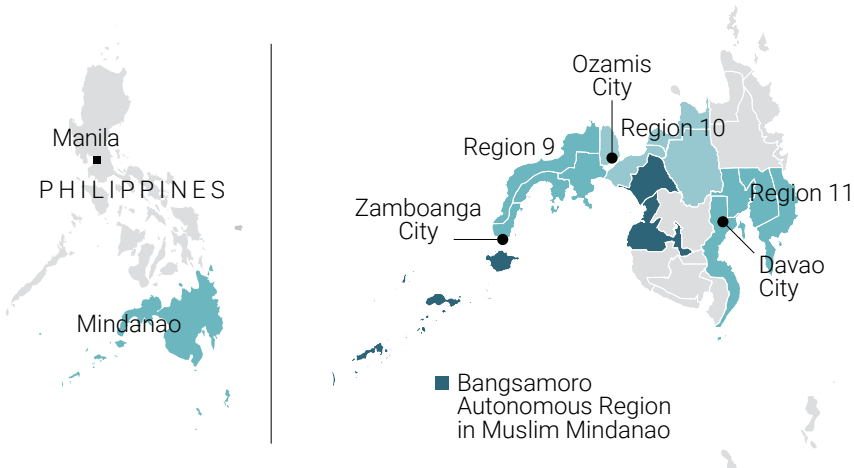
*Focal Coordinator of Alliance for Child Rights Mindanao*

Mr. Timbang shared how their network of CSOs and child rights groups in Mindanao, Philippines has incorporated lobbying for public investments for children in its work towards child protection, child participation, and child rights governance. Notable is how children and the youth have participated in public budgeting in barangays (the smallest unit of government), and how they continue to increase awareness on the importance of earmarking public funds specifically for children.

## The Alliance for Child Rights Mindanao

Formerly known as Mindanao Action Group for Child Rights and Protection, the Alliance for Child's Right Mindanao Incorporated (ACRM) is a child rights network working in three (3) cities and four (4) regions in Mindanao, Philippines. It was formed in 2007 and was legally registered in January 2021. ACRM's work is based on UNCRC and its Optional Protocols, Concluding Observations, General Comments, and the UN Secretary-General' Study on Violence against Children.

**Map 1: ACRM project areas**



## **A founding member of CRC Asia, ACRM is made up of four CSOs:**

1. Tambayan Center (Davao City) which works with adolescent girls in the streets, children in conflict with the law, children needing special protection, and children at risk
2. Kabataan Consortium, Inc. (Davao) which advocates for children's issues and concerns and promotes their right to participation
3. GITIB, Inc. (Ozamiz City) which advocates for indigenous children's rights and children's ecological rights
4. Katilingban sa Kalambuan, Inc (Zamboanga City) which works with child trafficking survivors, children in street situations, children needing special protection, children at risk, Moro and Sama Bajau children, and children in urban poor communities.

One of the main areas of work of ACRM is to provide spaces for the participation of children and young people at different levels of governance. It conducts education and awareness raising sessions with children on various issues and concerns, and organizes capacity building and training activities on life skills, leadership, public speaking, advocacy, child protection, child rights governance, and public budgeting for children. ACRM also creates discussion and consultation spaces for children, supports young people's advocacy, and monitors youth engagement in local and national governance processes.

These efforts have resulted to a number of achievements that include, among others, the passage of a local ordinance on the prohibition of corporal punishment and promotion of positive discipline in Cotabato Province, integration of child protection services in the local government Children's Codes in Ozamiz City and General Santos City, and the inclusion of positive discipline education as a mandatory activity in all barangays in Davao City since 2019. Moreover, ACRM and its children's groups were also able to influence local governments to allot funds for programs and actions they are advocating for, such as child rights orientations in schools and communities, children's congress and child participation spaces, development of child protection policies, and capacity building on public investment for children for local officials.

At the regional level, ACRM also partners with CRC Asia in improving the understanding of child rights organizations on public investments in children, popularizing GC 19, and conducting consultations with children. When the COVID-19 pandemic hit, ACRM, in partnership with CRC Asia, conducted quarantine learning sessions with children and young people. Public budgeting for children's rights was discussed along with topics such as COVID-19, adolescent sexuality and reproductive health, VAC, mental health, children's rights and the digital environment and the GC 25, challenges in

education during the pandemic, and children's participation in the new normal. Highlights of the discussions and recommendations were documented and presented to the OHCHR..

Aside from these activities, ACRM also participated in the country-level consultation of the Regional Forum on Civil Registration and Vital Statistics as children had raised that they had many problems securing their and their loved ones' birth registration and other important civil registry documents. ACRM also conducted a webinar series related to SDG 13 – on Climate Action and Ecological Child Rights – as children were worried about the effects of climate change that they were experiencing in Mindanao. They have seen many changes in the environment and understand that they are the most affected during times of emergencies and disasters.

## Child rights public budgeting at the sub-national level

From ACRM's experiences, there are factors that affect the efforts to improve public budgeting for child rights in the Philippines.

### Facilitating factors

- Available government transparency mechanism through the Freedom of Information Act
- Existing sectoral representation at the village/barangay level
- Available spaces for CSO engagement at the province, municipal, city, and village level
- Accreditation of ACRM members by local councils and the Department of Budget and Management
- Existing allies or champions within the government

### Challenges

- Lack of awareness on UNCRC General Comments and Concluding Observations
- Inefficient bureaucratic processes
- Difficulty in cascading national plans to local plans
- Lack of knowledge on the timing of engagement opportunities within the budget cycle
- Difficulty in gathering data such as detailed budget plans



A large orange circle graphic containing icons for a dollar sign, a wallet, a coin, and the Philippine peso symbol. Below these are icons for a lightbulb, a thought bubble, and a group of people with a lightning bolt. The text inside the circle reads: "LEARNING SESSION ON PUBLIC INVESTMENT FOR CHILDREN'S RIGHTS SESSION I", "October 19, 2021, 9AM-5PM", "Via ZOOM", "Meeting ID: 833 2082 4121", and "Passcode: PBCR2021". Logos for Child Rights Coalition Asia, National Trade Philippines, and ACRM are at the bottom.

