WHAT ASEAN INTEGRATION COULD MEAN FOR CHILDREN

Assessment of the ASEAN Community Blueprints and potential impacts on children
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FOREWORD

In 2015, the Association of South East Asian Nations adopted an ambitious agenda to foster greater integration amongst its member States. Entitled Vision 2025, the agenda sets out a series of blueprints and strategic measures that are wide ranging - covering the political-security, economic and socio-cultural domains - in view of achieving a rules-based, people-oriented, people-centered ASEAN Community. At UNICEF, we are excited about the potential this Vision holds for the region’s 225 million children.

What could ASEAN integration mean for these children? How will integration lead to the greater realization of children’s rights, and how can this contribution be enhanced? Are there potential negative impacts, and if so, how can these be mitigated? Finally, how could consideration of child rights be more explicitly addressed in ASEAN policy-making?

Whether or not a new law, policy or programme explicitly targets children, it may directly or indirectly impact on their rights. The Committee of the Rights of the Child thus recommends that governments assess and continually monitor the child rights impacts of their actions as part of the Convention’s general measures of implementation. We have therefore drawn upon the established tools of ex ante Child Rights Impact Assessment in conducting this study.

We believe this is the first time that such an exercise has been undertaken in relation to a regional body. The researchers may be congratulated for this very thorough assessment of a complex and multifaceted intergovernmental process. We are grateful that renowned human rights and ASEAN expert Dr. Sriprapha Petcharamesree, along with child rights expert, Dr. Mark Capaldi, accepted to undertake this ambitious task.

We would also like to thank Dr. Seree Nonthasoot, the Representative of Thailand to the ASEAN Intergovernmental Commission on Human Rights. Dr. Seree played a critical role in co-convening the regional dialogue on the impact of ASEAN Integration on child rights on December 4, 2015, the eve of formal ASEAN Economic Integration. He has also been a tireless champion of this study, galvanizing support and visibility within ASEAN.

The report concludes that the principles and measures set out in the community blueprints indeed hold great promise for advancing children’s rights in the region. Implementation will be subject to national policies, legal frameworks, and human and financial resource availability. Amongst others, risks have been identified in the specific areas of labour migration, tourism, health care, information technology and youth entrepreneurship and employability. ASEAN as a regional body, ASEAN member States, civil society organizations and UN Agencies all have a role to play in continually monitoring impacts of integration efforts, and enhancing positive impacts for children.

Karin Hulshof
Regional Director
Bangkok, 16 March 2018
I am much delighted by the completion of What ASEAN Integration could mean for children: Assessment of the ASEAN Community Blueprints and potential impacts on children. This assessment was initiated following the Bangkok Human Rights Dialogue on the Impact of ASEAN Economic Integration on Children’s Rights in December 2015, which, as the Representative of Thailand to the ASEAN Intergovernmental Commission on Human Rights, I organized jointly with the UNICEF East Asia and Pacific Regional Office. The Dialogue was held in anticipation of the commencement of the ASEAN Community at the end of that year. A salient point from the Dialogue is that economic integration in this region has brought about significant positive changes to the livelihoods and wellbeing of the people in ASEAN, including children, by creating greater consumer choices and enhancing intraregional connectivity in various aspects from infrastructure to culture. A shared sense of regional identity amidst diversity has been strengthened among the ten Member States.

At the same time, however, new risks have emerged that put many children in a more vulnerable situation. For example, increased access to food has given rise to obesity and type II diabetes. The lack of concern for negative impacts of large-scale development projects has led to disruptions in peoples’ lives. Many indigenous children have been forcibly relocated and children of families living in poverty suffer more from climate change and environmental hazards caused by these developments. Another risk is an increase of transnational crimes, such as trafficking of persons, if border crossings are less restricted in a single market. Underlying the Dialogue is the view that positive impacts should be promoted while the negative ones should be mitigated. A call was made for regional human rights due diligence that would foster preparedness and common understanding of potential risks.

This assessment bases its analyses on the three Community Blueprints that were adopted in 2015 and cover a ten-year period until 2025. Thus, it is the first research project that maps out impact on children’s rights from a key policy document of ASEAN. It is underpinned by two notions. First, as a cross-cutting subject matter, children’s rights pertain to all corners of the Community and any action, be it political, economic or social and cultural, can impact children. Therefore, all sectors and stakeholders must be mindful of the potential consequences of their policies. Second, since the new ASEAN Vision 2025, of which the Blueprints are a constituent part, is aligned with the Sustainable Development Goals, implementation of the Blueprints must follow a rights-based approach.

For children, who are rights holders, this means that development and policy programmes, and corresponding actions of relevant duty bearers, notably ASEAN and Member States, must be directed toward their long-term interests. The framework utilized in this study, particularly conducting an impact assessment prior to policy implementation, will provide concrete benefits to ASEAN policy makers, not only in helping realize a people-oriented, people-centred and child-friendly Community, but will also serve as a policy tool to analyse and prepare for the further expansion of ASEAN, especially in the economic field spearheaded by the ongoing negotiation of the Regional Comprehensive Economic Partnership that will create the largest free-trade area in the world.

I congratulate the researchers led by Dr. Sriprapha Petcharamesree, who was my predecessor in the AICHR, and UNICEF for the success of this project. I am confident it will inspire similar undertakings that will contribute to a brighter future of the children of the ASEAN Community.
ACKNOWLEDGMENTS

Throughout the year of the study What ASEAN Integration could mean for children: Assessment of the ASEAN Community Blueprints and potential impacts on children commissioned by UNICEF East Asia and Pacific, Bangkok, I have enjoyed support from many people in different countries, namely Lao PDR, Malaysia, Myanmar, the Philippines and Thailand, as well as colleagues at the ASEAN Secretariat. Even though it is impossible to name each of them individually, I would like to thank them all for kindly sharing their information, thoughts and views, which contributed very much to solidifying this study.

I would like also to thank the UNICEF East Asia and Pacific Regional Office for entrusting me to conduct the study. It has helped me to not only expand but also deepen my knowledge and understanding about the ASEAN Vision and Blueprints, as well as a variety of documents that exist in the region. The support, flexibility and patience of colleagues at UNICEF, especially Grace Agcaoili, Stephen Blight and Natcha Chutinthararuk, is highly appreciated.

It would not have been possible for me to do this study without the full and meaningful support of Mark Capaldi, whose expertise of child rights is well recognized. I wholeheartedly thank him for his contributions. My thanks also go to Andrea Varrella and Sunsanee Sutthisunsanee who kindly assisted us throughout the process of this study, as well as special thanks to Matthew Mahjour, UNICEF intern, for editing the document.

Sriprapha Petcharamesree
Consultant
ACRONYMS AND ABBREVIATIONS

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<thead>
<tr>
<th>Acronym</th>
<th>Description</th>
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<tr>
<td>ACF</td>
<td>ASEAN Children’s Forum</td>
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<td>ACMW</td>
<td>ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers</td>
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<td>ACN</td>
<td>ASEAN CSR (Corporate Social Responsibility) Network</td>
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<tr>
<td>ACTIP</td>
<td>ASEAN Convention Against Trafficking in Persons, Especially Women and Children</td>
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<td>AEC</td>
<td>ASEAN Economic Community</td>
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<td>AHRD</td>
<td>ASEAN Human Rights Declaration</td>
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<td>AICHR</td>
<td>ASEAN Intergovernmental Commission on Human Rights</td>
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<td>ASEAN Institute for Peace and Reconciliation</td>
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<td>AMMSWD</td>
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<tr>
<td>AMMY</td>
<td>ASEAN Ministerial Meeting on Youth</td>
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<td>ASCC</td>
<td>ASEAN Socio-Cultural Community</td>
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<tr>
<td>ASEAN</td>
<td>Association of Southeast Asian Nations</td>
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<td>ASEC</td>
<td>ASEAN Secretariat</td>
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<td>ASLOM</td>
<td>ASEAN Senior Law Officials Meeting</td>
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<tr>
<td>CEDAW</td>
<td>Convention on the Elimination of all forms of Discrimination against Women</td>
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<td>CLMV</td>
<td>Cambodia, Lao PDR, Myanmar and Viet Nam</td>
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<td>Convention on the Rights of Persons with Disabilities</td>
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<tr>
<td>CSO</td>
<td>civil society organization</td>
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<td>CSR</td>
<td>corporate social responsibility</td>
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<tr>
<td>eaCRIA</td>
<td>Ex Ante Child Rights Impact Assessment</td>
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<td>EC</td>
<td>European Commission</td>
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<td>ECCD</td>
<td>early childhood care and development</td>
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<tr>
<td>ECLAC</td>
<td>United Nations Economic Commission for Latin America and the Caribbean</td>
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<tr>
<td>EMOC</td>
<td>emergency maternal obstetrical care</td>
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<td>ERIA</td>
<td>Economic Research Institute for ASEAN and East Asia</td>
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<tr>
<td>GPI</td>
<td>Gender Parity Index</td>
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<tr>
<td>HIV/AIDS</td>
<td>human immunodeficiency virus/acquired immune deficiency syndrome</td>
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<tr>
<td>ICCPR</td>
<td>International Covenant on Civil and Political Rights</td>
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<td>ICESCR</td>
<td>International Covenant on Economic, Social and Cultural Rights</td>
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<tr>
<td>ICRMW</td>
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ICT information and communication technology
IHRP Institute of Human Rights and Peace Studies
ILO International Labour Organization
ILO-IPEC ILO International Labour Organization International Programme on the Elimination of Child Labour
IMF International Monetary Fund
INGO international non-governmental organization
INTERPOL International Police
ITU International Telecommunication Union
Lao PDR Lao People's Democratic Republic
LGBTQI lesbian, gay, bisexual, transgender, questioning and intersex
LWF Lutheran World Federation
MDGs United Nations Millennium Development Goals
MNC multinational corporation
MoU memorandum of understanding
MSMEs micro, small and medium enterprises
NGO non-governmental organization
OHCRC United Nations Office of the High Commissioner for Human Rights
OOSCY ASEAN Declaration on Strengthening Education for Out of School Children and Youth
OPAC Optional Protocol on the Involvement of Children in Armed Conflict
RBA rights-based approach
SDGs Sustainable Development Goals
SECTT sexual exploitation of children in travel and tourism
SOCA ASEAN Senior Officials Committee for the ASCC
SOM-ED Senior Officials Meeting on Education
SOMSWD ASEAN Senior Officials Meeting on Social Welfare and Development
SOMTC ASEAN Senior Officials Meeting on Transnational Crime
SOMY ASEAN Senior Officials Meeting on Youth
TOR terms of reference
UK United Kingdom
UN United Nations
UNDP United Nations Development Programme
UNFPA United Nations Population Fund
UNHCR United Nations High Commissioner for Refugees
UNICEF United Nations Children's Fund
UNICEF EAPRO UNICEF East Asia and the Pacific Regional Office
UNODC United Nations Office on Drugs and Crime
VAC Violence Against Children
WG Working Group
WHO World Health Organization
**EXECUTIVE SUMMARY**

**Introduction**

Over the last 15 years, significant progress has been made within the ASEAN region in reducing child mortality, increasing school enrolment and enacting legislation to protect children. However, there remain some common concerns relevant to the survival, development and protection of children including child trafficking, exploitation, child labour, children living on the streets, children in conflict with the law and children deprived of a safe family environment. Excluded and vulnerable groups of children appear to be particularly disadvantaged.

The adoption of the Post-2015 ASEAN Vision brought about prospects for better promotion and protection of human rights in ASEAN, including the rights of children in the region. ASEAN 2025: Forging Ahead Together, which was adopted in November 2015, contains the ASEAN Community Vision 2025 and three Community Blueprints:

- the ASEAN Political-Security Community (APSC) Blueprint 2025;
- the ASEAN Economic Community (AEC) Blueprint 2025; and
- the ASEAN Socio-Cultural Community (ASCC) Blueprint 2025.

The ASEAN Community Vision 2025 emphasizes a rules-based, people-oriented, people-centred ASEAN Community, where ‘peoples enjoy human rights and fundamental freedoms, higher quality of life and the benefits of community building’. The fact that human rights and fundamental freedoms have become cross-cutting through all three Community Blueprints should be a step towards creating community where human rights are paramount for everyone, adults and children alike.

The Post-2015 ASEAN Vision touches upon various issues identified as prospects, risks and challenges for children and the promotion and protection of children's rights. To ensure solid analysis and action-oriented policy recommendations, UNICEF commissioned an ex ante Child Rights Impact Assessment (eaCRIA) of ASEAN integration. Its objectives are to assess possible impacts (both positive and negative) on children’s rights of the Post-2015 ASEAN Vision, and to provide policy recommendations and specific measures that will mitigate the identified risks and maximize the positive opportunities brought about by ASEAN integration. In the eaCRIA, children's rights are analysed via a human rights framework. To provide a full overview of possible impacts, it examines all three Community Blueprints: economic, political-security, and socio-cultural. The study looks at different dimensions across the three Blueprints, ranging from institutions and stakeholders, to general measures such as legislation, policies and programmes identified as critical to the implementation of children’s rights at both national and regional levels.

The study applied the integrated use of qualitative and, where possible and appropriate, quantitative methods of information gathering and analysis. ASEAN documents and declarations, national laws and policy plans, as well as academic writings and reports were carefully reviewed. A range of stakeholders were consulted using different tools and consultation approaches, such as one-on-one interviews and focus group discussions. In total, around 70 people were interviewed or engaged in conversations. Field visits were conducted in five countries, Lao PDR, Malaysia, Myanmar, the Philippines and Thailand.

Various challenges and limitations of the three Community Blueprints were identified by the study team, including the scarcity of references to child rights; lack of information regarding the scorecards, indicators and work plans; and minimal explanations of the actual approach. There was also low awareness and knowledge about the ASEAN Vision and Blueprints among officers and other stakeholders.
The assessment is divided into six chapters, with the first being the introduction. The second and third chapters identify potential negative and positive impacts of the three ASEAN Blueprints, using the four guiding principles of the Convention on the Rights of the Child (CRC) (the best interest of the child, non-discrimination, survival and development, and the participation rights of the child), as a framework for analysis. Chapter four focuses on examining the laws and policies adopted as well as the mechanisms established by ASEAN directly in addressing children's rights. It also presents legislation and policy documents that are indirectly linked to the rights of children, either by interpretation or by default, and which could have negative impacts or strengthen the existing positive aspects of communities. The fifth chapter identifies different stakeholders in ASEAN related to the promotion and protection of the rights of the child. It sets the basis for stakeholders to understand their roles in promoting and protecting children's rights while implementing the ASEAN Blueprints. Chapter Six concludes the study with a thematic analysis of the potential impacts of the ASEAN community on children's rights and provides recommendations for different stakeholders at different levels to consider.

**Linking the core principles of children’s rights with the ASEAN Blueprints**

The CRC concept of non-discrimination is particularly important within ASEAN as it challenges existing legal frameworks, cultural and national norms of equality found in the region. Non-discrimination is specifically mentioned in the ASCC Blueprint (the “promotion of non-discriminatory laws, policies and practices” and “the elimination of all forms of discrimination, exploitation, trafficking and violence and abuse against children…”) and is present in a number of other places by association. Nevertheless, no specific reference is given in relation to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

The APSC Blueprint 2025 implies the principle of non-discrimination in goals related to the promotion of “principles of democracy”, and “promoting…tolerance and understanding of faith, religion and culture”. And, although women and youth are occasionally identified as groups requiring affirmative action, there are no proactive goals on non-discrimination in the 2015 ASEAN Economic Community Blueprint.

One main area of discrimination against children found in ASEAN is gender-based discrimination and inequalities. While gender discrimination is primarily addressed in the ASCC Blueprint, there are insufficient gender indicators across all of the ASEAN Community Blueprints. Children with disabilities experience barriers to the full enjoyment of their rights, and neither the Blueprint on the Economic Community nor the Political-Security Community contains references to those with disabilities. It is the ASCC Blueprint that identifies steps to prohibit discrimination of persons with disabilities (although this Blueprint does not specifically mention children with disabilities).

In addition, none of the ASEAN Community Blueprints makes reference to lesbian, gay, bisexual, transgender, questioning and intersex (LGBTQI) children, irregular migrants, child migrants, stateless children, refugee children and children seeking asylum, which raises concerns for their lack of protection. Fortunately, the new ASCC Blueprint offers the potential to continue addressing discrimination against children living with HIV/AIDS.

The CRC concept of the best interests of children is complex and not well understood by a number of ASEAN Member States. Unfortunately, the principle of the best interests of the child is not specifically mentioned in the ASEAN Blueprints, although potential to allude to the principle through different venues exists, especially in the realm of the juvenile criminal justice system and goals around increasing access to basic social services. Nevertheless, the main concern of all three ASEAN Community Blueprints is that, despite the many multi-sector development goals, targets and strategies they cover, there is no ‘child rights impact assessment’ to inform planning based on the best interests of the child.
The CRC rights to life, survival and development are the most prominent of the four CRC principles in the region. In the context of the three ASEAN Community Blueprints, it is clear that, to a certain extent, child survival and development are related to the level of economic and social development of a country. Poverty is undoubtedly the biggest challenge to the provision of basic services within many ASEAN countries, and the ASEAN Blueprints do acknowledge poverty eradication as a priority. Growing inequalities in the region are also recognized with the AEC and the ASCC Blueprints seeking to support inclusivity, focusing on “Equitable access to All” and “addressing the concerns of all peoples of ASEAN on matters related to welfare to quality care and support”. The ASEAN Community Blueprints also prioritize access to healthcare services. Significant improvements have been made throughout the region in reducing child mortality, increasing immunization rates and reducing HIV/AIDS prevalence. These trends should continue under the ASCC 2025. Similarly, the ASCC 2025 Blueprint has continued the focus on ‘equitable access to all’ in relation to the education of children. However, nothing is mentioned in the AEC Blueprint 2025 on education for children.