Child Rights Coalition Asia

NATIONAL TRADE PHILIPPINES

ACRM



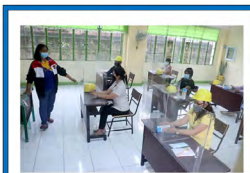
**LEARNING SESSION 5  
ANG AKING PARTISIPASYON  
SA NEW NORMAL**

November 2021



**LEARNING SESSION on  
MGA HAMON SA EDUKASYON  
SA GITNA NG PANDEMYA**

November 2021



- Confusion of LGUs on the allocation and utilization of budget
- Non-prioritization of child rights interventions
- Low citizen and children's participation in the budgeting process
- Threats of red-tagging or the blacklisting of individuals or groups as either communists or terrorists regardless of actual political beliefs or affiliation
- Limited time and human resource

**In moving forward, ACRM has identified the following recommendations and action points:**

- Come up with a study to back up ACRM's advocacy work focusing on specific children's issues.
- Strengthen the capacities of children and other sectoral groups on public budgeting.
- Increase ACRM's rank.
- Encourage other sectors to participate.
- Develop tools for conducting budget reviews using the child rights perspective.
- Actively participate and take part in the local processes in every village/ barangay, municipality, and province to establish a strong and harmonious partnership with local officials and other decision-makers.
- Be ready to provide technical assistance to the local councils and other local bodies.



**Speaker: Director Gemma B. Gabuya,**  
*OIC Executive Director, Council for the Welfare  
of Children Philippines*

Director Gabuya presented the Child-focused Budget Tagging Tool, one of the Philippine government's initiatives related to public budgeting for children's rights. She shared why and how the tool was developed, initial results and learnings after field testing, and the status of the project.

## Strengthening public finance management for children: Child-focused budget tagging tool

**T**he Council for the Welfare of Children (CWC) is the focal inter-agency coordinating body of the Philippine government mandated to formulate, monitor, and evaluate all laws, policies, programs, and measures for children. It believes that only in investing in children can the Philippines be a caring, protective society for, by, and with children.

### Project overview

The urgency for tracking the budget and spending for children at the subnational level or the local government units (LGUs) in the Philippines is driven by three important imperatives. First, the reprioritization of budget allocation due to the adverse impacts of the COVID-19 pandemic has led to budget cuts for children's programs. Second, the critical role of LGUs in addressing the needs of their constituencies under a new normal highlight the urgency to strengthen their capacity to promote equity in the overall delivery of services for the most vulnerable. Third, the implementation of the Mandanas and Garcia Supreme Court ruling which effectively increased LGU Internal Revenue Allotment (IRA) should also redound to children through increased budget allocations.

### Developing the budget tagging tool

In 2020, the CWC, in cooperation with UNICEF Philippines and Social Watch Philippines, initiated the project entitled Strengthening Public Finance

Management for Children. The project aims to contribute to the strengthening of public financial management for children and address budgeting bottlenecks at the local level. The specific objectives of the study are 1) to develop a systematic approach in identifying budget allocation and expenditures for programs, services, and results for children at the subnational level; and 2) to strengthen the capacity of the LGUs on budget analysis, expenditure, monitoring and reporting, and local planning and budgeting for children.

Recognizing the complexities in budget allocation and expenditure, a Public Finance for Children (PF4C) Technical Working Group (TWG) was created composed of representatives from the Department of Budget and Management (DBM), Department of Finance (DOF), Department of Interior and Local Government (DILG), DepEd, CWC, UNICEF and Social Watch Philippines. The TWG has been greatly involved in the development of the budget tagging tool from the consultations, desk review, and field testing.

## Consultations

A series of consultations were conducted with national government agencies, such as the DepEd, DSWD, and Department of Health (DOH) on program typology and budget tracing. Regional offices of these agencies were consulted. The team also did a review of the national or long-range plans for children. LGUs and CSOs were consulted separately to gather information on child-focused and child-related programs, projects and activities that are implemented at the community level.

## Desk review

National programs of key agencies such as DSWD, DOH, DepEd, and the National Nutrition Council were examined to determine program typologies. Laws and policies on children were also reviewed, especially those with budget provisions, to understand budget utilization guidelines.

An orientation and review of existing tagging tools and mechanisms, such as the Climate Change Expenditure Tagging, were undertaken by the team to learn how the LGUs apply these tools.<sup>9</sup>

The LGUs undergo a child-friendly local governance audit so the project team also investigated how the budget tagging tool could support or contribute to this annual performance assessment.

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<sup>9</sup> Climate Change Expenditure Tagging is the process of identifying, prioritizing, tracking expenditure, and reporting climate change programs, projects, and activities. It is used by local governments in the Philippines.

The following documents were taken into consideration in the desk review:

- National Plan of Action for Children
- Philippine Plan of Action to End Violence Against Children
- National programs (health, education, social welfare)
- Laws on children, particularly those with budget provisions
- Existing related mechanisms (climate change expenditure tagging, child-friendly local governance audit)
- Budget documents of LGUs (for field testing)

## Field testing

The budget tagging tool has been recently field tested in areas that UNICEF identified as priority areas: Cagayan de Oro City, Municipality of Mapanas, the Province of Northern Samar, and the Municipality of South Upi in the Bangsamoro Autonomous Region in Muslim Mindanao. These LGUs used the tool in tagging programs, projects, and activities (PPAs) or children.

Field testing was conducted to test the usability of the budget tagging tool and to gather comments and information that would help refine the typology and construct the operational guidelines in using the tool. The budget tagging tool is an Excel-based tool that can be used online and offline. Field testing revealed that it is user-friendly because tagging of child-related or child-focused PPAs can be done by choosing classifications from a drop-down menu. Further, information is stored in OneDrive, a cloud sharing network, and multiple people can use it simultaneously. Access to this was limited to authorized persons, which makes the information secure.

Multiple iterations were made prior to the field testing, but the TWG continues to enhance the tool by responding to feedback.

## The budget tagging tool

The budget tagging process starts with the primary source of data coming from the LGUs. This is usually the Annual Investment Plan (AIP) that lists down all the LGU's PPAs. Most LGUs encode their AIPs in Excel.

In this Excel sheet, LGUs can tag their PPAs according into four categories using drop down menus. First, the LGU will tag whether the PPA is child-specific (exclusively for children) or expanded (it benefits children as a subset of the

entire population). Next, the LGU can tag whether the PPA falls under the four UNCRC pillars of survival, development, protect, and participation. The third tagging is based on whether the PPA is included in primary programs of specific national government agencies such as the DepEd, DOH, and DSWD, among others. Lastly, LGUs can tag whether the PPA falls under policy and governance, research, information and communication, human resource development, capital outlay, or service delivery.