Although the different manifestations of violence against children that are rampant within ASEAN countries transcend issues found in all three ASEAN Community Blueprints, the main attention to prevention and protection is found in the ASCC Blueprint. This highlights the promotion of “the elimination of all forms of discrimination, exploitation, trafficking and violence and abuse against children and other vulnerable categories.” The APSC Blueprint 2025 also aims to “enhance cooperation against trafficking in persons and people smuggling”, which should reduce the number of children trafficked. However, emerging and growing trends in violence against children must garner greater attention. For example, as the ASEAN Blueprints significantly promote ICT developments and travel and tourism in the region, which, without corresponding progress in establishing child legislation and protection policies that also address online crimes, will lead to a more sexual exploitation and violence against children. Other human security threats are dealt with minimally in the ASEAN Blueprints.

Within ASEAN Member States, the CRC principle of respect for the views of the child in decision-making processes is generally low. For this reason, supporting “the participation of ASEAN […] children in dialogue and consultation processes in ASEAN related to the promotion and protection of their rights” is included among the functions of the ASEAN Commission on the Promotion and Protection of the Rights of Women and Children (ACWC) and the ASEAN Children’s Forum (ACF). The ASCC Blueprint 2025 explicitly mentions child participation among its goals and targets. Even though the envisaged participation may lead to the development of more child-responsive policies and programmes, the risk of tokenistic and merely symbolic participation remains high in the region.

**ASEAN institutional analysis**

A number of adopted documents pertaining to children show the commitment of ASEAN and ASEAN Member States to the promotion and protection of the rights of children as they are more or less in line with the policies of the CRC. In addition to child-specific documents, ASEAN has also adopted other human rights declarations and documents that are child related or may impact children. Various work plans designed and adopted by various bodies, especially the ACWC and the ASEAN Inter-governmental Commission on Human Rights (AICHR), are geared towards realizing child rights.

The different declarations and work plans examined are all supportive of the promotion and protection of the rights of the child. Nevertheless, not all legal and non-legal documents and policies adopted by ASEAN since its establishment are geared towards rights promotion and protection. Many policies and legal frameworks adopted and applied to advance ASEAN economic integration are not conducive to the promotion and protection of the rights of people, children in particular. Under the political and security community, a number of documents both legal and non-legal have
been adopted as well. The study particularly examined the ASEAN Convention on Counter-Terrorism (ACCT), which may result in very stringent national laws, policies and practices to control borders and entry of non-nationals. This could lead to abuse and human rights violations such as smuggling and trafficking when legal channels are not available, or are too bureaucratic and costly. Another set of ASEAN documents are those related to the vision for a drug-free ASEAN, such as the ASEAN Declaration of Principles to Combat the Abuse of Narcotics Drugs. Although a drug-free society is desirable, closer examination of the document reveals that there are worrying messages that may lead harmful abuses and violations that could seriously impact children. Most of the relevant documents are geared towards encouraging ASEAN Member States to adopt a number of serious steps; many of which are dominated by repressive and punitive approaches to address drug-related crimes.

It is clear that policies and mechanisms for the protection of children are not lacking in ASEAN. However, existing human rights commissions are not equipped with the mandates to receive complaints or to investigate. This is the case because of the strong practice of ASEAN's working principles – respect for state sovereignty, non-interference in international affairs of Member States, as well as consultation and consensus. What is more unfortunate is that the overall implementation of policies and laws on children are left to national governments, which can lead to conflicts with international human rights standards. The implementation of the Blueprints, even if they faithfully follow commitments made by ASEAN as reflected by different laws and policies, may not contribute to mitigating any negative impacts because of varying national standards within Member States. Therefore, there is a need for ASEAN to ensure that regional agreements, declarations and other forms of commitments meet international standards, and that these documents act as regional benchmarks on children’s rights. In addition, it is important for the two commissions, the AICHR and the ACWC, to develop modalities to not only promote but also to protect human rights, including children's rights. In order to do so, recognition of rights holders and proper identification of rights holders is crucial.

Engaging ASEAN stakeholders, duty bearers and civil society on children’s rights

As evidence of the strategic importance of stakeholders in the context of the Post-2015 ASEAN Vision, the three 2025 Community Blueprints recognize, in several provisions, the link between different stakeholders and the achievements of the established goals and targets. Consultation, interaction, engagement, cooperation and collaboration with stakeholders are just a few of the approaches identified from a socio-cultural, political, security and economic point of view. All ASEAN bodies should mainstream children's rights into the framework of their activities, particularly the AICHR and the ACWC (although it is disappointing to note that these two are mentioned only twice in the new set of ASEAN Blueprints).

In the ASEAN Member States, all the decisions related to the development and implementation of programmes and policies concerning children's rights are generally placed under the mandate of a specific ministry or department. However, while the three Blueprints aim at going beyond fixed divisions, there are only occasional references to different branches, offices and agents of each national government.

When analysing the three Blueprints, it is easy to note that the private sector is particularly prominent in the AEC Blueprint's goals, and that engagement with the private sector is considered one of the means to promote the principles of good governance, transparency and regulatory regimes. In the ASCC Blueprint, strategic partnerships with the private sector are considered effective ways to promote sustainable financing mechanisms for social protection, including universal health coverage, early childhood care and development. The APSC Blueprint states
that strengthened cooperation with the private sector will instil a culture of good governance and corporate social responsibility, promote integrity and anti-corruption, and combat transnational crimes and cybercrimes.

The three Blueprints also recognize the essential contribution that civil society can make to the process of enhancing the ASEAN community. In the AEC Blueprint, civil society organizations (CSOs) are included among the stakeholders that can contribute to regional integration efforts. While references to CSOs are scarce in the ASCC Blueprint, the APSC Blueprint addresses CSOs in more specific terms. These include looking at the collaboration and cooperation with all civil society organizations that are considered essential to promoting and protecting principles of democracy and human rights as well as fundamental freedoms and social justice. CSOs also help to combat transnational crimes; and promote and strengthen peace-oriented values.

Cooperative engagements and commitments among Member States, ASEAN and the United Nations are also envisaged, specifically in some goals of the APSC Blueprint and more generally in the introduction of the ASCC Blueprint. Therefore, the involvement of United Nations bodies and agencies should benefit the desired child-focused implementation of the activities provided by the Blueprints.

Conclusions and recommendations

As analysed in the assessment, everyone, children and adults alike in ASEAN should benefit from integration in many ways. However, there are certain risks to be considered. The detailed analysis of potential positive and negative impacts of the three Community Blueprints on children and children’s rights shows that some of the ‘characteristics and elements’ of the Blueprints contribute positively to the promotion and protection of child rights. However, many characteristics and elements carry with them both positive and negative ramifications. Moreover, the Blueprints are more principled than action oriented. Plans of activities and actions to be taken are left to sectoral bodies. The Blueprints also leave it to Member States to determine for themselves how to promote, ensure, support and implement the various elements included in each Community Blueprint. Implementation at the national level is, therefore, subjected to national policies, legal frameworks and resources, which include both financial and human resources. One of the challenges for following the Blueprints is how to properly monitor and evaluate their implementation.

The assessment also notes that while the ASEAN Community Blueprints were developed before the Sustainable Development Goals (SDGs) were finalized, the goals and targets as set out by SDGs are more or less in line with the Blueprints. This is especially the case with the ASCC Blueprint, as it includes a large number of targets articulating the SDGs. The possibility for the SDGs to be used to support the implementation of the ASEAN Vision 2025 is high, particularly if all work plans for each Community Blueprint are shaped in reference to the SDGs.

It is also important for ASEAN to ensure institutional coordination among existing frameworks. While capitalizing on the SDGs would be strategic for ASEAN, increasing engagement with and meaningful involvement of all stakeholders, including non-state actors (CSOs, private sector and academics) is also strategic. The targets of the SDGs could serve as a basis for the preparation of action plans and activities for the Blueprints. It is also crucial that targets in the SDGs are used to mitigate the risks or negative impacts of the Blueprints, and that ASEAN officers and officers of Member States (as well as other stakeholders) are familiarized with both the SDGs and the Blueprints. Capacity building and providing platforms for exchange on the links and complementarity between the SDGs and the Blueprints is essential. Identifying child rights champions in different mechanisms and institutions would contribute to facilitating closer engagement and positive impacts for children.
Specific recommendations to improve children's rights within the framework of ASEAN integration and the three Community Blueprints, as per the key categories of duty bearers, are detailed in the assessment. They include, for ASEAN as a regional body:

- advocacy for the ratification of all international human rights instruments (and the withdrawing of reservations);
- the development of children's rights indicators for the ASEAN Integration Scorecards;
- improved institutional coordination among various ASEAN institutions and bodies as well as with United Nations agencies, international organizations, CSOs and the private sector;
- systematic consultation with children and youth;
- better disaggregated data on children;
- the establishment of measurable indicators in each of the ASEAN Community Blueprints that recognize the specificities of children; and
- efforts to ensure that ASEAN work plans reflect the needs of children, are multi-sectoral in nature and are owned, coordinated and monitored by the relevant ASEAN bodies.

ASEAN Member States should strengthen legal frameworks and enforcement mechanisms, national policies, coordination and implementation plans in relation to children. Member States should carry out Children's Rights Impact Assessments, in collaboration with CSOs, on all policies and investments proposed within the ASEAN Community Blueprints, particularly in areas related to labour migration, tourism, health care, information technology, entrepreneurship and employability. Member States should increase public investment in social spending and basic services that impact children, especially those considered most vulnerable.

CSOs, INGOs and United Nations agencies should promote, facilitate and support regional debate and action on children's rights (in line with the SDGs) with appropriate ASEAN mechanisms and bodies such as the ACWC, AICHR, Senior Officials Meeting on Social Welfare and Development (SOMSWD) and the ASEAN Children's Forum. Capacity building, regional sharing of good practices and the promotion of regional guidelines should go beyond the usual platforms and organizations. Collaboration is also needed with the private sector (such as primary industries, tourism and the service sector, ICT and infrastructure) and law enforcement agencies to prevent the use of businesses and products for child exploitation and abuse.
What ASEAN integration could mean for children: Assessment of the ASEAN Community Blueprints and potential impacts on children

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CHAPTER 1: INTRODUCTION

1.1 Overview of the study

Over the last 15 years, significant progress has been made within the ASEAN region in reducing child mortality, increasing school enrolment and enacting legislation to protect children. However, while the children of ASEAN enjoy more rights than the generations before them, a recent ASEAN children’s rights situational analysis and synthesis conducted by the Institute of Human Rights and Peace Studies (IHRP) at Mahidol University, identified common concerns relevant to the survival, development and protection of children, as well as other aspects relating to children in the region. Each country is unique, however, a number of children’s rights violations are common across the region, such as child trafficking, exploitation, child labour, children living on the streets, children in conflict with the law and children deprived of a safe family environment. Excluded and vulnerable groups of children are particularly disadvantaged.

As a regional body, ASEAN has an important role to play in influencing positive changes in children’s rights issues. Various regional mechanisms and bodies have already introduced a number of commitments to better safeguard children’s welfare and development. However, adequate social services and the protection of children from abuse, neglect and exploitation remains a distant actuality, as some Member States do not sufficiently enforce laws or implement policies for the benefit of all children.

The adoption of the Post-2015 ASEAN Vision brought about some prospects for better promotion and protection of human rights in ASEAN, including children’s rights. The ASEAN leaders, during the 27th Summit held in Kuala Lumpur from 18-22 November 2015, adopted a number of documents. One of the most important for ASEAN to move forward as a region is entitled ASEAN 2025: Forging Ahead Together. The document contains the ASEAN Community Vision 2025 and three Community Blueprints:

- the ASEAN Political-Security Community (APSC) Blueprint 2025,
- the ASEAN Economic Community (AEC) Blueprint 2025, and
- the ASEAN Socio-Cultural Community (ASCC) Blueprint 2025.

ASEAN 2025: Forging Ahead Together "welcomes the formal establishment of the ASEAN Community 2015" and "adopts the ASEAN Community Vision 2025". It "charts the path for ASEAN Community building over the next ten years. ASEAN is working towards a Community that is politically cohesive, economically integrated, and socially responsible". The implementation of many strategies and action points within the ASEAN Community Vision 2025 will have direct and indirect impacts on children and children’s rights.

The ASEAN Community Vision 2025 emphasizes a rules-based, people-oriented, people-centred ASEAN Community, where "peoples enjoy human rights and fundamental freedoms, higher quality of life and the benefits of community building". One of the priorities for the ASEAN Community over the next ten years will be guided by, but not limited to, broad goals that will further consolidate and strengthen the regional grouping. These goals include, among others, "greater emphasis on the peoples of ASEAN and their well-being" and "ensure fundamental freedoms, human rights and better lives for all ASEAN peoples". The ASEAN Community Vision 2025 commits to an effort to realize "an inclusive and responsive community that ensures our peoples enjoy human rights and fundamental freedoms as well as thrive in a just, democratic, harmonious and gender-sensitive environment in accordance with the principles of democracy, good governance and rule of law". For a region where democracy seems to be deficient in a majority of the Member States and where
human rights violations are rampant, the Post-2015 Vision is ambitious. However, human rights and fundamental freedoms are essential elements of all three Community Blueprints, and are a step towards making the ASEAN region a safer one for all children.

1.2 Study objectives

The Post-2015 ASEAN Vision touches upon various issues identified as prospects, risks and challenges for children, and the promotion and protection of children’s rights. In an effort to develop a solid analysis and action-oriented policy recommendations, a systematic and scientific *ex ante* Child Rights Impact Assessment (eaCRIA) of ASEAN integration was undertaken. It aimed to:

1. Assess possible impacts (both positive and negative) of the Post-2015 ASEAN Vision on children’s rights;
2. Identify (through the three Community Blueprints) the potential risks as well as opportunities that ASEAN integration could manifest in respect to realizing children’s rights within ASEAN Member States; and
3. Provide policy recommendations and specific measures that will mitigate, if not eliminate, the identified risks and maximize the positive opportunities brought about by ASEAN integration.

1.3 Conceptual framework

The Post-2015 ASEAN Vision introduces new language that promotes different concepts such as inclusiveness, a responsible community, tolerance, moderation, and highly people oriented – people centred. It also emphasizes “mainstreaming human rights across all pillars through consultations”. These new discourses for ASEAN seem promising and worth analysing through certain frameworks. This eaCRIA of ASEAN integration of children’s rights offers a human rights-based ASEAN where human rights in general and child rights in particular are analysed by using the human rights framework. It not only examines the impacts of the economic integration of the community, but it also aims at providing a fuller picture of the possible impacts of integration in two other areas: the political-security and socio-cultural spheres.

An *ex ante* Impact Assessment is the process of identifying the future consequences of the current or proposed policies, strategies and actions. As previously mentioned earlier, this analysis uses human rights standards, especially the CRC. It looks at the following dimensions:

- **Institutional dimensions**, which include political will, resources, capacity, accountability and organizational culture, if they impede or facilitate access and enjoyment of rights of children;
- **Stakeholders** and civil society;
- **General measures**, which include legislation, policies and programmes on children as specified in the different Blueprints; and
- **Cluster dimensions**, which assess different issues identified as critical to the implementation of children’s rights both at national and regional levels.

Although the eaCRIA was conducted after the adoption and implementation of the Blueprints, some of the work plans of each community and of sectoral bodies are still under preparation and discussion, so the assessment is still relevant. In addition, since the Blueprints are to be implemented until 2025, it means that the findings and recommendations can still be used by ASEAN and concerned agencies in reviewing policies, plans and activities in the future.
The politics of an eaCRIA require an analysis of the policy debates and the set junctures where the policies may be made. It is also important to examine the power dynamics and participation of different stakeholders in order to understand the institutional and political design within the region, and how this determines rights holder and duty bearer relationships. This includes accountability, which seems to be a challenge in the region.

Key questions that were asked include:

- Will the policies/strategies/actions have direct/indirect implications for children?
- What impacts will policies/strategies/actions, as provided for in the three Blueprints, have on the general welfare and rights of children?
- How do the policies/actions proposed contribute to the achievement of any goals identified by governments in relation to children's rights?
- Are there any identified gaps in the Blueprints that could affect children's rights?
- What would be the possible impacts on particular groups of children or which groups may be more affected than others? Can different groups of children be affected in different ways?
- Will there be adverse effects to some particular institutions/agencies on policy areas and agendas in their work with children?
- How will the effects of the Blueprints on children be measured?
- Are the Blueprints the best way of responding to children's issues?
- What are the opportunities for the views of children to be incorporated into the implementation process of the Blueprints?
- What measures may be recommended to avoid or mitigate a negative impact on children's and young people's rights?