**Table 5: Sample application of the budget tagging tool**

AIP Reference Code	Programs/Project/Activity Description	Tagging portion					
		PF4C Tagging Code	Type of Investment	First Classification	Program	Program Component	Specific Intervention
3000-001-03-01	Health Services	S-13-05-02	Expanded	Survival	General Public Health	Service Delivery	General Health Services
3000-001-03-01-001	Repair of Rural Health Unit	S-13-04-01	Expanded	Survival	General Public Health	Capital Outlay	Construction Repair and Maintenance
3000-000-2-1-01-1-16.2.2	Newborn screening	S-01-05-01	Child Specific	Survival	Maternal Newborn and Child Health Care	Service Delivery	Maternal newborn Care
P-10-05-02	Support to Civil Birth Registration		Child Specific	Protection	Unregistered children, stateless children, children left behind and children born out of wedlock	Service Delivery	Package Prevention
3000-000-2-03-013-03-01 Youth Development Program	Conduct meetings/ trainings/ workshops for members of youth development council	Codes are generated automatically	Each column has a drop down menu for the typology				
3000-000-3-01	Support to early childhood development	D-01-05-01	Child Specific	Development	Early Childhood Care & Development	Service Delivery	ECCD school supplies

Data Source: Annual Investment Plan (AIP) of LGU

\* Sample of a local government's annual investment plan which contains information processed and organized by the budget tagging tool.

The budget tagging tool can also use markers to identify if the PPA is gender responsive, disability-inclusive, promotes equity, and provides humanitarian support. There are age markers to identify the PPAs target age groups of children.

The budget tagging tool will also help in tracing the following information, which were not previously reflected in the old AIP format: the approved amount, the obligated amount, and the total amount spent by the local government. <sup>10</sup>

All these tagging enable the tracking of how much LGUs spend on children in accordance with existing local and national development programs. It enables the LGUs to report on 1) its allocation and expenditure of child-focused or child-related PPAs 2) its expenditure vis-a-vis national results, and 3) contributions to specific spending priorities.

<sup>10</sup> Budget officers were tasked to encode the figures during the field testing

The **child-focused budget tagging process** follows the same planning and budget processes and cycles at the local level as stipulated in the budget operations manual and other relevant documents.

**Phase 1:** Planning and budget preparation: Identify and tag all the child-focused PPAs in the budget tagging tool template using the approved AIP as the primary reference.

**Phase 2:** Budget authorization and budget review: Using the appropriations ordinance, indicate in the tagging tools traceability template the approved budget in each child-focused PPA.

**Phase 3:** Budget execution and budget accountability: Using the Special Allotment Release Order (SARO) and the disbursement reports, indicate in the tagging source traceability template the amount obligated and dispersed in each child-focused PPA.

## Reports generated

Once the budget tagging process is done and the collection of data has been completed, the tool can generate reports based on the demand of the LGUs. This is helpful in identifying spending on children by multiple sectors in local government.

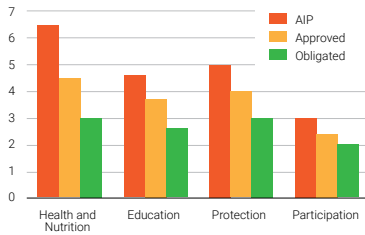
For example, the dashboard can easily show patterns on LGU spending for children including spending per line agency (*Figure 7*), spending per sectoral classification (*Figure 8*), as well as spending for children vis-a-vis the total budget (*Figure 9*). It can also list all PPAs and their corresponding budget under a specific national program, such as the First 1,000 Days program (*Figure 10*). Generating reports is not the only aim of the budgeting tool. Instead, LGUs have to practice analyzing the reports generated by the tool vis-a-vis the comprehensive situation of the children in their locality in order to develop plans and budgets that are more responsive to the needs of children.

**Figure 7: Sample report showing child-focused approved budget by government office**

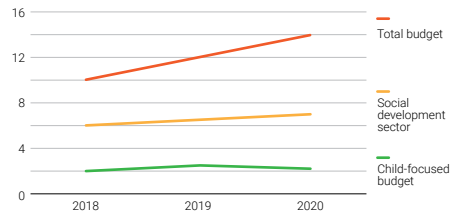


Note: Figures are in Philippine peso

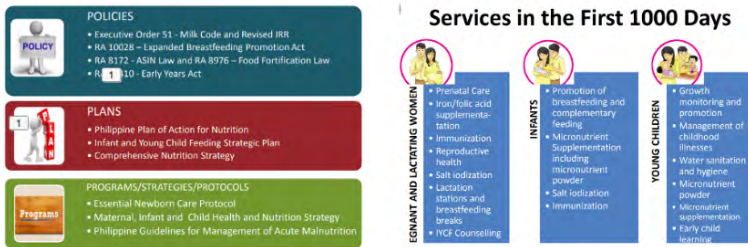
**Figure 8: Sample report showing budget by sectoral classification**



**Figure 9: Sample report showing child-focused budget allocation vis-a-vis total budget**



**Figure 10: Project, programs, and activities under the First 1000 Days Program of the Philippine Government**



## Project status

The budget tagging tool is a work in progress. The team went through a systematic process of designing, formulating, refining, and finalizing the entire tool. It will further refine the budget tagging tool based on the comments or recommendations gathered during the field testing. As its next steps, the TWG will conduct a national validation activity with concerned NGAs, LGUs and CSOs focusing on the finalization of the operations manual. Thereafter, roll-out to other project areas will begin.





# Dialogue discussion points

Open forum Session 8

**Moderator: H.E. Ms. Yuyun Wahyuningrum,**  
*Representative of Indonesia to AICHR*

## On monitoring child participation

- Having a specific government agency in charge of monitoring and providing assistance on consulting children could help in upholding child participation.
- Ms. Abueva said that in the case of the Philippines, CWC takes on the role of facilitating consultations with children. CWC has taken great effort to document child participation and develop guidelines and processes. The challenge is how to make these more inclusive to involve different age groups in tackling topics that are appropriate for them. Another challenge is extending participation in all phases of budgeting, including budget implementation and monitoring. To this end, CWC is well placed. However, it would be better if it will get adequate support, as CWC is mainly based in the National Capital Region (NCR). Their link to the local community is very much dependent on so many layers. Moreover, since people are not under their direct employment, CWC could only rely on how much they have understood children's issues and to what extent they are willing to act on them. CWC also has limited budget and human resources.
- Ms. Ruth Estrellieta Marayag from the CWC said that child participation is both an end goal and a process within the Commission. CWC makes sure that it engages children in developing its framework and plans for children. It has also started to work with LGUs in mainstreaming child's rights in local development planning. LGUs need to start by developing a Child Rights Situational Analysis (CRSA) which is a critical phase that needs the participation of children. Ms. Marayag underscored that aside from bringing children into the planning process, it is also important for LGUs to provide updates to the children and let them know if indeed their views were incorporated in the LGU development plans and if funding has been made available for these. The CWC truly appreciates the assistance it has been getting from its NGO and CSO partners, as without them, and with limited budget and resources, CWC could only do so much.
- Mr. Mark Timbang praised the budget tagging tool of the CWC and said that it is a welcome development even for CSOs as it would help them track the status of government projects. The challenge at the grassroots level is in ensuring the inclusivity of the consultations in the budgeting process, especially in the more marginalized and far-flung areas, and the genuine participation of children. CWC, LGUs, and CSOs could collaborate more closely to make up for constraints in manpower and other resources.

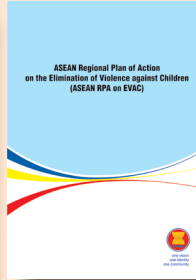
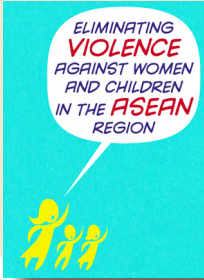
## On monitoring the quality of consultations with the children

- The quality of child participation depends much on the preparations done before the consultations. Organizers must establish safeguards and help children understand their rights beforehand. Children should know that they are protected and should feel comfortable to speak out their minds. The people around the children must be informed as well. CWC has developed guidelines on child participation which can be used for both children and duty bearers.
- Ms. Abueva said that unfortunately, not all people treat human rights advocates in a positive light. For instance, in the Philippines, human rights have almost become taboo as human rights advocates are being red-tagged or considered as communists and enemies of the state. Those critical of government risk being tagged as terrorists. The legality of the anti-terrorism law in the Philippines is still being challenged in court. In the meantime, while children's rights are clear in the CRC, there are still some sectors within the state that feel threatened by such assertions. Just recently, a child's rights advocate and a long-time colleague of CRC Asia, Ms. Sally Ujano was arrested and is still in detention. It has become made clear for child rights defenders in the Philippines that they can be red-tagged as well. The fear stemming from red-tagging extends to the children who have now become more aware of their rights, of deficits in governance, and the things that need to be addressed. The AICHR hopefully could address these peculiar concerns to protect human rights defenders, whether they're adults or children. All sectors must be tapped to continuously educate children about their rights.
- The Philippine Commission on Human Rights (CHR) has an ongoing project on child participation funded by the UNICEF and co-implemented by the Philippine Legislators' Committee on Population and Development. The project will give priority to the least-consulted among the children sector. The project will also serve as CHR's way of enhancing or improving its capacity to monitor the implementation of the UNCRC, particularly the GCs and the recommendations.
- Child participation needs to be very well-organized and done by professionals. Engaging with children should not be tokenistic. To foster sincere and genuine dialogue with children, let them speak their own language. There are instances when adults speak like children while children speak like adults. The conversations instead should promote free flowing exchange of ideas rather than lead to pre-meditated outcomes.
- CWC holds children-to-children's dialogues and discourages the presence of adults who can interfere in their conversations. They train children and youth facilitators to facilitate activities. They have observed that children can easily share and speak up their minds if they are with other children.



## RECOMMENDATIONS FOR REGIONAL ACTION

- Ensure funding in order to reap the benefits of the ASEAN Regional Plan of Action on Violence Against Children.
- Use budget monitoring tools to analyze the situation of children and to develop plans and budgets that are truly responsive to their needs.
- Continue supporting child participation activities in the region so children can learn more about the public budgeting process and are able to champion their own agenda at the local, national, and regional levels.
- Ensure inclusivity and the genuine participation of children in the budgeting process; marginalized children in far-flung areas must also be included.
- Institute child safeguarding policies and orient children well on their rights before child consultations to ensure the quality of participation. Children should be comfortable enough to speak freely and not be limited by their fear of persecution.
- Organize children's consultations carefully, train children to act as facilitators for their peers, and engage children in their own language.
- Support ministries of children, such as the CWC, in their work of monitoring and providing technical assistance for children's consultations.
- All sectors in the ASEAN must be involved in continuously educating children about their rights.

**RECOMMENDED READING:**

Eliminating Violence Against Women and Children in the ASEAN Region (CRC Asia 2016)

<https://bit.ly/3pUQGHA>

ASEAN Regional Plan of Action on the Elimination of Violence Against Children (ASEAN, 2016)

<https://bit.ly/3CKXaZH>

Session

9

# Updates from the UN Committee on the Rights of the Child





**Speaker: Atty. Mikiko Otani,**  
*Chair of the UN Committee on the Rights of the Child*

Atty. Otani shared recent developments in the overall work of the CRC Committee including working modalities amid COVID-19 pandemic, country reviews, GC25 on children's rights in the digital environment, GC26 on children's rights and the environment, and other updates. This part of the conference is designed to encourage more collaboration between the CRC Committee, ASEAN, and the AMS.

# Updates from the UN Committee on the Rights of the Child

**A**fter its regular session in February 2020 and extra-ordinary session in Samoa in March 2020, the CRC Committee suspended in-person meetings in Geneva because of the COVID-19 pandemic. It has been working mostly online for 18 months until September 2021, when it resumed in-person meetings.

## Recommendations for upholding children's rights during COVID-19 pandemic

On 8 April 2020, the CRC Committee issued a statement which includes 11 recommendations to governments in ensuring a child-rights approach to the COVID-19 pandemic. Although the situation has been changing rapidly, the 11 recommendations remain relevant to many of Asian states. However, new issues are arising such as vaccination for children and reopening of schools. The CRC Committee has not specifically recommended measures needed to address these new issues.

### **UNCRC recommendations in upholding the rights of the child during the COVID-19 pandemic**

1. Consider the health, social, educational, economic, and recreational impacts of the pandemic on the rights of the child.
2. Explore alternative and creative solutions for children to enjoy their rights to rest, leisure, recreation, and cultural and artistic activities.