1.4 Methodologies

The preparatory work for this assessment started with an exploratory analysis on the relation between the three ASEAN Community Blueprints 2025 and the promotion, protection and enjoyment of children's rights in the region. The analysis was conducted taking into account the goals provided by the documents and their potential positive and negative impacts on children. The starting point was the identification of the existing interconnections between ASEAN's goals and the provisions of the CRC, as well as other relevant international and regional legal instruments. For example, instruments such as Optional Protocol to the CRC on the sale of children, child prostitution and child pornography (OPSC), the United Nations Convention on Transnational Organized Crime and its Protocols, and the Ha Noi Declaration on the Enhancement of Welfare and Development of ASEAN Women and Children. When defining such links, specific features and issues of the ASEAN Member States were investigated to provide a comprehensive and integrated overview of the situation of children's rights in the area.

To strengthen the accuracy and validity of the multi-level eaCRIA investigation, integrated use of qualitative and, where possible and appropriate, quantitative methods of information gathering and analysis were applied.

1.4.1 Document and policy reviews

Subsequently, a review of the available literature on the links between the ASEAN Community Blueprints' goals and existing conditions of children's rights was performed. Different sources were taken into consideration in order to provide an extensive and valuable desk-based review of research, studies and investigations done in the last five years, ASEAN documents and declarations,
and national laws and policy plans. This information was then compiled, reviewed and used to create each draft chapter. The review paid specific attention and made linkages to the policy aspects of the ASEAN Community Blueprints, unpacking what is being proposed and assessing the suggested goals. Causal changes through the expected policy were identified and mapped to determine the likely effect on children within the region (direct and indirect, intended and unintended).

Each draft chapter was then shaped to present the retrieved information from the perspective of the relevant stakeholders, including duty bearers and children themselves. Their duties and rights were put at the forefront in order to define and delineate the new challenges arising from the Blueprints and their role in the achievement of the related goals. A comparison with the previous set of Blueprints (2009-2015) was provided to identify both the gaps that have been filled by the new documents and the gaps that persist. When comparing the collections of objectives, it was possible to highlight the impact of a number of untraditional subjects that could now be considered significant in influencing children’s rights because of the new trends and challenges arising at local and global levels – e.g., globalization, ICT, aggressive economic development plans, and threats to security and environmental sustainability.

1.4.2 Interviews

The quality of the eaCRIA was significantly enriched by the extent of stakeholder participation. Interviews and focus group discussions in different countries were a crucial strategy to gather specific information and enhance the transparency of the eaCRIA process. A range of stakeholders was consulted, including government officers, academics, experts, legislators, service providers, civil society members, private sector representatives, international organization representatives, children, youth and community members. Different tools and consultation approaches were used, such as one-on-one interviews and focus group discussions, with different stakeholders.

The interviews were also conducted with relevant officers of the political and security, economic and socio-cultural directorates at the ASEAN Secretariat. Open-ended questions were used in order to allow candid discussions. Interviews were conducted with relevant officers of government agencies and civil society groups in five countries: Lao PDR, Malaysia, Myanmar, the Philippines and Thailand. In total, around 70 people were interviewed and engaged in conversations and focus groups. The list of interviewees is provided in Annex 1.

1.4.3 Field visits in five countries

The diversity of countries within ASEAN means that the all-encompassing components of the ASEAN Community Blueprints will affect children in different ways depending upon the varied national institutions, policies and legislation, government capacity and resources. While each country in ASEAN is unique, the study team conducted field visits to five countries in the region to ensure a representative range of political systems and socio-economic and geographic factors were assessed. The selection of countries took into account the children’s rights vulnerabilities that are common across the region, such as child trafficking, migration, exploitation, child labour, children living on the streets, children in conflict with the law, children deprived of a safe family environment, environmental hazards, and all children’s lack of access to basic services. The following ‘comparison countries’ were included in the study:

1. Lao PDR: Politically, Lao PDR is one of the world’s few remaining communist states and one of the poorest countries in ASEAN. Nevertheless, during the last decade, Lao PDR has experienced robust economic growth (7.4 and 7 percent in 2016 and 2017, respectively) as a result of the government’s economic reform policy and the promotion of foreign direct investment – mostly in extractive industries (Lao PDR has abundant natural resources which have been tapped to generate significant income for the country and to attract investment from other countries in the region). Migration flows within and across borders continue to increase as a result of various push and pull factors. Environmental problems, such as floods, drought and depletion of land and...
forest resources due to development projects are affecting the livelihoods of rural households leading to people migrating in greater numbers. With the onset of the ASEAN Economic Community (AEC), it is expected that cross-border migration will increase, thereby creating further challenges in child welfare and protection, particularly for those children left behind. To benefit from ASEAN integration, Lao PDR will need greater investment in its social sectors to capitalize on gains coming from the regional market of the ASEAN Economic Community. Apart from having been the Chair of ASEAN in 2016, when the study began, Lao PDR is transforming from a land-locked country to a ‘land-linked’ state due to ASEAN connectivity based on infrastructure and transportation construction. This will have impacts on human rights and children’s rights.

In Lao PDR, the team met with a group of academics and government officers who participated in the International Workshop “Sustainable Development in ASEAN – Sharing Experiences and Lessons Learned from Lao PDR”, held in Luang Prabang between 26 February and 1 March 2017. Visits to a few NGOs in Lao PDR were carried out in order to understand their level of engagement with ASEAN and how they linked their activities to those identified by the ASEAN Vision. Visits to two communities were made to examine community members’ knowledge and understanding of ASEAN in general. However, discussion on the Special Economic Zone planned to be developed in Luang Prabang was minimal, not only because the project itself is still in a nascent stage, but also because it seemed that local officials and the local population did not have much information about the project.

2. **Malaysia**: Malaysia is a country of multi-ethnic people. The Malaysian economy is classified as an upper-middle-income economy and the country ranks 62 in the Human Development Index (2015) under the High Human Development category. Despite its relative wealth, and social and political stability, the country has been affected by a number of ASEAN related challenges, including an influx of refugees. In 2014, UNHCR Malaysia showed a registration record of 152,830 refugees and asylum-seekers (the majority from Myanmar), of whom 33,000 were children below the age of 18. The effects of the haze from forest fires in Indonesia were particularly bad in 2015, and have been shown to be more apparent among urban children, the elderly and people with pre-existing respiratory problems. With the new ASEAN Economic Community, Malaysia expects to be a key regional destination for international migrants, with some foreseeing negative impacts on children (for example, child labour and child trafficking, particularly in oil palm plantations). With such diversity in ethnicity and socio-economics, Malaysia has been trying to mitigate emerging political and social challenges.

The visit to Malaysia (mainly to Kuala Lumpur and its environs) was made from 19-21 February 2017. Discussions and interviews were conducted with the Malaysian Representative to the AICHR, the newly appointed Malaysian Representative to the ACWC, representative from the UNICEF Malaysia Office and a few representatives from NGOs working on ASEAN. Unfortunately, we were unable to make an appointment with government officials in Malaysia before this report went to print.

3. **Myanmar**: Decades of military control not only resulted in isolating Myanmar from the international community but also weakened its infrastructure, which contributed to declining development and structural poverty. However, over recent years, Myanmar has been experiencing rapid and core changes in social, economic and political structures, as the country transitions from full military control to elected civil rule. As such, economic growth rates have increased since 2012, and there have been incremental increases in national public budgets on social spending, although government spending on the social sectors in Myanmar is still low by ASEAN standards. Some issues remain unsettled, such as armed conflicts and sectarian violence. While the accuracy of data is hard to verify, there are an estimated 372,000 internally displaced persons in Myanmar, and 479,608 refugees originating from the country. At least 200,000 irregular child migrants from Myanmar are supposedly working in Thailand. However, as Myanmar opens up politically and with a greater level of trade liberalization and investment, the country should expect to be one of the bigger winners of ASEAN integration in some areas, but may face challenges in other areas.
The team visited Myanmar from 24-25 March 2017 for discussions with different stakeholders, including the Myanmar Representative to AICHR, the Deputy Director of Social Welfare Department who prepares the CRC report and the assistant to the Myanmar Representative to ACWC. Also included in discussions were representatives from the UNICEF Myanmar Office and NGOs working on the issue of tourism and child sexual exploitation in Myanmar.

4. Philippines: As with other countries in the region, the Philippines is said to be stuck in the ‘middle-income trap’, although the economy of the Philippines is still fuelled by higher investment and recovery in exports. The Philippines also belongs to the top 10 countries that are largely dependent on global remittances. This dependency is said to be a source of social problems, as it weakens the family as a social institution, thus showing the high social cost of migration on the children left behind. In addition, the rapid urbanization in the Philippines affects the capacity of the government to deliver basic services, such as education, and contributes to the increasing poverty in urban areas. Adding to this context is the impact of poverty on children, which is highlighted by the inequalities that children experience. Other challenges include environmental degradation, natural disasters and the armed conflict in Mindanao. While ASEAN integration is expected to bring economic benefits to the country, it will also encourage even more migration and may increase challenges in child welfare and protection. To be noted, the Philippines is chairing ASEAN in 2017 (when ASEAN commemorates its 50th anniversary). Moreover, the Presidential elections that were held in 2016 have already produced significant political change in the country. Religion plays an important role for most Filipinos, and the fact that the country is predominantly Catholic is an important factor to be considered.

Dr. Sriprapha Petcharamesree made a visit to Manila, from 12-15 February 2017, as part of an Expert Mission to the country. She was able to consult documents available at the Asian Development Bank, meeting briefly with the UNICEF Philippines officer, National Human Rights Commissioners, an officer at the Department of Foreign Affairs dealing with ASEAN and the Socio-Cultural Community, and some distance interviews with a few academics on the ASEAN Community and children’s rights.

5. Thailand: While Thailand has been praised as one of the countries that already achieved most of the Millennium Development Goals prior to 2015 (especially on the target to eliminate poverty and hunger), economic inequality and social disparity remain a challenge. Precarious political stability, a deficient democracy and an emerging socio-economic decline are having various impacts on Thailand’s commitment to protect and promote the rights of the child. Nevertheless, Thailand, also a middle-income country, is a main production hub for a number of sectors and, thus, a key transit and destination country for international migration. It regularly experiences an influx of refugees and displaced persons, particularly from its neighbouring countries. The geo-centric location of Thailand in ASEAN places it in an advantageous position to drive trade and investment with its neighbours. However, to maintain this competitive edge, Thailand needs to invest in higher education to improve the quality of its labour force and to prevent an increase of risks such as child labour and exploitation (including for those children from neighbouring countries). The continued violence and unrest due to ethnic separatist insurgency in Southern Thailand remains a serious concern, with UNICEF estimating that the conflict affects the lives of up to one million children in the region.

In Thailand, visits and discussions were conducted on different occasions, including a field visit to Ranong from 24-26 August 2016, during which intensive discussions were made with relevant senior provincial officials, including the Deputy Governor of Ranong, the senior officer of Ranong and provincial representatives of the Ministry of Labour, the Ministry of Interior, the Ministry of Social Development and Human Security, the Ministry of Health, and the Ministry of Education. During the visits there were also discussions with representatives from the Ranong Immigration Office, Ranong Central Prison, Ranong Police Office and the Ranong Shelter for Children and Women. A seminar attended by all officers of the aforementioned agencies was organized on
26 August 2016 and was chaired by the most senior official of the province to discuss different areas of interest. A meeting was also held with the NGO World Vision, along with visits to a migrant workers’ community and a health centre. In all, during this visit, the team discussed and engaged with more than 40 people. Dr. Sriprapha also joined the meeting of high-ranking officers from eight provinces in the North, organized by the National Security Council in Chiang Mai on 24 February 2017. The discussions focused on migrants’ legal status, and the birth registration and education of children in the international and ASEAN regional community context.

Additional visits and interviews in Indonesia with four ASEAN high-ranking officers from political and security directorate, as well as with the socio-cultural directorate, were conducted on 24-25 January 2017. Dr. Sriprapha took the opportunity of having been in Indonesia for the Frontiers of Children’s Rights in the ASEAN Region Training, held at the Faculty of Law of the University of Indonesia in Depok, jointly organized by the Human Rights Centre of Ateneo de Manila, the Grotius Centre for International Legal Studies, Leiden University and UNICEF.

1.4.4 A regional stakeholder consultation

Weeks before the ASEAN Community formally became a legal entity at the end of 2015, the Representative of Thailand to the ASEAN Intergovernmental Commission on Human Rights and UNICEF East Asia and Pacific Regional Office co-convened a Regional Dialogue on the Impact of ASEAN Economic Integration on Children’s Rights on 4 December 2015.

As part of the research process, the study was presented during the ASEAN UNICEF Symposium “Leaving No One Behind”, in commemoration of ASEAN’s 50th Anniversary, organized jointly by UNICEF and the Ministry of Social Development and Human Security/SOMSWD Thailand between 28-29 September 2017 in Bangkok. The team was able to present the full draft report and benefit from very detailed and critical comments made by Professor Vitit Muntarbhorn (an internationally recognized human rights scholar who served as the UN Special rapporteur on the sale of children, child prostitution and child pornography from 1990-1994), as well as comments made by Dr. Seree Nonthasoot, the Thai representative to AICHR and other participants. The event helped to clarify certain aspects of the eACRIA, while also acting as an advocacy tool to increase awareness of relevant stakeholders and key players in the realization of child rights within the ASEAN Integration Framework.

1.5 Challenges and limitations

There were a number of challenges and limitations that were encountered in the drafting of this assessment:

- Explicit references to children’s rights are scarce in the ASEAN Community Blueprints. In fact, there is no specific reference to children. Children were put alongside other “vulnerable groups” throughout the Blueprint. Therefore, some of the areas of concern were identified through deductive reasoning based on circumstantial evidence and factual situations. Such a multi-sector review results in a complex mix of drivers and determinants that make analysis even more difficult.

- There is a lack of information regarding the scorecards, indicators and work plans for the three Blueprints. Regarding the 2015 documents, the scorecard for the APSC Blueprint has not been developed yet. Moreover, building indicators and work plans for the 2025 Blueprints is an ongoing internal process for which the outcomes will not be seen in the immediate future. The analysis of the Economic Community documents is limited to academic papers and other publicly available materials as access to the officer in charge of these documents is challenging.
• Although the Blueprints provide lists of activities envisaged for the achievement of their goals, the actual approach is barely explained. According to ASEC officers, this was intended in order to give space for ASEAN Member States to develop their own action lines and activities to be implemented at the national level. This can profoundly influence the impacts of stakeholders’ actions on children’s rights. For example, the implementation of a potentially beneficial plan of action may turn out to have the opposite effect if it is not child-responsive and child-focused.

• There are many related national and regional plans of action as well as national and regional mechanisms that could have a significant impact on children’s rights within ASEAN. It has not been possible to review and analyse all of these. Similarly, various global initiatives that are on-going, such as the SDGs, may also have an impact over and above the ASEAN Community Blueprints.

• Verifiable quantitative and qualitative data on the children’s rights’ situation in the region is scarce.

• It was found during different interviews and conversations with stakeholders, including officers and civil-society groups, that there was minimal awareness and knowledge about the ASEAN Vision and Blueprints. Officers tended to focus on issues relating to their direct responsibility. Some of the substantial discussions were not satisfactory.

• Resources (materials) made available to the consultant and researchers were mainly through online data collection, and analyses of the trends identified were generally based on those sources. Empirical data collection was limited to short visits, without files studies, in different countries, except for in Lao PDR and Thailand.

• It is important to note that in some areas, feedback from Member States was also limited due to the natural overcaution of government officials when speaking on record. For example, the names of interviewees could not be disclosed.

• The objective of this assessment was to gather, analyse and assess the depth of information available on the possible impacts of the ASEAN Vision 2025 and its Blueprints on children’s rights. However, efforts were made to provide comprehensive and objective assessments of the documents available through published literature. We made every effort to incorporate any reports made available by ASEAN and the Member States.

1.6 The report structure and outline

The report begins with introducing the assessment project, why the assessment was undertaken, how it has been conducted, and what its eventual goals are. It sets forth the objectives and assessment questions, as well as the concepts and principles that served as guides throughout the assessment process. The second chapter provides a summarized overview (in table format) of potential positive and negative impacts of each of the ASEAN Community Blueprints from the perspective of children’s rights. After this initial overview, more detail on specific, more evidence-based impacts is given in later chapters.

The third chapter undertakes a detailed study and analysis of the three Blueprints from a children’s rights perspective, based on the four fundamental principles of the CRC. It attempts to identify possible impacts of the strategies and actions provided for by the three Blueprints, based on documented experiences of the past.

The fourth chapter focuses on examining the laws and policies adopted by ASEAN so far. It reveals that there are already many laws and policies in place that directly address children’s rights in ASEAN. In addition, there is a significant amount of legislation as well as policy documents that indirectly link to the rights of children and which will impact on their lives. This chapter also analyses whether or not the existing mechanisms could contribute to mitigating possible negative impacts or strengthen the already positive aspects of communities.
The fifth chapter identifies different stakeholders in ASEAN related to the promotion and protection of the rights of the child, not only from human rights-based approach but also from duty bearers’ and rights holders’ perspectives. It sets the basis for stakeholders to understand their roles in promoting and protecting children’s rights while implementing the ASEAN Blueprints.