3. Ensure that online learning does not exacerbate existing inequalities or replace student-teacher interaction.
4. Ensure that children continue to receive nutritious meals provided through school feeding schemes.
5. Maintain the provision of basic services for children including healthcare, water, sanitation, and birth registration.
6. Define core child protection services as essential and ensure that they remain functioning and available, including home visits when necessary, and provide professional mental health services for children living in lockdown.
7. Protect vulnerable children from the exceptional circumstances caused by the pandemic:
  - These include children with disabilities; children living in poverty; children in street situations; migrant, asylum-seeking, refugee and internally displaced children; minority and indigenous children; children with underlying health conditions including HIV/AIDS; children deprived of their liberty or confined in police lock-up facilities, prisons, secure care centers, migrant detention centers or camps; and children living in institutions.
  - States should respect the right of every child to non-discrimination in its measures to address the COVID-19 pandemic as well as take targeted measures to protect children in vulnerable situations.
8. Release children in all forms of detention, whenever possible, and provide children who cannot be released with the means to maintain regular contact with their families.
9. Prevent the arrest or detention of children for violating State guidance and directives relating to COVID-19 and ensure that any child who was arrested or detained is immediately returned to his or her family.
10. Disseminate accurate information about COVID-19 and how to prevent infection in languages and formats that are child-friendly and accessible to all children including children with disabilities, migrant children, and children with limited access to the internet.
11. Provide opportunities for children's views to be heard and considered in decision-making processes on the pandemic.

**Read full statement:** <https://bit.ly/3y01Etg>

## Plenary Sessions during the COVID-19 pandemic

The CRC Committee suspended Plenary Sessions during the COVID-19 pandemic and adopted a simplified reporting procedure instead. The new procedure entailed States replying to a set of questions and answers that would form part of their periodic reports. The CRC Committee has included queries related to COVID-19, such as measures governments have taken to mitigate the negative impact of COVID-19 both on the general population and specifically on children.

The postponement of country reviews and the nearly exclusive use of online modes of communication have resulted in the CRC Committee's huge work backlog. Reports submitted by countries and CSOs have become outdated. This delay also dampened the momentum for dialogue between governments and civil society in reviewing UNCRC related legislation, policies, and programs.

Budget constraints and the complexity of the budget structure of the United Nations have added to the CRC Committee's struggle. Moreover, 80 members working in various locations and different time zones around the world presented a logistical problem, as did the unequal access to strong internet connection among Committee members.

On the bright side, online meetings allowed for greater participation of more stakeholders, in particular children, many of whom were not allowed to travel even before the pandemic. Thus, the CRC Committee will likely utilize online meetings as a default even when members are already able to meet in Geneva.

## Extra-ordinary CRC Session in Samoa

The UNCRC held a meeting in Samoa in March 2020 with government officials, UN agencies, civil society, and children to discuss children's rights in the Pacific Island region. Three (3) country reviews were undertaken. This was the first time in history that any treaty body organized a meeting outside of Geneva. The UNCRC mission was important because it was an attempt to get closer to the people, and it opened the door for other treaty bodies to do the same. However, because of COVID-19, it is currently difficult for the CRC and other treaty bodies to continue exploring this experimental option of going closer to the children and other stakeholders.

## The latest General Comments

The CRC adopted GC 25 on children's rights in relation to the digital environment in February 2021. This new GC recognizes the seamless nature of the online world to offline reality; that the digital environment presents both risks and



## IN FOCUS:

The extra-ordinary CRC Session in Samoa ensured wider participation of various sectors.

Even before the COVID-19 pandemic, stakeholders in Pacific Island countries had difficulty traveling to Geneva because of the islands' remoteness, limited flights, and tedious transportation arrangements. The UN OHCHR reports that from 2016, six (6) of the seven (7) country reviews from the region were conducted via video link, with limited participation of civil society and none from children.<sup>11</sup>

In contrast, hundreds of Pacific Islanders participated in the Samoa Session after gaining much public interest from children, the civil society, and government officials. A record number of Pacific Islands received full reviews: Cook Islands, the Federated States of Micronesia, and Tuvalu. The List of Issues were prepared for Kiribati. Children were engaged as full participants in various parts of the proceedings and side events that provided opportunities for them to moderate discussions and speak directly to members of the CRC Committee. It has been said that the full potential of the UNCRC process had been realized in Samoa.



© UN Photo/Alvaro Hoyos

<sup>11</sup> UNHCR. (13 March 2020). *Children provide insight and advice at CRC meeting in Samoa*. [Press Release] <https://www.ohchr.org/en/stories/2020/03/children-provide-insight-and-advice-crc-meeting-samoa>

opportunities to children; and that parents must not prohibit children from using the internet but instead have the responsibility to protect them from harm in this space. As such, GC 25 espouses the empowerment of both children and parents in using online tools to safely navigate the online world which has become an integral part of modern-day living.

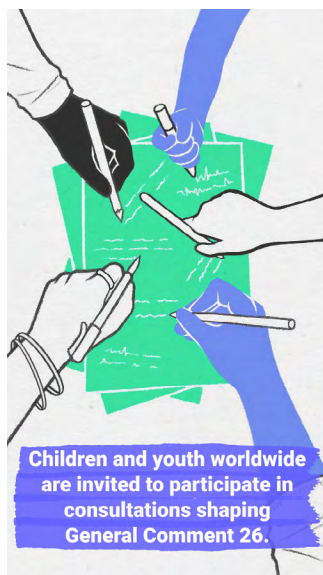
In May 2021, the CRC Committee started drafting GC 26 on children's rights and the environment with a special focus on climate change. The CRC Committee recognizes the crucial importance of the climate change issue, which was also brought up during a meeting with children in Samoa. The CRC Committee is expecting a lot of inputs from the government, civil society, and children themselves in the ASEAN region.

## Other updates

- The CRC Committee adopted an important decision on the climate change case filed by 16 children against five (5) countries. There have been no complaints so far against any Asian country. The main reason is that OPIC is available to children and adults only in countries that ratified it. OPIC ratification is low in Asia, and it needs to be promoted.
- Dr. Rinchen Chopel was recently appointed as one of the focal points for Asia Pacific in line with the effort of the UNCRC to synthesize its work and make it more aligned with its vision.
- Atty. Otani will bring to the CRC Committee the earlier suggestion of collecting examples of good practices on public budgeting for children's rights from all regions. She said that the focal points will be the best people to compile and share these.
- The CRC Committee has issued statements on country situations for Iran, Israel, Palestine, Myanmar, and Afghanistan. It has also released statements on thematic issues such as child labor, girl rights, and climate change.
- The CRC Committee is very much concerned about the situation in Myanmar. As a treaty monitoring body, its mandate is not only to do country reviews but also to monitor and help all countries. Atty. Otani said that the CRC Committee would appreciate any updates on what has been done at the ASEAN level to address the Myanmar situation.
- With special rapporteurs, other treaty bodies, and CSOs, the CRC Committee has been active in issuing statements or co-organizing events such as the Access to Justice event at the High-Level Political Forum on SDGs. In 2021, the CRC Committee spoke in the General Assembly about mainstreaming children's rights and access to justice, as well as about children and climate change at the COP 26.



Shareable child-friendly materials such as these, that are optimized for social media, are being used to reach children in different parts of the world in order to involve them in the development of the UN CRC General Comment on children's rights and the environment with a special focus on climate change.



**Speaker: Dr. Rinchen Chophel,**

*Member of the UN Committee on the Rights of the Child,  
Focal Person for Asia and the Pacific*

Dr. Chophel discussed the importance of convergence in the child rights committee and how creating focal points in each region will encourage this, thereby moving the children's agenda forward. He also shared the status of the creation of the GC 26 on Children and the Environment and called for more vigor among the community in calling for climate justice and exacting accountability from State Parties and other key actors.

**T**here was always a need for stronger Asian representation in the CRC Committee. With the chairperson, Atty. Otani, coming from Japan, and the creation of the focal point for Asia and the Pacific, there is now an opportunity to amplify the voices of children and the child rights community in Asia at the global level. This will connect the discourse at the CRC Committee level to the sector, build a process for more discourse, and encourage follow through of decisions and actions taken by the CRC Committee.

## **Towards convergence in the child rights community**

The CRC Committee must consistently focus on increasing child participation in moving the child rights agenda forward. Indeed, there is a child participation working group within the CRC Committee which all other committees consult regarding ongoing work.

However, there needs to be more emphasis on convergence in the child rights community, especially amidst the COVID-19 pandemic. Instead of working in silos and creating compartments, the child rights community must bring together voices and create a greater degree of exacting accountability from global bodies like the UN that have an impact in the work that it does. It must put pressure on the CRC Committee to take a stronger stand on issues that affect children everywhere.

For example, in the last CRC Session, the CRC Committee had an extensive discourse about children in Myanmar which was facilitated by CRC Asia. There were also discussions about children in Afghanistan. The CRC Committee is optimistic that it will be able to draw attention on addressing these issues and contribute to strengthening the ability of civil society partners and children to ask State Parties to become more meaningfully involved and committed in protecting children.

The importance of having regional focal points is now getting more attention in the CRC Committee. This must be supported, because promoting children's rights must be a continuous process that goes beyond periodic report reviews. The focal points are tasked to bring the voices of children in their own regions to the CRC Committee and advise on what to prioritize and what needs to be done especially in supporting regional bodies and national entities to drive the child rights agenda more effectively.

## GC 26 on children's rights and the environment

The CRC is now working on GC 26 on children's rights and the environment with special focus on climate change. While much has been discussed and promised about climate change during COP 26, so much is left uncommitted for. The children left COP 26 with a lot of disappointment. The CRC Committee needs to work with children to move this dialogue forward. With regional organizations such as ASEAN and South Asian Association for Regional Cooperation (SARC), and with strong civil society movements, the Committee has to continuously consult children to hear their aspirations and concerns and integrate these concerns into the overall discourse and finalization of GC 26.

**“ Discussions on climate change have become too soft. It's time now to actually move the dialogue towards climate justice, exact stronger accountability from countries that are polluting the environment, and support countries that are trying to maintain the environment but cannot do so because there isn't enough global solidarity.**

”

The development of GC 26 is on the right track. The CRC Committee is finetuning the process but is keen on completing the formulation in less than two years, which is the usual time it takes for a GC to be finalized. It will take a year to hold thematic consultations and consultations with children and compile the recommendations from different sources. Given the current progress, the GC should be completed by February 2023.

There are initial discussions with CRC Asia and the South Asia Initiative to End Violence Against Children (SAIEVAC) on the possibility of organizing the 2nd Asia Children Summit using the theme of the GC 26 as a core issue to discuss. When this is taken forward, it would be important for ASEAN, SARC, and other relevant entities to converge and support the discourse so that the GC can create a more meaningful impact once it is passed.

The Children who have filed a complaint on climate justice before the CRC left very disturbed. The children stated that they were inheriting an environment that is not just damaged but is actually dying.

The children of today will pay the environmental debt that the older generations have incurred and piled up. From this point of view, and even at the level of the CRC Committee, discussions on climate change have become too soft. It's time now to move the dialogue towards climate justice, exact stronger accountability from countries that are polluting the environment, and support countries that are trying to maintain the environment but cannot do so because there isn't enough global solidarity.

The discussions on the GC 26 should underscore the importance of ratifying the OPIC, otherwise there must be other means of making State Parties accountable as demonstrated by children at the COP 26.



## Dialogue discussion points

Open forum for Session 9

**Moderator: Ms. Hazel Bitaña,**  
*Child Rights Coalition Asia*

### On the schedule of upcoming Plenary Sessions between States parties and the CRC Committee

- The CRC Committee will meet in person unless the COVID-19 situation in Europe, in Switzerland in particular, becomes worse. State Party delegations may also be affected depending on travel restrictions at the time of the meeting. Therefore, it is possible that the Philippine Periodic Report will be done in a hybrid format.
- Due to the backlog in the CRC Committee's work, country reviews may also be postponed. It is not certain which countries are included in the reviews scheduled in May and June 2022. Atty. Otani apologized for the uncertainty in the scheduling and said that she will make the information public as soon as possible. Interested parties may also check formally with the CRC Secretary or may follow-up with Atty. Otani directly.