The assessment concludes in the sixth chapter, which thematically analyses the possible impacts of the ASEAN community on children’s rights and provides recommendations for different stakeholders at different levels to consider.

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**Endnotes**

1. IHRP and Save the Children (2016), “Regional Synthesis: Child Rights Situation in Analysis with the ASEAN Region”, Mahidol University, Bangkok.
4. Ibid.
5. Ibid.
8. Dr. Sriprapha Petcharamesree and Ms. Sunsanee Sutthisunsanee.
9. IHRP and Save the Children (2016), ibid.
10. By Dr. Sriprapha Petcharamesree and Dr. Mark Capaldi.
13. Dr. Sriprapha Petcharamesree and Dr. Mark Capaldi.
21. Although the work plan of each Blueprint was adopted they were not made available to the public while the report was being drafted and finalized.
CHAPTER 2: A GLANCE AT ASEAN BLUEPRINTS AND THE POTENTIAL IMPACTS ON CHILDREN

Fulfilling and protecting children’s rights is a multi-sector and multi-partner function. While Member States are the primary duty bearers for ensuring children’s rights, frameworks such as the ASEAN Community Blueprints provide a mechanism for coordination and cooperation amongst various government bodies and different stakeholders. When a number of diverse and broad development goals are being articulated through ASEAN integration, the potential impacts on children can change over time and be either positive or negative, direct or indirect, intended or not.

This chapter offers an ‘at-a-glance’ snapshot of the three ASEAN Community Blueprints by listing the numerous specific goals and actions that could potentially impact children or a specific group of children. Using the lens of the CRC, it aims to highlight possible outcomes for children brought about by the decisions and implementation of the Blueprints.

It would be impossible to carry out a detailed or specific CRIA on each action line mentioned in the three ASEAN Blueprints. Instead, those actions that are likely to have a significant impact on children either positively or negatively are highlighted, including those that might indirectly concern children. As such, this chapter presents a theoretical review, in the simplest terms, of the aspirational assumptions and possible risks of the implementation of the various goals and actions of the full spectrum of ASEAN integration. More detailed explanations of the likely impacts are present in other later chapters of this assessment.
### Table 1: ASEAN Socio-Cultural Community Blueprint 2025 and impacts on children

<table>
<thead>
<tr>
<th>Goals</th>
<th>Possible positive impacts on children</th>
<th>Possible negative impacts on children</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Multi-sectoral and multi-stakeholder engagement with all available tools and practical means (A.7, B.2.vii, B.3.vii, C.3.ii, C.4.iii, E.1.viii, E.1.x)</td>
<td>• The development of a system that welcomes contributions from all of those involved (including children and families) and that is based on mutual respect, could lead to a stronger network of private and public entities aiming at the promotion of children's rights and child-responsive policies and laws. • The involvement of more stakeholders may lead to a stronger commitment of the States Parties to promote and protect children's rights.</td>
<td>• Considering the different goals and levels of strengths of stakeholders, children's rights and needs may be sacrificed for political or economic interests of the stronger ones. For example, governments may select economic growth over improving the quality of schooling when it comes to budget allocation.</td>
</tr>
<tr>
<td>2. Promote access to information and communication technologies (ICTs) (A.2.ii, B.1.iii, E.1.ii, E.2.i)</td>
<td>• All children could have access to ICTs. They could have the opportunity to network with peers from different countries, sharing culture, knowledge and traditions. • Local children’s rights advocates could share information regarding the enjoyment of children's rights in their own countries. • Access to ICTs gives children from rural communities the opportunity to have access to a range of services without being hampered or dissuaded by their distance to providers.¹ • May provide new spaces for political discussion on children's rights. • May expand children’s participation through the use of digital media. • Compliance with article 17 of the CRC.</td>
<td>• Children using the Internet without protection and/or parental supervision. • Higher risk of sexual exploitation of children online. • Increase in cyber-bulling amongst peers. • Children belonging to the poorest and most vulnerable categories may be left behind. • May lead to censorship of websites and blocking of information, which already exists in some countries.</td>
</tr>
<tr>
<td>3. Promote non-discriminatory laws, policies and practices (A.2.iv, B.1.i, B.3.vii)</td>
<td>• All children should enjoy their right to not be discriminated against on any grounds, including sex, race, colour, ethnic or social origin, disability, etc. • The elimination of discrimination against children belonging to indigenous or ethnic minority groups would allow them to benefit from the enjoyment of their right to birth registration, as set out in article 7 of the CRC. - Compliance with article 2 of the CRC.</td>
<td>• Danger of turning non-discriminatory measures into a form of reverse discrimination to the detriment of all those children belonging to a ‘majority’ group – e.g., boys, children belonging to wealthier families, etc.</td>
</tr>
<tr>
<td>4. Promote quality care and support in response to all hazards and emerging social and economic risks and threats (B.1.ii, B.3.i)</td>
<td>• All children at-risk could enjoy quality care and support services.</td>
<td>• Member States may not understand the differences between old and traditional social problems and new forms of economic risk and threats.</td>
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### Table 1: ASEAN Socio-Cultural Community Blueprint 2025 and impacts on children (continued)

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| 5. Participation of vulnerable groups in the development and implementation of ASEAN policies and programmes and in decision-making processes (B.2.i, B.2.viii) | • Children’s representatives could participate in decision-making processes and forums.  
• May lead to the development of more child-responsive policies and programmes. | • Participation may become tokenistic if it is not mainstreamed at key levels. |
| 6. Gender mainstreaming and women’s empowerment in all ASEAN policies, programmes and budgets (B.2.ii) | • Considering the changing roles of men and women in society, could preserve family solidarity and, subsequently, protect the rights of children.  
• May increase the role of women in decision-making processes, including decisions related to children’s welfare and rights.  
• Could decrease the number of girls who are trafficked and abused. | • Could face resistance or limited action in ASEAN societies that are particularly patriarchal. |
| 7. Access to education (B.2.iv, B.2.vi, B.2.xi, E.2.ii) | • All children could have access to primary and secondary education.  
• Children and youth could become more employable when they reach the legal age of employment.  
• Higher net enrolment in primary and secondary education.  
• Could ensure child development and early learning.  
• Compliance with article 28 of the CRC. | • Access to education policies and plans may not be possible for the most vulnerable categories of children – e.g., children living in poverty, children living in remote/rural areas, children with disabilities.  
• Bigger challenge than just access is access to quality education.  
• Without prior specific training, teachers may use inappropriate and non-beneficial teaching methods, based on common traditional practices – e.g., corporal punishment and other forms of violence.  
• Children from the poorest families may still have to drop out of school to assist with income generation. |
| 8. Access to healthcare services (B.2.iv, B.2.xii, B.3.ii, E.3.iii) | • All children could enjoy the highest attainable standards of health.  
• Access to healthcare could benefit more children with disabilities and children with specific health needs.  
• Could prevent mother-to-child transmission of HIV.  
• Could reduce maternal mortality.  
• Compliance with the article 24 of the CRC. | • Guaranteed access to health care services does not necessarily mean that all services available are affordable and high quality.  
• Expensive healthcare services could lead to families’ vulnerability to debt and greater poverty. |
Table 1: ASEAN Socio-Cultural Community Blueprint 2025 and impacts on children (continued)

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| 9. Strengthen national gender- and age-disaggregated databases and analyses on different issues, such as poverty and equity, and strengthen the regional database for key sectors to support ASEAN policies and programmes (B.2.v) | • Research to map children's situation in the region could be made more effective and evidence-based.  
• Disaggregated data on the impact of laws and policies on children could enhance effective participation of people, especially CSOs, in decision-making processes. | • Under-reporting of some issues – e.g., violence against children – skews data.  
• Focus only on quantitative data diminishes the impact of qualitative research and data collection methods. |
| 10. Eradication of poverty (B.2.vii) | • All children could enjoy the set of rights and freedoms recognized by relevant international instruments.  
• Could reduce malnutrition, poor health conditions, lack of education, child labour and sexual exploitation.  
• Could reduce the number of children in alternative care due to their families' inability to provide them with adequate care.  
• Compliance with article 27 of the CRC. | • Inequality gaps still grow, sustaining certain vulnerabilities. |
| 11. Access to economic, entrepreneurial and other opportunities for poor and vulnerable groups (B.2.ix, E.3.ii) | • Could reduce the number of children living in poverty.  
• Could create new future career opportunities for children. | • Access to economic, entrepreneurial and other opportunities in urban areas has created rapid urbanization through migration, introducing new challenges for migrating children and children left behind. |
| 12. Enhance human rights and fundamental freedoms (B.3.1, B.3.v, B.3.vi) | • Should ensure the respect and enjoyment of children's rights. | • A shared understanding of human rights and fundamental freedoms still does not exist in ASEAN. |
| 13. Address issues of traditional and harmful practices that impinge on the enjoyment of rights (B.3.iii, B.3.vii) | • No children should be further subjected to traditional and harmful practices affecting their health and well-being, such as early and forced marriages and female genital mutilation.  
• Social and cultural patterns of conduct could be modified in order to achieve the elimination of prejudices and customary rules based on the idea of the inferiority of women and children. | • Abuse escalation through hidden forms of harmful practices.  
• Increase in trafficking to provide child spouses.  
• Increase in the number of female genital mutilations performed by traditional practitioners in poor hygienic conditions and with rudimentary tools.  
• Generally, harmful practices are pushed underground, increasing risks for some groups of children. |
| 14. Improve social services and social protection (B.3.iv, E.3.iii) | • Reduction of the risk of children being trafficked and/or exploited.  
• Guarantee protection and delivery of basic needs to unaccompanied and orphaned children.  
• Provide material and psychological support to children coming from difficult situations – e.g., poverty, abuse, and violence. | • Undocumented and irregular workers are often excluded from social protection services. |
### Table 1: ASEAN Socio-Cultural Community Blueprint 2025 and impacts on children (continued)

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<tr>
<td>15. <strong>Promote the elimination of all forms of discrimination,</strong></td>
<td>• No children should be subjected to violence and abusive behaviours.</td>
<td>• Irregular child migrants could be automatically labelled as trafficking victims.</td>
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<tr>
<td><strong>exploitation, trafficking and violence and abuse against children</strong></td>
<td>• Dispel the myth that the power relationship between adults and children condones corporal punishment.</td>
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<td><strong>and other vulnerable groups (B.3.vii)</strong></td>
<td>• Could reduce the number of trafficked and exploited children.</td>
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<td></td>
<td>• Compliance with article 19 of the CRC.</td>
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<tr>
<td>16. <strong>Promote sustainable use and management of terrestrial ecosystem</strong></td>
<td>• Could help to identify environmental threats to children’s rights – e.g., pollution, climate change, environmental degradation.</td>
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<tr>
<td><strong>resources and environment (C.1.)</strong></td>
<td>• Could reduce the number of child deaths caused by environmental illnesses – e.g., cholera, parasites, stunting.</td>
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<td></td>
<td>• Could ensure the better enjoyment of children's right to health.</td>
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<td>17. <strong>Promote sustainable urbanization through coordination among</strong></td>
<td>• Children could enjoy better living conditions, particularly those living in slum areas.</td>
<td>• Unplanned urbanization can lead to inequality, poverty, slums, violence, and the erosion of family ties and community based child protection mechanisms.²</td>
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<tr>
<td><strong>relevant sectors and national and local institutions</strong></td>
<td>• Could help to reduce the number of deaths caused by urban environment-related diseases – e.g., tuberculosis and respiratory infections.</td>
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<td><strong>(C.2)</strong></td>
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<tr>
<td>18. <strong>Implement climate change adaptation and mitigation plans</strong></td>
<td>• Could avoid adverse effects of climate-related hazards on children's health.</td>
<td>• States prioritize economic development over climate-change concerns, leading to further risks of natural disasters.</td>
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<td><strong>through several ways, including indigenous and traditional</strong></td>
<td>• Could reduce scarcity of clean water and food, and, consequently, reduce poor health conditions and malnutrition of children.</td>
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<td><strong>knowledge (C.3, D.1.iv, D.3, D.5.v)</strong></td>
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<td>19. <strong>Promote environmental awareness education</strong></td>
<td>• Understanding the fragility of the environment, individuals could realize the importance of taking care of the planet for generations to come.</td>
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<td><strong>(C.4.ii)</strong></td>
<td>• All children should enjoy their right to a healthy environment.</td>
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<td></td>
<td>• Commitment to the environment could mean a cleaner and safer world for children.</td>
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<tr>
<td>20. <strong>Enhance collective ability and public services to respond and</strong></td>
<td>• Address needs of people through a number of specialized public services and better disaster preparedness.</td>
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<td><strong>adapt to the needs of people, to address current</strong></td>
<td>• Could improve children’s living conditions in the public and private domains.</td>
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<tr>
<td><strong>challenges and emerging threats, such as climate change,</strong></td>
<td>• Should lead to the creation of a safer world for children.</td>
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<td><strong>humanitarian crises, unsustainable development and</strong></td>
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<td><strong>health-related hazards (D.1, D.2, D.3, D.4, E.1.vii)</strong></td>
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### Table 1: ASEAN Socio-Cultural Community Blueprint 2025 and impacts on children (continued)

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<tr>
<td>21. Ensure food and clean water adequacy, availability and accessibility (D.5.i, D.5.iii)</td>
<td>• Should prevent malnutrition and related preventable diseases. • Could eliminate some of the root causes of the poor health of children. • Could reduce child mortality rate in the region.</td>
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<tr>
<td>22. Ensure access to energy services (D.5.ii)</td>
<td>• Could allow for modern electrical lab equipment, and proper storage for vaccines and medicines, thereby improving children’s health conditions and reducing the child mortality rate. • Could improve children’s living conditions. • Should improve access to information, education and economic opportunities.</td>
<td>• Over-dependency on fossil fuels may exacerbate pollution and environmental degradation.</td>
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<tr>
<td>23. Address substance abuse prevention, treatment and rehabilitation (D.6.)</td>
<td>• Should reduce children’s exposure to illicit drugs and addictive legal substances. • Could prevent the use of children in the illicit production and trafficking of substances, as set out in article 33 of the CRC. • Could reduce stillbirths, and maternal and infant deaths caused by smoking or substance abuse.</td>
<td>• Policies and plans that are not specifically addressed to children could have little to no positive effect on underage substance abuse. • An excessive focus on criminality may result in an increase in children in conflict with the law.</td>
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<tr>
<td>24. Promote tolerance and respect for religions (E.1.ii)</td>
<td>• All children could be free to profess their faith and religious beliefs, in accordance with articles 14 and 30 of the CRC.</td>
<td>• Implicit promotion of dual legal systems could result in unequal levels of protection for children of different backgrounds – e.g., different legal ages for marriage in national legislation and Sharia law.</td>
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<tr>
<td>25. Promote a healthy and active lifestyle through sports (E.1.vi)</td>
<td>• Could strengthen children’s health conditions.</td>
<td>• Children with disabilities could be left behind.</td>
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<td>26. Encourage volunteerism (E.1.ix)</td>
<td>• Could enhance the social connections, and the development of safer and stronger communities. • Could increase the involvement of CSOs in shaping child-oriented policies.</td>
<td>• Unregulated forums for volunteerism may present increased child protection risks – e.g., link between volunteerism and sexual exploitation of children in travel and tourism (SECTT).</td>
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<tr>
<td>27. Promote ASEAN awareness locally and project ASEAN to the outside world (A.2.vi, E.1.iii, E.1.ix)</td>
<td>• Sensitizes global stakeholders to the current situation of children within the region. • May help to disseminate ASEAN objectives, documents and regional mechanisms related to children – e.g., the Hanoi Plan of Action; ASEAN Declaration Against Trafficking in Persons Particularly Women and Children; Declaration on the Commitments for Children in ASEAN; ASEAN Human Rights Declaration; ASEAN Commission on the Promotion and Protection of the Rights of Women and Children, etc.</td>
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### Table 1: ASEAN Socio-Cultural Community Blueprint 2025 and impacts on children (continued)

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<tr>
<td>28. Ensure caring, peaceful and harmonious societies (E.1.xi)</td>
<td>• Helps to guarantee the rights of children to life, development and survival, as set out in article 6 of the CRC.</td>
<td>• Different perceptions of what ‘caring, peaceful and harmonious societies’ mean within ASEAN could result in some freedoms being restricted.</td>
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<tr>
<td>29. Promote higher education, training and research (E.2.iii, E.2.v, E.2.vii, E.2.viii, E.2.ix)</td>
<td>• Could reduce early entry into the labour force and provide youth with better skills, making them more employable.</td>
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<tr>
<td>30. Support creative industry and pursuits, such as film, music and animation (E.2.vi)</td>
<td>• Children could enjoy their right to participate fully in cultural and artistic life as set out in article 31 of the CRC.</td>
<td>• An uncontrolled development of creative industry could lead to the proliferation of child abuse materials.</td>
</tr>
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<td>31. Encourage participatory monitoring review mechanisms (Implementation and review, A.1.25)</td>
<td>• Could result in the enhancement of children’s participation in ASEAN’s decision-making processes.</td>
<td>• Could lead to States’ influence over CSOs’ neutrality.</td>
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<tr>
<td>32. Promote early childhood care (B.2.iv, B.3.ii)</td>
<td>• Could reduce the rate of child mortality.</td>
<td></td>
</tr>
<tr>
<td>33. Implement disaster risk reduction and emergency response programmes and plans (B.3.ii, D.1, D.4)</td>
<td>• Could improve living conditions of children most affected by disasters and emergencies – e.g., children living in rural areas, poor and marginalized children.</td>
<td>• Effective programmes and plans in this field may not be sufficiently child-sensitive.</td>
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Table 2: ASEAN Political-Security Community Blueprint 2025 and impacts on children

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| 1. Adhere to and promote ASEAN fundamental principles, shared values and agreements – e.g., ASEAN Charter and Treaty of Amity and Cooperation in Southeast Asia (A.1.1, A.1.2, A.1.7)  | • Children in ASEAN countries could live in a peaceful and cooperative region.  
  • ASEAN charter could be effectively implemented within the region.  
  • ASEAN human rights system could be further developed.                                                                                                               | • A shared understanding of human rights and fundamental freedoms still does not exist in ASEAN.                       |
| 2. Uphold the principles of international law governing the peaceful conduct of relations – e.g., United Nations Charter (A.1.3)  | • All children could enjoy the set of rights recognized in relevant United Nations instruments, such as the CRC and its additional protocols, and other international human rights instruments. | • ASEAN Member States often ratify international human rights treaties with reservations.                               |
| 3. Promote awareness of a people-oriented and people-centred community (A.1.5)  | • Children could be placed at the heart of ASEAN policies and plans;  
  • Participation of different stakeholders could be encouraged.  
  • The role and importance of families within society could be enhanced and further developed.                                                                             | • A community oriented and centred on the population in general may not take children's special needs and rights into consideration. |
| 4. Promote understanding and appreciation of political systems, culture and history of ASEAN Member States (A.1.6)  | • Increasing knowledge and understanding of people's own States' political system, culture and history, could help children be more aware of their rights.  
  • Could strengthen children's participation in decision-making processes.                                                                                                    | • Could contribute to preserving practices and behaviours linked to traditional cultural heritage that are harmful to children, such as early and forced marriages, female genital mutilation, and child labour.  
  • 'ASEAN values' used to mask different interpretations of human rights and fundamental freedoms.                                                                    |
| 5. Promote principles of democracy (A.2.1)  | • All children could be equal and treated with impartiality and fairness before the law.  
  • Children could be politically represented by committed and fairly elected leaders.  
  • Could help to make governments and political stakeholders perceive children and youth as citizens who should participate in law and decision-making processes. | • Various definitions and perceptions exist of what 'democracy' means in the ASEAN context.                                                                                  |
| 6. Promote good governance (A.2.2)  | • Could help to ensure laws, policies and plans for children through accountable state institutions.  
  • Could make governments more inclusive, open, transparent and accountable.  
  • Could contribute in the implementation of the SDGs.  
  • Providing quality and effective leadership, could strengthen governments' commitments to children's rights.  
  • Compliance with article 4 of the CRC.                                                                                                                                      | • Corruption is endemic in some ASEAN Member States and could derail efforts for good governance.                                                                               |
Table 2: ASEAN Political-Security Community Blueprint 2025 and impacts on children (continued)

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| 7. Promote integrity and combat corruption (A.2.3.) | • Eliminating corruption in schools, such as teachers asking for bribery, all children may enjoy their right to education, as set out in article 28 of the CRC.  
• Teaching personal and professional integrity to children could provide future leaders with the tools needed to succeed in the creation of better societies.  
• Strengthened integrity could facilitate post-conflict recovery and the creation of new peaceful environments for children. | • Corruption is deeply rooted in some ASEAN Member States and could prove challenging to combat. |
| 8. Establish programmes for mutual support and assistance amongst ASEAN Member States in the development of strategies for advancing the rule of law and strengthening justice systems and legal infrastructure (A.2.4) | • Could develop the rule of law through child-sensitive procedures apt to shape and improve the exercise of government authority in the framework of children’s rights.  
• Could improve national juvenile justice systems in order to make them compliant with the provisions of article 40 of the CRC.  
• Strengthening national legal infrastructures could make child protection legislation (when present) work more effectively.  
• Child victims could seek and obtain compensation more easily. | • New strategies may not be child-sensitive and could actually worsen the situation of both child victims and children in conflict with the law – e.g., no specialized children’s courts, more severe penalties for children in conflict with the law, and abolishment of the minimum age for impunity. |
| 9. Promote and protect human rights and fundamental freedoms through encouraging ASEAN Member States to ratify core international human rights instruments and to engage with relevant human rights mechanisms (A.2.5) | • Could ensure the respect and enjoyment of children’s rights as set out in United Nations human rights instruments.  
• Member States may enhance their efforts to comply with international human rights instruments due to their duty to submit reports to the Universal Periodic Review working group. | • A shared understanding of human rights and fundamental freedoms still does not exist in ASEAN.  
• ASEAN Member States often ratify international human rights treaties with reservations. |
| 10. Increase the participation of relevant entities associated with ASEAN in moving forward ASEAN political and development initiatives (A.2.6) | • Could Increase multi-stakeholder engagement for the promotion of children’s rights in ASEAN policies and programmes. | • Some relevant entities – e.g., ASEAN Sectoral Bodies – may have political and economic interests that differ from those that could improve children’s rights’ implementation and child protection. |
| 11. Promote peace, stability, tolerance and understanding of faith, religion and culture in the region (A.3, B.4.6) | • All children could live in a peaceful world, away from armed conflicts and dangers.  
• Should help to guarantee the rights of children to life, development and survival, as set out in article 6 of the CRC.  
• All children could be free to profess their faith and religious beliefs, in accordance with article 14 and 30 of the CRC. | • Implicit promotion of dual legal systems could result in unequal levels of protection for children of different backgrounds – e.g., different legal ages for marriage in national legislation and Sharia law. |
Table 2: ASEAN Political-Security Community Blueprint 2025 and impacts on children (continued)

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| 12. Strengthen ASEAN’s ability to respond effectively and in a timely manner to existing and emerging challenges as well as to urgent issues or crisis situations (B.1, B.2, B.3.8) | • Should lead to the creation of a safer world for children.  
• Could improve living conditions of children most affected by disasters and emergencies – e.g., children living in rural areas, poor and marginalized children.  
• Could result in a reduction of orphans and unaccompanied children. | • Effective programmes and plans in this field may not be sufficiently child-sensitive. |
| 13. Enhance ASEAN’s capacity to address non-traditional security issues effectively and in a timely manner – e.g., transnational crimes, terrorism, trafficking and abuse of illicit drugs. (B.3.1, B.3.2, B.3.3, B.3.9) | • Should reduce the number of children trafficked transnationally for sexual and labour purposes.  
• Should reduce children’s exposure to illicit drugs and addictive legal substances.  
• Could prevent the use of children in the illicit production and trafficking of substances, as set out in article 33 of the CRC. | • Policies and plans that are not specifically addressed to children may not have any positive effect on underage substance abuse.  
• An excessive focus on criminality may result in an increase in children in conflict with the law.  
• Distinctions are not made between child trafficking and irregular child migration.  
• Worst forms of child labour pushed further underground, making it harder to reach victims. |
| 14. Enhance cooperation against trafficking in persons and people smuggling (B.3.4) | • Could reduce the number of children trafficked transnationally for sexual and labour purposes.  
• Sexual exploitation of children through trafficking, smuggling and bride-buying could be reduced. | • Without a well-established and child-focused system, child victims of trafficking could be placed in shelters for extended periods of time.  
• Distinctions are not made between child trafficking and irregular child migration.  
• Worst forms of child labour pushed further underground, making it harder to reach victims. |
| 15. Eliminate smuggling of small arms and light weapons (B.3.5) | • Could reduce the intensity and the duration of armed conflicts and, consequently, reduce the negative impacts of armed conflict on children, which can include loss of education, food deprivation, maiming, separation of families, sexual abuse and recruitment of child soldiers. |  |
| 16. Combat cybercrimes (B.3.6) | • Could decrease in the number of children sexually exploited online.  
• Could reduce child sexual abuse materials and sextortion that can be found online.  
• Children could avoid cyber-bulling amongst peers.  
• Could eliminate repeated, long-term victimization of a child derived from perpetrator’s online actions, often without the victim’s knowledge – e.g., online displays of child images digitally transformed to pornographic materials. | • Overprotection negatively affects children’s access to the Internet and its opportunities. |
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| 17. Strengthen cooperation on border management (B.3.7)              | • Could facilitate and foster movement management at borders while preventing irregular migration.  
• Could help to detect smuggled and trafficked children.  
• Could reduce transnational organized-crime activities. | • Border management policies are more ‘control policies’ to prevent migration and could push child migrants into using more irregular and risky migratory channels.  
• Border management approaches may not guarantee access to the territory and to asylum procedure, as well as the danger of not respecting the principle of non-refoulement. |
| 18. Promote confidence-building measures, preventive diplomacy activities, defence and security policies and norms (B.4.1, B.4.2) | • Should ensure a peaceful and safe environment for children.  
• Could reduce internal and external armed conflicts and, consequently, the negative effects of armed conflict on children, which can include loss of education, food deprivation, maiming, separation of families displacement etc. | |
| 19. Enhance conflict resolution and peaceful settlement of disputes, through building upon existing modes, strengthening research activities on these topics and promoting regional cooperation to maintain peace and stability (B.4.3, B.4.4) | • Could help to prevent armed conflicts (internal and cross border) and de-escalate tensions.  
• Should reduce the number of children who are forced to move into refugee or displaced person camps.  
• Could reduce the number of unaccompanied children. | • Effective programmes and plans in this field may not be sufficiently child-sensitive.  
• Governments do not perceive child soldiers as war victims and subsequently treat them as criminals.  
• Governments do no provide child soldiers with appropriate and adequate care and support. |
| 20. Strengthen ASEAN peacekeeping and post-conflict peace-building efforts (B.4.5, B.4.6) | • Peacekeepers could be trained to prevent and report violations of children’s rights.  
• Children could be considered actors in post-conflict building process.  
• Peace-building programmes could address victimization and marginalization of children affected by war. | • Children could be sexually exploited by peacekeepers. |
| 21. Preserve ASEAN as a region free from nuclear and mass destruction weapons while contributing to global disarmament, non-proliferation of and peaceful uses of nuclear energy (B.5) | • Should help to avoid the disastrous effects of nuclear weapons on children’s health and life, such as death, exposure to radiations, disabilities and congenital diseases among children born to survivors.  
• Avoids the use of public expenditure on expensive military weapons, giving opportunities for greater budget availability for social services for children. | |
### CHAPTER 2

**Table 2: ASEAN Political-Security Community Blueprint 2025 and impacts on children (continued)**

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<tr>
<td>22. Enhance maritime security and cooperation through the strengthening of ASEAN-led mechanisms and the adoption of international conventions and principles (B.6)</td>
<td>• Guarantee a safer region for children.</td>
<td>• Naval and private security personnel may not have been trained to understand the involvement of children in piracy.</td>
</tr>
<tr>
<td>23. Strengthen ASEAN unity, cohesiveness and centrality in shaping the evolving regional architecture (C.1)</td>
<td>• Increase the sharing of good practices related to children’s rights and already implemented in one or more Member States. • Could boost cooperation amongst national institutions in order to support and assist with children’s rights-related campaigns and initiatives.</td>
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<tr>
<td>24. Develop and maintain friendly and mutually beneficial relations with external parties (C.2)</td>
<td>• Could lead to engagements with different national, regional and international stakeholders. • Could sensitize global stakeholders to the current situation of children within the region. • Could lead to the development of international campaigns on children’s rights and fundamental freedoms.</td>
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<tr>
<td>25. Strengthen ASEAN institutional capacity, presence and awareness at the national, regional and international levels (D.1, D.2)</td>
<td>• Could help to disseminate ASEAN objectives, documents and regional mechanisms related to children – e.g., Hanoi Plan of Action and the ASEAN Declaration Against Trafficking in Persons Particularly Women and Children, Declaration on the Commitments for Children in ASEAN, ASEAN Human Rights Declaration, ASEAN Commission on the Promotion and Protection of the Rights of Women and Children,</td>
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**Table 3: ASEAN Economic Community Blueprint 2025 and impacts on children**

<table>
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<th>Goals</th>
<th>Possible positive impacts on children</th>
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<tr>
<td>1. Facilitate trade in goods by reducing or eliminating border and behind-the-border regulatory barriers that impede trade. (A.1.9)</td>
<td>• Increased trade should have positive impacts on children's rights owing to GDP growth, increase in household consumption and poverty reduction.</td>
<td>• AEC gains are not the same for all countries, thus increasing inequalities between countries. • AEC gains could be fragile and economic shocks could push vulnerable populations back into poverty. • Needs to go beyond reducing trade and tariff barriers to improve labour standards, legal frameworks and judicial systems as AEC deals with cross-border cooperation and issues. • Agriculture, the biggest source of income for the rural poor, could decline as industry increases near urban centres. • The informal sector, where most child labour is found, remains left out of the AEC, increasing the risks of abuse and exploitation. • Free flow of goods may lead to the lopsided development of national economies as only the sectors in each country that have a comparative advantage are developed. Consequently, people employed in the remaining sectors may not benefit from facilitation in the trade of goods and may be left behind, along with their families.</td>
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<tr>
<td>2. Undertake concerted regional and national programmes to upgrade the technical capacity, physical infrastructure and technology-digital advancement/ICTs (A.1.10.h, B.8.41.v, B.8.44, C.2.50)</td>
<td>• Infrastructure upgrades facilitate better access to basic services such as health and education. • Urban areas often prioritized and urbanization can reduce poverty. • Bridging the digital divide helps advance individuals, organizations, enterprises, schools, hospitals, countries to address social and economic inequalities. • ICTs give more children access to education, information and entertainment, and are a tool for communication.</td>
<td>• Unplanned urbanization can increase the numbers living in slums, which includes the most vulnerable. • Greater Internet penetration can bring increased risks of cyberbullying, sextortion, child pornography, etc., to children and youth.</td>
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## Chapter 2: What ASEAN integration could mean for children: Assessment of the ASEAN Community Blueprints and potential impacts on children

<table>
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<th>Goals</th>
<th>Possible positive impacts on children</th>
<th>Possible negative impacts on children</th>
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| 3. Deepen ASEAN’s integration into global supply chains and global value chains in both goods and services and enhance ASEAN competitiveness in services and human resource development (A.2.11, A.2.13.iv, A.6, B.25) | • Greater engagement with multi-national corporations (MNCs) has a trickle-down effect on social principles and respect for children’s rights.  
• As levels of consumption increase, the level of affordability of social services will be increased.  
• The intra-regional value chain can offset demographic disparities between higher income countries with aging populations and the poorer countries with a larger younger population.  
• Cambodia, Lao PDR, Myanmar and Viet Nam (CLMV) have more open economies and can more easily integrate new players and trade entrants.  
• ASEAN is highly competitive for investors since average and minimum wages are lower than other regions.  
• Investments should be made in the education sector for children and youth to generate higher-skilled workers. | • If standards in democracy and human rights in certain parts of the region do not improve then trade restrictions may be applied.  
• Governments resist regulations on raising minimum wages to attract MNC investment, negatively affecting the poorest and low-skilled workers.  
• The most vulnerable workers and jobs are found in low-productivity sectors that employ women and children (such as agriculture, retail, trade, and hotel and restaurant-related activities).  
• Global supply chains may not be aligned with the United Nations Global Compact and subsequently with universal principles on human rights, labour, environment and anti-corruption. |
| 4. Progressive liberalization of existing investment restrictions and capital, including in manufacturing, agriculture, fishery, forestry and mining (A.3.14, A.4.18,) | • These sectors are major employers of low-skilled workers and migrants, including child migrants.                                                                                                                                                                                                 | • These sectors are heavily represented by undocumented migrant workers and child labourers who often remain under the radar.  
• Corruption is high in a number of ASEAN Member States, which undermines the confidence of foreign investors. |
| 5. Promote financial integration, financial inclusion, financial access and literacy, and e-commerce including for micro, small and medium enterprises (MSMEs), digital payment services, remittances (A.4.ii, A.4.18.ii, B.4.33.ii, C.3.52, D.1.69.ii, D.4.75) | • Access to financial services could contribute to poverty reduction, and economic and social development, particularly for women and youth.  
• Mobile banking available for the poor and could assist migrants in sending home remittances.  
• Financial literacy could help the poor to benefit from savings and credit schemes. | • Financial inclusion may decrease financial stability, particularly in times of economic/financial downturns leading to the poor getting into greater debt. |
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<th>Goals</th>
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| 6. Facilitate the movement of skilled labour (including by reducing or standardizing document requirements) | • Remittances contribute to economic development within the family as children of migrants have access to better health care and education back in their home communities.  
• Skilled workers may apply for better job positions in other countries, guaranteeing a higher family income.  
• Skilled workers could move with their children without facing bureaucratic and visa policy restrictions. | • Migration of parents can be detrimental to the stability of family structure and the emotional state of children.  
• AEC provides concessions to only eight professions (a small portion of the ASEAN labour force): accounting, architecture, dentistry, engineering, medicine, nursing, surveying and tourism. Even then, entry requirements are still very limiting.  
• Certain professions (such as doctors and teachers) migrate to the detriment of basic services in their own countries.  
• Migration options for low-skilled workers are pushed towards irregular channels (the majority of child migrants are undocumented).  
• Social security and protection rights of child migrants are not guaranteed for undocumented workers. |
| 7. Improve labour productivity and promote entrepreneurship (especially of women and youth in science and technology) and strengthening the role of MSMEs | • As families become better off, they invest more in their children’s education.  
• Could help reduce the generally high ASEAN unemployment rates of women and youth.  
• With additional jobs for women, domestic expenditure for the welfare of their children increases. | • ASEAN Member States have not ratified a number of ILO Conventions or social security Convention no. 102, and domestic legal frameworks do not fully protect the rights of workers (particularly migrants).  
• Women, youth and children tend to work in the most vulnerable jobs.  
• Due to economies of scale, child labour increases when job opportunities are higher.  
• Some sectors (tourism, transport, construction, food processing, etc.) attract undocumented migrant workers and child labourers. |
| 8. Strengthen good governance through greater transparency in the public and private sectors | • Intra-regional and global trade within ASEAN leads to higher public revenue, which, with good governance, could be converted to public expenditure and allocated to social services and pro-poor policies.  
• Advancements in public social services improve the rights to survival, development and the protection of children. | • Some governments do not see the benefit of investing in social sectors due to the time it requires for these sectors to contribute to economic growth. |
| 9. Promote sustainable economic development through the use of clean energy, enhanced power grids and sustainable agricultural development | • Better electricity and water supply could help increase school enrolment rates.  
• Increased food security could reduce malnutrition rates amongst children in the region. | • Governments prioritize cheaper energy options to stimulate industry, leading to further environmental degradation and possible increases in natural disasters.  
• Large-scale energy projects (e.g., hydro-electric dams) often displaces the rural poor.  
• If sufficient capital is not available, subsistence farming will not shift to market-orientated agriculture and the rural poor get left behind.  
• Child labour is mostly found in agriculture activities. |
### Table 3: ASEAN Economic Community Blueprint 2025 and impacts on children (continued)