### On how to create stronger messages on climate change so the ASEAN Member States will take children more seriously once the GC 26 is finalized

- Children and the child rights community should be more vocal in sharing their views through existing consultation mechanisms and during country reviews so that their governments will listen. Eliciting comments and recommendations from children for GC 26 is very high on the CRC Committee's agenda for the next eight (8) to 12 months. Children's participation will be facilitated with a lot of focus; in fact, moves to organize the 2nd Asian Summit are underway. The CRC Committee is also encouraging more member states to submit recommendations for GC 26 from different sectors, including government, civil society, academia, businesses, and children in those countries.
- Atty. Otani emphasized that children and child rights groups should not wait for GC 26 to be finalized before taking concrete actions on the ground. Many initiatives for climate justice are ongoing and should continue even before the GC 26 is out. The General Comment just packages policies

and practices already happening and will serve as guidance for all State Parties. In a sense, the crafting of the GC and ground initiatives are mutually reinforcing. Atty. Otani encouraged everyone to go ahead and organize activities this early to inform GC 26 and to amplify the call for climate justice.

## On understanding the OPIC jurisprudence

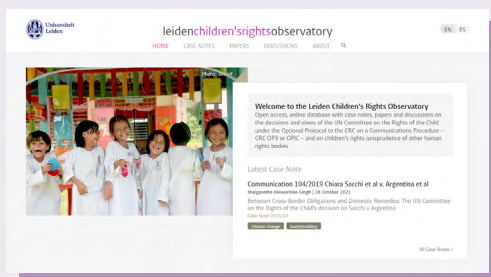
- There has been some hesitation in ASEAN in ratifying the OPIC mainly due to lack of existing national legal remedies in some AMS and the lack of understanding on the existing jurisprudence related to the OPIC. Studying the CRC Committee's jurisprudence on the OPIC might provide something relevant to and useful for the region. There should be a more deliberate campaign to increase public awareness on the OPIC and related information. The CRC Committee reaches out to students and CSOs for them to better understand the OPIC so that they could also help their governments work towards ratification. Dr. Otani herself has spoken in several fora on the topic.
- The UN Human Rights Committee produces its own case analyses, which is a good practice that must be replicated by other human rights treaty bodies, including the UNCRC.
- Leiden University in the Netherlands has established the Leiden Children's Rights Observatory. Every time the CRC Committee adopts the decision, which is part of the jurisprudence, the Observatory creates a note which explains the case, how the CRC Committee decided on the case, and some expert analysis. As the Observatory is not yet so widely known in Asia, Atty. Otani encouraged participants to spread the word about it
- Leiden University and the Supreme Court of Mexico invited Atty. Otani to speak about the OPIC in Latin America. The Leiden Children's Rights Observatory was made available in Spanish for Spanish-speaking countries. Atty. Otani encouraged AICHR to organize a similar regional event where she, Dr. Chopel, and other Committee members could speak about cases from jurisprudence that would be relevant to the region. Dr. Otani recalled that she had been invited to speak at an ASEAN Dialogue about the OPIC in the past, but her presentation then had been general as there were no concrete cases yet at that time that she could discuss.





## IN FOCUS:

The **Leiden Children's Rights Observatory** is an open-access online database of case commentaries on decisions of the UNCRC under the OPIC and as well as jurisprudence of other human rights bodies. It features notes, papers, and discussions in an easy-to-read web format. Tags are included in each post for easy filtering.



Access the database here:  
<https://childrensrightsobservatory.nl/>



## RECOMMENDATIONS FOR REGIONAL ACTION

- The ASEAN child rights community must converge and exact more accountability from UN bodies and the UNCRC in taking a stronger stand on issues that affect children, such as climate change and the conflict and humanitarian situation in Myanmar.
- Support the creation of regional focal points who are tasked to liaise between the CRC Committee and regional bodies and national entities to support the sharing of information and lessons and drive the child rights agenda more effectively
- ASEAN to facilitate the gathering of inputs from government, civil society, and children themselves to help in the finalization of GC 26 on children and the environment, to support regional action towards public budgeting for children's rights, and to promote the ratification of the OPIC, among other agenda.
- AICHR to organize a regional event to discuss jurisprudence related to the OPIC and launch a campaign for its ratification.
- Children and the child rights community should continue initiating and implementing programs on the ground on climate justice so that their voices will be heard more clearly. These actions also help fine tune the GC 26 which will serve as a guide for governments on how to ensure that children live in a safe and sustainable environment.

## C L O S I N G   R E M A R K S



**H.E. Jaime Victor B. Ledda**  
Representative of the Philippines  
to the AICHR

**G**ood afternoon, Excellencies, distinguished guests, dear colleagues, and dear partners of AICHR Philippines, and advocates of children's rights all over the world.

First, allow me to take this opportunity to congratulate and thank everyone for a very productive and engaging Dialogue. The information and experiences which you shared, concerns that you have raised, and recommendations that you have presented are important in helping us find a shared and strategic direction towards a child-rearing, child-centered, and child-responsive ASEAN region.

The past two days enriched our knowledge and understanding on the realization of the United Nations Convention on the Rights of the Child, the most widely ratified human rights treaty in the world. These are gains that we could reap to our country and ASEAN to protect every child in our region.

Yesterday, we focused our discussions on General Comment Number 5 of 2003 on general measures of implementation of the Convention on the Rights of the Child. Our speakers discussed the importance of properly interpreting the Convention and coordinating between different stakeholders to avoid duplication of the reporting process; that justice in children's rights should be attainable and comprehensible; that existing inequalities have been exacerbated by the COVID-19 pandemic; the landmark shift in perceiving children as rights holders and not just merely subjects; and that the business sector is an important agent and duty bearer in upholding children's rights.

Today, we centered on General Comment Number 19 of 2016 on public budgeting for the realization of children's rights. We talked about the issues of human capital index, malnutrition, and the quality of education as matters to be addressed in human capital development. There were also comprehensive discussions on the public budgeting vis-a-vis children's rights advocacies and programs. We now have a better appreciation of the power of the government's purse in fully realizing the rights of the child. And we were also presented with good practices that we could bring home in upholding the public budgeting principles.

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We also received updates from Atty. Mikiko and Dr. Rinchen of the United Nations Committee on the Rights of the Child. The adoption of General Comment Number 25 of 2021, this year, officially lodges children's rights in the digital environment. Its adoption is timely and relevant given our increasing reliance and movement towards digital connectivity.

I would like to thank our speakers, all our speakers, for their insights and for taking the time to be part of our Dialogue today and yesterday. They all share the same passion and objective with us that children's rights are fundamental human rights in which we, as adults, are responsible for.