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<th>Goals</th>
<th>Possible positive impacts on children</th>
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<tr>
<td>10. Enhance transport cooperation and safety (land, flight, shipping)</td>
<td>- Impressive efforts in infrastructure development (regional transport corridors, port and maritime infrastructure, airports and low-cost carriers) aid economic development and a significant tourism boom.</td>
<td>- Large-scale road projects and other transport corridors can be populated by commercial sex centres, including child sex trafficking, people smuggling and other illegal cross-border activities.</td>
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<td>11. Diversify ASEAN tourism products (C.6)</td>
<td>- Increased job opportunities, indirect employment through support industries and increased expenditure all help alleviate poverty.</td>
<td>- Tourism sector characterized by low-skilled workers and vulnerable employment.</td>
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<td>- Local communities can benefit from improved infrastructure.</td>
<td>- New tourism products (e.g., voluntourism) and destinations are developing without the necessary regulatory oversight, leaving children at risk of abuse and exploitation.</td>
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<td>12. Enhance health care services and mobility of healthcare professionals (C.7)</td>
<td>- Health care is a significant contributor to economic growth and social improvement.</td>
<td>- Quality health care requires investment in adequate infrastructure and equipment, which is often lacking.</td>
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<td></td>
<td>- Could address inequitable health access for the poor while consolidating, improving and scaling up existing health systems.</td>
<td>- Growth in private health care depletes skilled workers from public health services, creates disparities and increases costs for the poor.</td>
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<td>- Expanded national programmes to extend coverage of primary health care services, particularly to benefit the poor and vulnerable.</td>
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<td>13. Engage the business sector and community-based organizations more effectively and promote corporate social responsibility (CSR) (D.2.70, D.5.78.ii)</td>
<td>- The business sector becomes more aware of children’s rights and business principles that can guide companies on the full range of actions they can take in the workplace, marketplace and community to respect and support children’s rights.</td>
<td>- CSR is voluntary and often seen as tokenistic.</td>
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<td>- Could lead to better social insurance and setting up regional standards for workers in the formal private sector.</td>
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<td>14. Narrow the development gap, particularly of the CLMV countries and other pockets of underdevelopment (D.4.)</td>
<td>- New focus on SDGs could address the Millennium Development Goals (MDGs) not reached (e.g., infant and maternal mortality, and malnutrition).</td>
<td>- Overall poverty reduction does not alleviate growths in inequality.</td>
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In conclusion, the tables show that there is significant potential for positive impacts on children in the three communities, however, negative impacts on children are also possible. The majority of the goals carry with them both positive and negative implications for children's rights. While many of the challenges in the ASCC Blueprint are about access to suitable services, it may be institutional and governance weaknesses that negatively influence outcomes in the APSC Blueprint. Within the AEC, it could be the inequitable drive for economic growth that increases inequalities or poses specific vulnerabilities to children.

The key to successful outcomes is in the hands of Member States, and particularly the sectoral bodies. Successful outcomes not only require that each country ensures appropriate legal frameworks, national policies and resources to properly execute these goals, but also requires that each target and strategy be planned, monitored and evaluated with a sufficient child protection lens and child-rights perspective. It is with this in mind that this study recommends the undertaking of Child Rights Impact Assessments at the country level prior to the implementation of all the goals of the ASEAN Integration Blueprints.

Endnotes

What ASEAN integration could mean for children: Assessment of the ASEAN Community Blueprints and potential impacts on children
CHAPTER 3: LINKING THE CORE PRINCIPLES OF CHILDREN’S RIGHTS WITH THE ASEAN BLUEPRINTS

3.1 Introduction

The previous chapter identified both potential positive and negative impacts of the three Blueprints on children’s rights. These impacts could be direct or indirect, depending on the way the policies are shaped and implemented at national and regional levels. This chapter covers the four core principles of children’s rights – the best interest of the child, non-discrimination, survival and development, and the participation rights of the child – as enshrined in the CRC. It examines how these general principles have evolved in the normative legal, institutional and policy framework of ASEAN, and their current incorporation within the ASEAN 2025: Forging Ahead Together framework and the related Blueprints.

As already noted, although the ASEAN Charter (adopted in 2007) formally recognizes the promotion and protection of human rights and fundamental freedoms (as well as the advancement of democracy, governance and rule of law), children are not specifically mentioned. However, all 10 ASEAN Members States have ratified the CRC and, since 1983, ASEAN Member States have signed a number of regional declarations intended to strengthen children’s rights (as shown in Chapter 2 and successive chapters). Admittedly, the focus in most of these declarations has tended to be more on youth development and youth employment.

The core principles of the CRC first came to prominence in ASEAN through the ASEAN Plan of Action for Children (adopted on 2 December 1993 in Manila, Philippines), which at the time noted three areas of concern – child survival, child protection and child development. The Plan of Action mirrors the essence of many of the articles of the CRC, although the term ‘rights of the child’ is not explicitly referred to in the document nor is there mention of child participation or the best interest of the child. It was not until the 2001 Declaration on the Commitments for Children in ASEAN that the core principles and spirit of the CRC were first highlighted.

The Declaration helped initiate a number of ASEAN-focused and ASEAN-led projects concerning children, such as juvenile justice reform, studies on child abuse and neglect, and projects on early childhood care and development. However, questions remained about how well these were mainstreamed at the national level, and the language and actions of follow-up communiqués and action plans made little progress in promoting a rights-based perspective. As such, the establishment of the ACWC in April 2010 was considered the major step towards a rights-based approach in ASEAN.

To strengthen the establishment of the ACWC, the Ha Noi Declaration on the Enhancement of Welfare and Development of ASEAN Women and Children (2010) gave explicit direction, in point 16, to “achieve goals for children in ASEAN as regards the child’s rights to survival, protection, development and participation in a comprehensive and systematic way.” Non-discrimination is recognized in point 18, which commits to “improve quality of and gender equality in education and school enrolment to children, including children of ethnic and/or indigenous groups as well as children with disabilities...”. Further progress is seen in the Work Plan of the ACWC (2012-2016), which focuses in particular on the elimination of violence against women and children, the development of national child protection systems and a review of legislation, national mechanisms and plans related to the prevention and protection of children from violence. It also...
promotes the rights of children to participate in all affairs that affect them. Through partnerships with civil society and international organizations, it has carried out activities such as promoting the right to a nationality and the rights of women and children with disabilities, and also held a regional workshop in 2013 called ‘Focus on the Girl Child’.9

3.2 ASEAN Community Blueprints

The ASEAN 2025 Vision and the accompanying new Blueprints are meant to provide ASEAN with a new master plan for integration for the coming 10 years. Children’s rights and the four core principles of the CRC are represented in these to varying degrees (in part, thanks to the efforts of the ACWC and its comprehensive work plan). The rest of this chapter will specifically analyse the potential of the three new ASEAN Community Blueprints to impact the rights of the child either positively or negatively. It will assess goals and targets in light of progress on the previous 2009-2015 Blueprints, and look beyond the rhetoric to anticipate how the general principles of the CRC will align with ASEAN’s working principles of respect for state sovereignty, non-interference, consultation and consensus.

3.2.1 Non-discrimination

This section addresses the principle of non-discrimination in relation to children’s rights within the three ASEAN Community Blueprints. The concept of non-discrimination is particularly important within ASEAN as it challenges existing legal frameworks, cultural and national norms of equality found in the region. This may be because certain groups of children are prone to explicit forms of discrimination, such as girls, children with disabilities (article 23 of the CRC) and refugee children (article 22 of the CRC). However, paragraph 2 of article 2 asserts that the child is discriminated against on the basis of the status or activities of their parents (such as in irregular migration or being stateless).

Non-discrimination is specifically mentioned in the ASCC Blueprint 2025 in relation to the “promotion of non-discriminatory laws, policies and practices“ and “the elimination of all forms of discrimination, exploitation, trafficking and violence and abuse against children...”.10 It is also mentioned in association with a number of other places elsewhere in the Blueprint (such as the promotion of tolerance and respect for religions, human rights protection of migrant workers, and the promotion of access to ICTs). The APSC Blueprint implies the principle of non-discrimination in goals related to the promotion of ‘principles of democracy’, and “promoting...tolerance and understanding of faith, religion and culture”.11 However, the APSC Blueprint presents a more specific emphasis on ASEAN unity and cohesiveness, which is a culture of peace through respect for diversity, promotion of tolerance and understanding of faith, religion and culture, as well as culture of good governance.12 This suggests more guiding actions to address the identified marginalized and vulnerable groups, e.g., children, children with disabilities, LGBT, etc. – assuming that ‘respect for diversity’ is not limited to faith, religion and culture. Care needs to be taken to ensure that tolerance and respect for religion does not lead to unequal levels of protection for certain children (such as with dual legal systems, found in some Muslim countries, between Sharia law and national legislation).

There are no proactive goals on non-discrimination in the 2015 AEC Blueprint, although women and youth are occasionally identified as groups requiring affirmative action. The AEC Blueprint 2025 recognizes that regional economic integration requires policy and regulatory changes and refinements, as well as the strengthening of governance through greater transparency in the public sector, and in engaging with the private sector;13 as well as business sectors and community-based organizations.14 It is therefore possible that issues related to children's rights and non-discrimination might be addressed through the engagement of community-based organizations/CSOs, since such engagement also provides linkages with the ASCC Blueprint 2025 goals for “a more inclusive community” that promotes and protects human rights of vulnerable groups.
Despite the explicit mention of non-discriminatory laws, policies and practices, and the elimination of all forms of discrimination in the ASCC Blueprint 2025, no distinction is given in relation to “race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.” While this might be implied from ratification of the CRC, Malaysia has a reservation against article 2, and other ASEAN Member States have reservations against other related articles, such as to name and nationality, freedom of religion and refugee children. Furthermore, the term ‘discrimination’ itself is not actually defined in the CRC, which contributes to the potential for limited interpretation and provides further scope for lack of uniformity across the region. National constitutions of ASEAN Member States, if they exist, guard generically against certain forms of discrimination. However, they do not specifically mention discrimination against children and generally refer only to their own citizens.

The following sections examine the main areas of discrimination against children found in ASEAN. It identifies the relevant references within the three Blueprints (both old and new), assesses the current status of the issue within ASEAN, and forecasts potential positive or negative effects of the Blueprints’ implementation.

**Gender-based discrimination**

One of the most prevalent forms of discrimination identified by the Committee on the Rights of the Child is that of discrimination against girls, and in the case of ASEAN, is often a result of cultural and social norms and barriers. In particular, the Committee has expressed such concerns in its Concluding Observations for a number of ASEAN country reports. Across the region, girls experience greater disadvantages than boys on virtually every human rights indicator, particularly for girls living in rural and remote areas. There is considerable variation across ASEAN Member States when comparing gender indexes (with the greatest disparities existing in Lao PDR, Cambodia and Indonesia), despite gender equality being guaranteed in the constitutions of ASEAN Member States.

There is nevertheless a predominance of non-discrimination legislation across ASEAN, although in Muslim-majority countries, customary law takes precedence over constitutional law. In such cases, gender discrimination is found in matters relating to marriage, children born out of wedlock, parental authority or inheritance, and women and girls can be subject to a discriminatory combination of customary and Islamic (Sharia) laws. In Southeast Asia, ‘traditional/cultural codes of conduct’, such as Cambodia’s ‘Chbab Srey’, also define the ‘duties and expectations’ of everyday life for women and girls, impeding the full enjoyment of their rights.

There have been numerous ASEAN regional-level mechanisms to counter gender discrimination and inequalities. However, gender mainstreaming is arguably still a new concept within the ASEAN machinery, and resistance from supporters of traditional ASEAN values may prevail. The primary ASEAN body working on gender issues is the ACWC who are committed to improving gender equality. Their 2012-2016 Work Plan includes gender action points that are comprehensive and cover a number of critical gender-based issues. As previously mentioned, the ACWC is also willing to cooperate with civil society.

Within the 2025 Blueprints, gender discrimination is primarily addressed in the ASCC Blueprint, with each of the five key sets of strategic measures listed including actions related to gender equality and the empowerment of women and girls. While this is similar to the previous ASCC Blueprint, the indicators developed for the 2009-2015 Scorecard addressed gender inequalities in only four out of 31 indicators. Only one of these was specifically related to children – the Gender Parity Index (GPI) for school enrolment, which showed that in seven of the countries across ASEAN, girls spend fewer years in school than boys.

The AEC Blueprint 2025 recognizes the impact of gender policies on trade and economic integration, although no gender-based indicators were identified in the previous Blueprint. Research globally
has shown that economic development and social equality tend to go together; the connections between girls’ improved education and economic growth enhance gender equality and increase the level of investments in a country.\textsuperscript{20} Unfortunately, such opportunities for integration between the economic and social communities are missed. As a result, they have limited impact due to poor coordination between relevant ministries despite national laws and policies existing that promote gender equality and eliminate discrimination.\textsuperscript{21}

The APSC Blueprint is basically silent on gender issues. Sadly, there has been no change since the APSC 2009-2015 Blueprint, which contained only one small action point related to gender mainstreaming through seminars and workshops to ASEAN sectoral bodies (APSC Blueprint, goal A.1.1.ii). No information is available as to whether even this limited action point was implemented.

In short, in the absence of sufficient gender indicators across all of the ASEAN Community Blueprints, gender mainstreaming will continue to be constrained by socio-cultural norms, which will offer fewer opportunities for girls than boys. Where they exist, continuing gaps in systems and structures related to gender mainstreaming will likely reinforce gender inequalities and the continued marginalization of women and girls.

\textbf{Children with disabilities}

Across all regions of the world, children with disabilities are still experiencing barriers to the full enjoyment of their rights. Within ASEAN (where all Member States have ratified the Convention on the Rights of Persons with Disabilities)\textsuperscript{22} this has less to do with the physical disability itself and more a combination of social, cultural and attitudinal challenges.\textsuperscript{23} Social discrimination, prejudices and stigma can lead to children with disabilities facing exclusion that can deny them access to education, health and social services. For example, in Indonesia, inclusive education for children with special needs is not built into the education system, and in Singapore, the Compulsory Education Act excludes children with disabilities.\textsuperscript{24} Cambodia has limited support for children having impaired hearing or sight, and no existing support for children with mental disabilities. Because of this, children with severe disabilities are in danger of abandonment or being put in institutions.\textsuperscript{25} Malaysia has a formal reservation to the Convention on the Rights of Persons with Disabilities citing inconsistencies with their Constitution, national laws and policies (including Sharia Law).\textsuperscript{26} These challenges and constraints have serious impacts on children with disabilities, especially non-nationals.

Neither the AEC nor APSC Blueprints (for both 2015 and 2025) contain references to those with disabilities. It is the ASCC Blueprint that defines the steps that ASEAN Member States should be taking to prohibit discrimination against persons with disabilities (although the Blueprint does not specifically mention children with disabilities). The ASCC Blueprint 2015 and the ASCC Blueprint 2025 both prioritized the protection and promotion of the rights of children and persons with disabilities under their Social Justice and Rights, and Inclusive pillars, respectively. While many action points group the rights and welfare of women, children, the elderly and persons with disabilities together, two points specifically focus on persons with disabilities in the context of "regional capacity building programmes on social services and rehabilitation", and encouraging participation in decision-making. However, the 2015 ASCC Scorecard report does not appear to assess and/or monitor the progress of the two action points made on disability.\textsuperscript{27}

Similarly, "women, youth, elderly and persons with disabilities" are identified as targets for "strengthening entrepreneurship skills" (under the human development pillar of the ASCC),\textsuperscript{28} and specific programmes in Cambodia, Lao PDR, Thailand and Viet Nam were noted in the ASCC 2015 Scorecard report for the "elderly and persons with disabilities".\textsuperscript{29}

While a number of the other goals of the ASCC should have the potential to positively impact children with disabilities (e.g., increased access to education or healthcare services), in reality, the fact that actions or indicators are not specifically identified from the perspective of different vulnerable categories of children means that they will continue to face barriers to the full enjoyment
of their rights. To address this concern, indicators for the ASCC Scorecard 2025 should specifically list strategies and actions to remove these obstacles.

**Children on the move**

There are hundreds of thousands of children on the move in ASEAN Member States, both within and across borders. Their movement is a result of a number of causes – migration with or without family, education, labour, trafficking, political conflicts, etc. Recent research undertaken by the Institute of Human Rights and Peace Studies (Mahidol University) and its partners reached a general consensus that there is an increase of children crossing national borders within ASEAN.30 These children, often undocumented, are particularly vulnerable to exploitation, abuse and discrimination caused by an absence of social protection, their irregular status or, in extreme cases, xenophobia. Many children on the move are not recognized by existing legal frameworks within the region and are therefore exposed to heightened risks of discrimination and abuse. These children can experience discrimination in terms of denial of and restrictions on basic rights to freedom of movement, freedom of assembly, access to quality education and health services, and legal remedies.

Within ASEAN, the AICHR, ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers (ACMW) and ACWC are the regional-level mechanisms that should be concerned with these groups of children. The Work Plan of the ACWC (2012-2016) contained specific thematic areas and activities that include children in need of special protection, such as trafficked children, child labourers, stateless children and undocumented migrant children (refugee children were not mentioned). However, the protection mandate of the regional bodies is hindered by the principle of non-interference in internal affairs of Member States, and by the principles of consultation and consensus.31 This situation is unlikely to change in the foreseeable future as only two countries (the Philippines and Indonesia) have ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (ICRMW).32 Furthermore, the newly adopted ASEAN Convention related to Trafficking in Persons, particularly Women and Children, and the 2007 ACMW are weak from a rights-based perspective, as they both defer to measures “within the extent of domestic laws”, supposedly due to concerns of ASEAN Member States over sovereignty. This diminishes these instruments by curtailing any possibility for a regional approach to trafficking or migration. This is because each state still has full authority to deal with victims according to their national policies, which, within ASEAN, often results in their criminalization. The ACMW further states that it should not be interpreted as “implying the regularization of the situation of migrant workers who are undocumented.”33 The Declaration simply does not address the issue of irregular migrant workers in ASEAN.

The protection and promotion of the rights of migrant workers has elicited attention in both the ASCC Blueprints of 2015 and 2025, with a call to “work towards the realization of the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers”. The issue of migrant workers is considered sensitive by most countries in the region, and this is especially apparent in the ACMW. This Declaration aims to “ensure fair and comprehensive migration policies and adequate protection for all migrant workers in accordance with the laws, regulations and policies of respective ASEAN Member States”,34 which again defers to considerations of national sovereignty in dealing with migrants.

Furthermore, while the 2015 ASCC Scorecard goes into great detail on the increases in the flow of migrant workers in all of the ASEAN Member States (including youth), it showed very little progress on legal protection in the various countries.35 Where access to justice and social programmes exist, it is generally limited to cooperation with countries where memorandums of understanding (MoUs) on migration exist and where the migrants are legally present. Furthermore, as the APSC 2025 strives to strengthen “cooperation on border management” (APSC Blueprint, goal B.3.7), this could lead to a greater focus on ‘border control’, which often pushes child migrants into using more irregular and riskier migratory channels. None of the ASEAN Community Blueprints makes reference to irregular migrants or child migrants, raising concerns for their lack of protection.
The AEC Blueprint 2025 does little better due to its single market and production base pillar. The focus of the AEC Blueprint is on highly skilled work sectors and trade liberalization, which has little positive effect on women’s and youth’s opportunities, as they are predominantly found in the informal sector or in low-skilled, poorly paid jobs. Furthermore, as the majority of child migrants in the region have irregular status, they are excluded from social security and thus have limited rights protection. Child migrants are perceived as being ‘illegal’, and live in fear of arrest and deportation. In addition, although some countries such as Thailand allow registration of migrant workers, there is still no clear policy on whether or not dependent family members (mainly children) could also be registered.

Potentially, refugee children and children seeking asylum are even worse off than migrant children. Only Cambodia and the Philippines have ratified the 1951 Convention Relating to the Status of Refugees and, as such, there is a corresponding lack of domestic legal frameworks to deal with refugees and asylum seekers within ASEAN Member States. The ASCC Blueprints (past and present) do not mention refugees. The APSC Blueprint 2025 aspires to “ensure that the peoples and Member States of ASEAN live in peace with one another and with the world at large in a just, democratic and harmonious environment.” There exists some potential for the protection of refugees in the Blueprints, but this has certainly not materialized in light of the inconsistent responses shown to Rohingya refugees in the region.36

In fact, few of the ASEAN Member States want to recognize refugees and asylum seekers,37 and there is a general reluctance to offer formal recognition and durable solutions unless they are registered by UNHCR. Even then, when refugees and asylum seekers are allowed to stay, their rights are unclear and there is confusion as to how they should be treated. For example, in Malaysia, despite possessing a UNHCR card, asylum seekers may still be faced with arrest and possible detention.38 Also, in Thailand, UNHCR’s presence is primarily tolerated on humanitarian grounds.39 Indonesia has been characterized as a transit country, but due to the absence of a formal legislative framework governing the treatment of refugees, they are generally classified as ‘illegal migrants’.40

These challenges around ASEAN cohesion in the face of refugee problems are undoubtedly rooted in fears of the economic costs of hosting refugees, and threats to social cohesion and national security. However, without formal recognition of the plight and needs of refugees in the ASEAN Community Blueprints, there will be no coordinated response to the problem of refugees, exposing a divided ASEAN.

Stateless children and minority/ethnic/indigenous children

Statelessness has also been identified as a substantial issue within ASEAN.41 In 2012, UNHCR estimated that out of 12 million stateless people around the world, 797,388 are found in Myanmar and 542,505 in Thailand.42 Stateless children have particularly high protection needs because they have no documentation or identification, and are often discriminated against and denied basic protection or services in their home countries. One of the main reasons a person is considered stateless is from a lack of birth registration documents, which could be used to help prevent statelessness by recording a child’s date and place of birth, and his or her parents. Children of ethnic minority groups face similar discrimination, particularly when they cannot attain birth registration. Geographical, ethnic, cultural and religious differences can create disparities of rights when compared to majority populations. As mentioned, of particular concern are the Rohingya Muslims from Rakhine state in Myanmar, who are now found across nations of Southeast Asia, and are facing discrimination and persecution.

None of the old or current ASEAN Blueprints make specific reference to stateless or indigenous persons. However, as previously stated, the ASCC Blueprint presents strategies for the promotion and protection of human rights aimed specifically at the vulnerable and marginalized, and this should include stateless persons. Furthermore, the AICHR and ACWC should arguably have a mandated
obligation to play a leading role in the elimination of statelessness in ASEAN Member States. The Rohingya crisis of 2015 did lead to an ASEAN ‘Special Meeting on Irregular Migration in the Indian Ocean’; however, the term ‘Rohingya’ was not mentioned in the concluding statement from the meeting, highlighting “ASEAN’s failure to openly discuss the desperate conditions and systematic human rights violations” suffered by the Rohingya population.43 In part, the challenge to a regional approach is the lack of a unified definition of statelessness in domestic laws within ASEAN Member States. Moreover, the significant political ramifications of taking responsibility for stateless persons, and the ASEAN principles of non-interference and consensus mean that none of the ASEAN regional mechanisms are empowered to recognize the Rohingya as being stateless (e.g., Myanmar views them as migrants from Bangladesh). Such a response by ASEAN Member States seriously questions the ASCC 2025 Blueprint’s goal to build a “people-oriented and people-centred ASEAN”.

As previously highlighted, birth registration is vital for protecting against statelessness and ensuring that indigenous or ethnic minority groups have legal identities and citizenship. This basic right enables children to access health, education and social welfare services. Despite all ASEAN Member States facing problems with birth registration,44 there are no indicators in the ASEAN Blueprints to measure whether birth certificates are issued to all children regardless of nationality or legal status. ASEAN Member States have been working to improve birth registration with widespread campaigns across the region. Nevertheless, only half of children under age five in Cambodia have a birth certificate,45 and a survey in 2012 indicated that a quarter of children born in Lao PDR did not have their birth registered.46 Children from certain religious and indigenous groups in Indonesia (such as the Ahmadiyah, Jehovah, Merapu and Boti), and children of irregular migrant workers in Thailand can also remain unregistered.47 In Viet Nam, the government acknowledges that not all children in remote areas and belonging to ethnic minorities are registered.48

While the ACWC has played a role in birth registration campaigning, the current situation suggests that it should arguably take a more active role in harmonizing birth registration laws throughout the region, and this could have been prioritized within the ASEAN Blueprint indicators. The ASEAN mechanisms should also call on the ASEAN Member States to immediately sign, ratify and implement the United Nations Convention on the Status of Stateless Persons, and the Convention on the Reduction of Statelessness, and to adhere to the Guiding Principles on Internal Displacement.

**Lesbian, gay, bisexual, transgender, questioning and intersex (LGBTQI) children**

All children, including LGBTQI children, are entitled to enjoy human rights and a safe environment in order to participate fully in society and school. However, like many other regions of the world, the rights of LGBTQI children in ASEAN are limited, as the Member States do not have anti-discrimination laws that guarantee the equality of all citizens, regardless of their sexual orientation and gender identity. Indeed, the region is known to have high levels of homophobia and little protection or legal status for any kind of same-sex relationships. Homosexuality remains criminalized in countries which follow strict Sharia law, and the Roman Catholic Church remains opposed to same-sex unions. Some ASEAN Member States still adhere to old colonial-era laws that ban same-sex intercourse.49

It is therefore not surprising that there is no mention of discrimination against LGBTQI children in any of the 2025 Blueprints. Nevertheless, under the section on Non-Discrimination in the APSC Blueprint 2025 that emphasizes “respect for diversity, promotion of tolerance and understanding of faith, religion and culture as well as culture of good governance”,50 this could be assumed/interpreted that the “respect for diversity” not only refers to faith, religion and culture, but also sexual and gender orientation.

Nevertheless, there are some small signs that LGBTQI advocacy has started to see results in the region. For example, Viet Nam has become the first country in ASEAN to adopt a law on same-sex marriage,51 and Thailand has had a draft law prepared in parliament for some time that seeks to offer LGBTQI persons the same rights as heterosexuals.52
However, where ASEAN standards, mechanisms or targets do not reflect or recognize the rights of LGBTQI persons, they will continue to experience stigma and discrimination. The ASEAN Community Blueprints 2025 have missed the opening to promote and recognize the rights of LGBTQI persons regarding work and education opportunities, as well as full access to healthcare. Without this, children in particular will remain vulnerable to violence, bullying, abuse and harassment. Governments and ASEAN have a duty to empower and protect LGBTQI children, and there is a pressing need in the region to demonstrate, through legislation, policy, plans and programmes, that human rights apply equally to LGBTQI children, without discrimination.

**Children affected by HIV/AIDS**

Discrimination against children and their families living with HIV/AIDS is widespread across ASEAN Member States and transcend borders, making it a regional-level problem. The HIV/AIDS epidemic is serious in the Asia Pacific region, with a 2011 estimate of five million people living with HIV, 160,000 of whom are children under the age of 15 years. Children whose HIV status is known may be denied access to school, bullied or discriminated against by teachers or health workers who may make improper disclosure of their HIV test results. Extended family members may also be reluctant to care for children who are AIDS orphans, especially when the child is HIV positive.

In 2011, ASEAN adopted a “Declaration of Commitment: Getting to Zero New HIV Infections, Zero Discrimination, Zero AIDS-related Deaths”, which built on a decade of action since the adoption of the 2001 ASEAN Declaration on AIDS, and the implementation of the 2007 ASEAN Commitments on HIV and AIDS.

ASEAN defined progress under the ASCC Blueprint 2025: “concrete actions have been provided to improve our capability to control communicable diseases including HIV and AIDS, and particularly in reducing the transmission of HIV and the impact of the epidemic on individuals, community and society.”

Three indicators of HIV prevalence and access to treatment are included in the Blueprint. The ASCC Scorecard report highlighted that prevalence rates in ASEAN Member States are below 1 percent, but while Cambodia, Myanmar and Thailand reported a decrease in prevalence rates, Indonesia, Malaysia, the Philippines and Singapore recorded a slight increase. Available data on access to treatment for adults and children varies in the region but in 2012, Southeast Asia had attained a regional average of 47 percent coverage (although, impressively, Cambodia had 94 percent coverage and was one of the top eight in the world). These findings suggest that different responses and interventions are still needed in the various countries. However, while national interventions are the most effective response to the epidemic, a regional approach promoted by the ASEAN Community Blueprints can address commonalities between countries.

Prevention and treatment of HIV and mother-to-child transmission should be a component of the ‘access to healthcare services’ goal of the ASCC Blueprint, however, it needs to be acknowledged that discrimination is found in both government and private health centres across the region. Fear of infection due to a lack of protective equipment, or existing prejudices against vulnerable groups of children, such as those living on the street, children who use intravenous drugs or those who have been pushed into prostitution, have been known to increase the stigmatization of HIV-positive children and reduce their access to health services.

Action to explicitly eliminate discrimination against children and their families living with HIV/AIDS within regional level plans lacks the specific details of how it would be done. Nevertheless, the focus on access to education, healthcare and information, and non-discriminatory policies and practices within the new ASCC Blueprint, offers the potential to continue addressing discrimination against children living with HIV/AIDS. In order to prioritize this concern further amongst ASEAN Member States, it may be necessary to better articulate the costs of HIV/AIDS on economic growth and its impact on investment, trade, national security and poverty reduction (at present, nothing on HIV/AIDS is mentioned in the AEC and APSC Blueprints), so that it is an element of each ASEAN Community Blueprint.
3.2.2 Best interests of the child

Article 3 of the CRC stipulates that “the best interest of the child must be the primary consideration in all decisions concerning the child, and that the state must provide appropriate assistance if parents, or others legally responsible, fail in their duties.” This means that laws and policies/plans/programmes affecting children should put the child’s best interest first and should most benefit children.

The concept of ‘the best interests of children’ is probably one of the more complex in the CRC and it appears that the principle is not well understood by a number of ASEAN Member States, most likely because of the region’s traditional culture and an expectation that parents know best. Singapore, for example, made a declaration to article 3 of the CRC, involving the best interests of the child, stating that the Government of Singapore “…agrees that in all our actions concerning children, the best interests of the child should be the primary consideration, Singapore is of the opinion that it is in the best interests of the child that the rights conferred on the child by the CRC should also be exercised with respect for the authority of parents and schools and in accordance with the customs, values and religions of the people.” This concept of Asian or ‘ASEAN values’ has long been an issue of debate as some scholars and activists argue that it allows for different interpretations of human rights and fundamental freedoms.

An examination of the Concluding Observations made by the Committee on the Rights of the Child shows that the principle of the best interests of the child is one of the concerns expressed to all States Parties in ASEAN (except the Philippines). The Committee generally recommended that each State Party “…review its legislation and administrative measures to ensure that article 3 of the Convention is duly reflected therein and that this principle is taken into account when administrative, policy, judicial or other decisions are made.”

The principle of the best interests of the child has not been specifically mentioned in the ASEAN Blueprints, although the potential to allude to the principle through different venues in the Blueprints possibly exists, as discussed further in the following section.

Legal frameworks and judicial and administrative processes

As stated by the Committee on the Rights of the Child, the best interest principle should be reflected in national legislation. In most cases within ASEAN, the best interest principle is not explicitly specified in constitutions or in child-specific legislation (except for a few cases, such as the Philippines, Indonesia and Thailand), and is often absent in laws relating to nationality, disability, sexual exploitation, child labour and children in conflict with the law. There is no guidance in any of the ASEAN Community Blueprints (2015 or 2025) in relation to incorporating the best interest principle in national legislation or in relation to responding to vulnerable groups.