Arising from these engaging and productive discussions, we were able to present sound recommendations — with each calling for a shared commitment and collective action. A call that every person in this room and on the screen are duty-bound to answer. And allow me to highlight some of the takeaways:

First, we should recognize that the recent developments in the global landscape makes children's unique rights hang in a precarious balance.

Hence, the General Comments have to be interpreted into our respective national laws in a manner that is adaptive and pertinent to these developments, and they should be implemented nationally and locally.

We have to make the United Nations Convention on the Rights of the Child responsive to these changing times by ensuring that its interpretations will address the gaps that our predecessors, the ones who crafted the Convention, did not anticipate.

Second, AICHR, as the human rights institution in ASEAN, can facilitate the sharing of best practices to proactively engage and provide concrete guidance and recommendations to its member states on the most effective formulation and implementation of child protection programs. In this regard, we will continue to seek the support of our fellow ASEAN Member States as we plan to hold a continuation of this Dialogue next year, with focus on concluding observations.

Lastly, we need to intensify engagements and cooperation between AICHR, regional and international organizations, and civil society organizations in pursuing our continuing endeavor of protecting the inalienable rights and promoting the best interests of our children. We hope that the gains in this Dialogue will contribute to our personal and shared advocacies. This is a stride in child advocacy that is worth recognizing.

Investing in the future of our children today will provide them with opportunities to realize and attain their full and maximum potential, and also result in greater returns to our societies.

At this point, I would like to express my earnest gratitude to our partners, the United Nations Children's Fund East Asia and Pacific Regional Office, the Office of the High Commissioner for Human Rights in South-East Asia Regional Offices, and our implementing partner Child Rights Coalition Asia, for supporting our efforts in making this Dialogue possible. We have been closely coordinating for this Dialogue for the last two or three months, and I'd like to say thank you for your support to AICHR Philippines. In all our endeavors, may we continue to envision an ASEAN where children—all children—enjoy their rights. We look forward to partnering with you again in future activities. Colleagues, Excellencies, Dear Friends, now that our session has come to an end, please also allow me to inform you that this Dialogue will be the culminating activity of my term as Philippine Representative to AICHR, as I will end my tour of duty this year.

Working in AICHR for almost a year has been challenging, but it has also been very profound and fulfilling. Although most of the AICHR meetings were held online, I have been given a chance to meet and engage with the most respected human rights advocates within and outside ASEAN. And of course, after almost a year of online meetings, I now have at least a glimpse of what an AICHR meeting has, since we're having this—my first time to have an in-person or at least part of it – a hybrid format of an AICHR dialogue, consultation, or workshop.

I would like to congratulate and commend AICHR for its continued success and the active participation that I have witnessed throughout this year, this challenging year.

AICHR has definitely gained more relevance over the years. The recent developments in our region should alert and signal us that we need to do more, because we are capable of doing so. And in doing so, I am confident that my successor to AICHR will continue the work of all Philippine AICHR Representatives and contribute to the overall goal of AICHR and ASEAN.

To my dear colleagues in AICHR and the ASEAN Secretariat, thank you for your support and most importantly for your friendship and camaraderie.

Madame Chair, Your Excellency Nor Hashimah HJ Mahoammed Taib, Your Excellency Yuyun Wahyuningrum, Your Excellency Eric Paulsen, Your Excellency Ambassador Nguyen, and Your Excellency Professor Amara of Thailand, I would like to say thank you very much for the privilege of having participated in the different activities and AICHR dialogues and consultations that you conducted during this past year and I'm very very happy and glad that you also joined us today and yesterday in varying capacities as well, as moderators especially, or as participants and discussants. I'm really very very thankful for your active participation and involvement in the ASEAN Dialogue on the United Nations Convention on the Rights of the Child General Comments.

I'd like to say thank you also again to all our partners, in government, in civil

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society, the national human rights institutions, Commission on Human Rights, the Presidential Committee Secretariat on Human Rights. My thanks also there. To my dear Colleagues in the Department of Foreign Affairs, especially the unrelenting, indefatigable team in the Office of ASEAN Affairs, to Undersecretary Buensuceso and Undersecretary Lazaro for all their support, and especially of course Secretary Locsin, who appointed me earlier this year and had trust and confidence that I could carry on with this very important responsibility in a concurrent capacity. I'm very very thankful to all my colleagues with all your hard work, dedication, and commitment, and our teamwork. There was never a time that I would worry about our participation in AICHR.

And so, Colleagues, regardless of how challenging our task in AICHR might be, if it affects at least one person, if it uplifts the condition of even a single child, then that is more than enough reason for us to keep doing our work.

Let us continue to tread the path that empowers children in understanding, attaining, and protecting their rights. And as we approach the end of the year, allow me to greet everyone in advance, a Merry Christmas and I extend my wishes for every blessing in this festive season and holy season and my best wishes as well to all of you for the coming new year. May we all have peace, good health, and well-being for you and your loved ones.

And on this note, I'd like to say Maraming Salamat po at Mabuhay tayong lahat. Thank you very much.



The Dialogue's on-site participants included representatives from Philippine government agencies and civil society organizations. **AICHR Philippines**

# Annex

## SECRETARIAT

### AICHR Philippines

Jaime Victor B. Ledda  
 Noel M. Novicio  
 Ivan Frank M. Olea  
 Jose Carlo G. Morales  
 Vergel Adelline Agbulos  
 Angelique Rae J. Almonte  
 Arlene Pascasio-Racho  
 Claudia N. Delos Santos  
 Ricky B. Bolanio  
 Judy Ann Carpo

### Child Rights Coalition Asia (Philippines)

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 Amihan Abueva  
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 Florence Casedo  
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 Irma Dela Cruz

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### UNICEF East Asia Pacific Regional Office (Thailand)

Natcha Chutinthararuk  
 Lucio Valerio Sarandrea

### Documenter (Philippines)

Rainier Requinala

### Sign Language Interpretation Team Lead (Philippines)

Catherine Joy Villareal

Scan the QR codes to view  
 the full text of the following:



List of Attendees



UNCRC General  
 Comment No. 5 on  
 general measures of  
 implementation of  
 the Convention on the  
 Rights of the Child



UNCRC General  
 Comment No. 19 on  
 Public Budgeting for  
 the Realization of  
 Children's Rights



UNCRC General  
 Comment No. 25 on  
 children's rights in  
 relation to the digital  
 environment



Optional Protocol to  
 the Convention on the  
 Rights of the Child  
 on a communications  
 procedure





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