Even where the best interests of the child is already included in domestic legislation in ASEAN Member States, the principle is often not consistently applied in practice due to challenges in reconciling the region’s traditional cultures with children’s rights. For example, Brunei Darussalam has a blanket reservation to articles 20 and 21 of the CRC, which state the provisions for adoption and foster care, and maintain reservations on the grounds that the family is one of the most important foundations on which people rely. In cases where the parents cannot take care of their children, the extended family is expected to take over the role. Corporal punishment is another issue embedded in cultures and traditions within many ASEAN countries. Across the region, corporal punishment is practiced in homes, schools, child-care institutions and juvenile detention centres (even in the few ASEAN Member States where it is banned). Here, the ASCC Blueprint 2025 does find resonance, as it calls on Member States to address issues of traditional and harmful practices that impinge upon the enjoyment of rights (B.3.iii, B.3.vii). The Committee on the Rights of the Child finds corporal punishment to be a ‘cruel or degrading punishment, which conflict[s] with the child’s human dignity and right to physical integrity’.
Administrative and judicial bodies or institutions are also required to apply the best interests of the child principle. However, the low minimum age of criminal responsibility found in the region, the fact that children are held in detention, and discrepancies between penal codes and Sharia laws in some ASEAN Member States highlight some of the concerns found in the region, especially in the realm of the juvenile criminal justice systems. Unfortunately, the ASCC Blueprint does not make reference to legal procedures in courts, or judicial and administrative decisions that may impact children. Conversely, the APSC Blueprint, under the key heading of, “APSC Blueprint, Goal A, Rules-based, People-oriented, People-centred Community”, does refer to the establishment of programmes for mutual support and assistance among ASEAN Member States in the development of strategies for advancing the rule of law and strengthening judicial systems and legal infrastructure through existing mechanisms. This reference could provide a way to revise the laws and practices relevant to children to be more child-friendly in the necessary contexts (ref. APSC Blueprint, goal A.2.4). However, if implemented incorrectly, it could actually worsen the situation for both child victims and children in conflict with the law.

**Policies, strategies and budgets**

One indication that children’s best interests have been taken into account as a primary consideration is how it is reflected in policies and strategies, and budget allocations to social service providers, to children and within departments of governments. All ASEAN countries have adopted various plans and policies that focus on the development and protection of children, including national plans dealing with specific children and youth issues. For example, Cambodia, Indonesia, Lao PDR, the Philippines, Thailand and Viet Nam have developed national plans that address issues such as commercial sexual exploitation, trafficking of children and/or violence against children. While Brunei Darussalam and Singapore have not adopted national plans specific to children, Brunei Darussalam is currently implementing the Plan of Action on Family Institution and Women, which also covers children’s issues, and Singapore claims a holistic approach to ensuring the well-being and development of children by reportedly integrating children’s issues into key policies and programmes of different government agencies. The development of national plans of action specific to children is not something the ASEAN Community Blueprints call for (see Annex 2 for ASEAN Member States with relevant national plans, policies and coordinating bodies for children’s issues).

Data on governments’ budget allocations for children across the ASEAN region is not available. Information on social sector expenditure is mainly limited to the areas of health and education, and for the CLMV countries, public expenditure on healthcare and education is low. While the ASCC Blueprint addresses goals around increasing access to basic social services (B.2.iv, B.2.vi, B.2.xi, xii, E.2.ii, iii), it does not highlight the need for goals to cover all responsible departments and agencies, as compatible with article 3 or the CRC.

Perhaps the most significant concern of all three ASEAN Community Blueprints is that despite the myriad multi-sector goals, targets and strategies spanning each of the Blueprints, there is no system for a ‘child rights impact assessment’, which can inform planning based on the best interests of the child. This is particularly pertinent for actions that might not be specifically directed at children. The best interest of the child principle should apply, for example, to goals and actions in relation to employment, transport, tourism, development, etc., where negative impacts for children are possible. Such a stipulation and mechanism within the ASEAN Blueprints could help provide an ‘umbrella provision’ spanning the three Blueprints to assess the potential well-being of the child through all community pillars and proposed strategies.

### 3.2.3 Right to life, survival and development

A child has the inherent right to life and the meaning of this ‘right to life’ should be interpreted to the maximum extent possible. Child survival includes health care, nutrition, sanitation and hygiene, and prevention against the transmission of HIV/AIDS. Child development primarily covers education
and training. Child protection concerns violence against children and issues such as child trafficking and exploitation, child labour, children deprived of a family environment, and children in conflict with the law.

In examining state reports of all ASEAN Member States, it is noted that the areas of child survival, child protection and child development are the most developed among the four CRC principles, as national laws, policies/plans and national mechanisms on child protection, survival and development do exist. Most ASEAN Member States have adopted various legislative and policy measures to ensure the protection, survival and development of children, and some are specifically aimed at this principle.

Of relevance to the context of the three ASEAN Community Blueprints is that, to a certain extent, child survival and development are related to the level of economic and social development of a country. Brunei Darussalam and Singapore are the two most developed countries with the highest standards of living in ASEAN and the best indicators of child survival and development. It is, therefore, not surprising that in spite of existing legislative and policy measures put in place to ensure child survival and development, countries including Cambodia, Indonesia, Lao PDR, the Philippines, Thailand and Viet Nam are facing many challenges in this area due to a lack of financial resources.

**Poverty reduction**

As with other economic, social and cultural rights, the provision of basic services is considered a progressive right to be implemented by States “to the maximum extent of their available resources, and, where needed, with the framework of international cooperation.” As ASEAN Member States ‘strive to ensure’ the child’s right to social services and social protection (ASCC Blueprint, goals B.3.iv and E.3.iii), there is the risk that other ASEAN priorities (e.g., economic development) take precedence. The ASEAN Blueprints do recognize that this is as an obligation that should be honoured as expeditiously and effectively as possible, as shown by the priority given to the eradication of poverty (ASCC Blueprint goal B.2.vii) and the particular focus on CLMV (AEC Blueprint, goal D.4). Poverty and its related issues are undoubtedly the biggest challenge to the provision of basic services within ASEAN Member States, and poverty reduction should reduce child mortality, malnutrition, disease, abuse and violence.

In the 2015 ASCC Blueprint, there were two key indicators measuring poverty alleviation, and, according to the ASEAN MDG Assessment Report of 2015, the number of people living in extreme poverty in the region had dropped from one in two persons to one in eight. However, poverty reduction strategies within the ASEAN region and other parts of the world have shown that a two-way causal relationship exists regarding growing inequalities. The 2015 ASCC Scorecard stated that measuring income inequalities in the region was not feasible and data, where it existed, was variable. Where inequality gaps have been seen to grow (for example, in Cambodia and the Philippines), vulnerabilities for the poorest children living in difficult circumstances and specific marginalized groups are sustained and embedded. This has raised concerns also over regional instability, as disparities have the potential to become more divisive. To a certain extent, the ASEAN Integration Blueprints recognize this concern, with the AEC and the ASCC 2025 Blueprints seeking to support inclusivity, focusing on “addressing the concerns of all peoples of ASEAN on matters related to welfare to quality care and support” (ASCC Blueprint Introduction para. 2 and goal B1); “Equitable access to All” (ASCC Blueprint Introduction para. 2 and goal B2); and the “Promotion and Protection of Human Rights” (ASCC Blueprint Introduction para. 2 and goal B3). However, all of the ASEAN Community Blueprints need specific indicators to measure and monitor inequalities to better ensure regional stability, as pockets of exclusion and serious inequalities throughout ASEAN are emerging. Unless addressed, this could result in increasing numbers of vulnerable and socially excluded children living without adequate healthcare, education or protection.
 CHAPTER 3

Provision of healthcare services

Children's right to health and health services is a key component of article 24 of the CRC and builds upon the right of the child to life, survival and development. It also relates to the core principle of non-discrimination, as States need to recognize the right of all children to "the highest attainable standard of health" and also to be able to access "facilities for the treatment of illness and rehabilitation of health". The second paragraph of the article provides a non-exhaustive list of appropriate measures States should adopt that are particularly pertinent for the ASEAN region. For example, diminishing infant and child mortality; ensuring the development of primary health care; combating disease and malnutrition (including due to environmental pollution); the provision of preventive health care (e.g., immunization); and family planning education and services.

While the rates of child malnutrition in the region have been decreasing over the last decade, the regional average is still far greater than some other regions of the world. Health services are particularly weak in rural and remote areas within some ASEAN Member States, resulting in women and children, in particular, having poorer health and lower survival outcomes. Access to health care for many vulnerable groups in the region is diminished by corruption and discrimination, resulting in many poor families being forced to pay high costs for health care and medicines and potentially leading to debt. Nevertheless, it should be recognized that robust health care services do exist in some ASEAN Member States, with children in Singapore, Brunei and Malaysia enjoying a high standard of healthcare, and good infrastructure and healthcare programmes.

Although not always using the word 'children', the ASEAN Community Blueprints do prioritize access to healthcare services. The ASCC 2015 developed actions to improve access to healthcare and the promotion of healthy lifestyles (goal B4); ensure a drug-free ASEAN (ref. goal B6); and advocate for the "promotion and protection of the rights and welfare of women, children, the elderly, and persons with disabilities by implementing programmes on child survival, development and protection consistent with the CRC" (goal C1); and contained 32 indicators of progress (primarily grouped around MDGs 4 and 5). Significant improvements have been made throughout the region in reducing child mortality and immunization rates, and these should continue under the ASCC 2025 and its promotion of early childhood care (ASCC Blueprint, goals B.2.iv, B.3.ii). Under the area of 'promoting healthy lifestyles', the ASCC 2015 had seven indicators on tobacco control (with reportedly mixed results across the region) and three on mental health (seemingly a low priority for most Member States, as noted by the low level of mental health budgets).

A further development in the ASEAN Community Blueprints is that, while nothing is mentioned in the AEC 2015, the AEC 2025 Blueprint indicates that, in terms of health care, ASEAN will continue to promote the development of a strong healthcare industry that will "contribute to better healthcare facilities, products and services to meet the growing demand for affordable and quality healthcare in the region". Strategic measures include promoting sectors with high-growth potential, such as health tourism and e-healthcare services, provided they do not have a negative impact on the healthcare system of each ASEAN Member State (AEC Blueprint, goal C7). This is a very relevant concern, as improved access to health care services does not necessarily mean they are affordable for the most vulnerable.

Violence against children and special protection needs

Article 19 of the CRC requires children's protection from "all forms of physical and mental violence", and is specifically linked to the right to life and to maximum survival and development. Unfortunately, children in ASEAN are particularly vulnerable to violence and face many protection concerns, partly due to the low understanding of or respect for children's rights, weak child protection systems and poorly implemented policies and legislation.

The commitment of ASEAN to the protection of children from all forms of violence is probably best encapsulated in the Declaration on the Elimination of Violence against Women and Elimination of
Violence against Children in ASEAN, which was adopted at the 23rd ASEAN Summit in 2013. This was a significant development, as it added children as a target group following the 2004 ASEAN Declaration on the Elimination of Violence against Women. The Declaration envisages a complementary role to existing international mechanisms, noting that ASEAN Member States commit to the betterment of national mechanisms in “implementing, monitoring and reporting the implementation of the Concluding Observations and Recommendations of Convention on the Elimination of all forms of Discrimination against Women (CEDAW), CRC and other treaty bodies, as well as the accepted recommendations under the Universal Periodic Review Process of the United Nations Human Rights Council related to the elimination of all forms of violence against women and violence against children”. The ACWC is tasked with promoting the implementation and progress of the Declaration and in November 2015, it adopted the ASEAN Regional Plan of Action on Elimination of Violence against Children. The Plan provides details for a wide range of actions from prevention to protection, responses and support services, as well as legal frameworks, prosecution and justice systems. It also includes capacity building, partnership and collaboration.

Although the different manifestations of violence against children that are rampant within ASEAN Member States transcend issues found in all three ASEAN Community Blueprints, the most attention to prevention and protection is found in the ASCC, which highlights the promotion of “the elimination of all forms of discrimination, exploitation, trafficking and violence and abuse against children and other vulnerable categories” (ASCC Blueprint, goal B.3.vii). However, as can be seen below, the opportunities for integration and further emphasis on preventive and responsive interventions and services across the three Blueprints are apparent.

An example, where some degree of integration does occur, can be seen with the issue of child labour, which is prevalent in most of the ASEAN Member States, and in the Mekong Sub-region in particular. For example, Cambodia estimates that due to high poverty levels, 11 percent of all children work, and Lao children and youth are reportedly engaging in employment in large numbers. In the Philippines, the incidence of child labour (working children aged 5 to 17 years) has actually increased by 35 percent, from 4.1 million in 2001, to 5.5 million in 2011. Child labourers are often exposed to sexual, physical or psychological abuse. Within the ASCC Blueprint, employment and labour protection issues specifically appear in the Blueprint through plans to provide better “access to economic, entrepreneurial and other opportunities for poor and vulnerable categories” (ASCC Blueprint, goals B.2.ix and E.3.iii); “the elimination of all forms of discrimination, exploitation, trafficking and violence and abuse against children and other vulnerable categories” (ASCC Blueprint, goal B.3.vii); and the promotion of “equitable access to opportunities, quality care, support, social protection and human rights” protection for migrant workers (ASCC Blueprint, goal B.1.ii, B.3.vii, B.3.ix, D.4). However, the focus is generally on urban areas more than rural, and children as legitimate workers (under certain conditions, children above age 15 may be allowed to work) are not specifically mentioned. Furthermore, irregular migrants are not covered which means, in the case of children, they are in danger of being automatically labelled as trafficking victims.

Child trafficking is a serious problem across the ASEAN region, and is closely linked to migration and labour exploitation. The APSC Blueprint 2025 aims to “enhance cooperation against trafficking in persons and people smuggling” (APSC Blueprint, goal B.3.4) and to “strengthen cooperation on border management” (APSC Blueprint, goal B.3.7), which should reduce the number of children trafficked. However, once again, no distinction is made regarding children migrating for work, and without a well-established and child-focused system, child labour may get pushed further underground, making it harder to reach victims. There is legitimate cause for concern in this regard because, although the AEC Blueprint does much to promote trade, employment, labour productivity, the movement of skilled labour, special economic zones, etc., the most vulnerable jobs attract higher levels of women and children (which, with economies of scale, will only increase). Furthermore, certain sectors (such as tourism, transport, construction and food production) particularly attract child migrant and undocumented workers, leading to greater vulnerability to human trafficking. In fairness though, ASEAN has recognized the regional nature of the problem through its 2004 adoption of the ASEAN Declaration Against Trafficking in Persons Particularly Women and Children. A new and significant breakthrough came in November 2015, when, after
long negotiations, an ASEAN Convention Against Trafficking in Persons, Especially Women and Children was adopted. The Convention requires 6 out of 10 ASEAN Member State ratifications for its entry into force, and, as of September 2017, 8 countries have ratified the Convention. Unfortunately, there is no independent monitoring body for the Convention, and in light of conflicting priorities, tensions and concerns found within the ASEAN integration goals, the scale and scope of child trafficking is unlikely to appreciably improve.

A clear example of missed opportunities for greater integration across the ASEAN Blueprints is the exponential increase of online child sexual abuse in the region due to the heavy investment in ICT developments within ASEAN (ASCC Blueprint ‘promotion of access to information and communication technologies’; APSC Blueprint ‘combat cybercrimes’; AEC Blueprint ‘upgrade the technical capacity, physical infrastructure and technology-digital advancement’). The UNODC report of 2014 indicates that in Myanmar and Cambodia, less than 5 in 100 people have access to the Internet, and in Lao PDR it is 10 in 100; in Thailand, the Philippines and Viet Nam, the Internet is used by approximately one third of the population. As the ASEAN Blueprints aim to significantly affect the speed and breadth of ICT developments in the region, this higher level of usage, without the corresponding progress in establishing policies and legislation to protect children, will undoubtedly lead to a greater amount of online sexual exploitation and cyber-bullying.

Similarly, analysis of available recent research relating to the sexual exploitation of children in travel and tourism (SECTT) indicates that the phenomenon is prevalent in the region, and that there exist strong indications that the magnitude is increasing. The AEC Blueprint, in particular, promotes the diversification of ASEAN tourism products (goal C.6) and enhanced transport cooperation and safety (AEC Blueprint, goals C.1.46 and C.1.48.iii). In 2014, ASEAN was the fastest growing region for tourism in the world. This focus has encouraged, and undoubtedly will continue to encourage, large-scale foreign investment in tourism and travel, new tourism destinations, and new forms of tourism (e.g., ecotourism, home-stays and ‘voluntourism’) that are allowing travellers to access previously isolated areas. Unfortunately, the AEC Blueprint tends to overlook the negative impacts of this growth and diversification. These developments present potentially grave threats to vulnerable children, including SECTT, as they are often accompanied by an unregulated and rapid increase in casinos, bars, restaurants and brothels, leaving children at risk of abuse and exploitation. While sustainable patterns of ASEAN tourism are mentioned in the AEC Blueprint, safety and protection is only framed in the context of preserving natural and cultural heritage (goal C.6.59.ii.b).

Of particular importance is the ASEAN Community Blueprints’ focus on addressing “substance abuse prevention, treatment and rehabilitation” (ASCC Blueprint, goal D.6.) and tackling non-traditional security issues such as the abuse of illicit drugs (ASPC Blueprint, goals B.3.1, B.3.2, B.3.3, B.3.9). This is especially pertinent as it is suspected that drug abuse is increasing amongst youth in ASEAN countries, and the age of use is decreasing. Thailand is ranked among the top five countries in the world for methamphetamine seizures, with Myanmar the main source of the pills, and the world’s 2nd largest producer of opium. Drug abuse amongst Filipino children is estimated at 3.4 million, and usage rates amongst Thai boys can be as high as 14 percent. A similar priority had been given in the ASCC and ASPC 2015 Blueprints, although, as no indicators were agreed upon for these objectives, progress was difficult to measure (although all ASEAN Member States have policies or legislation for drug control and harm reduction). This gap needs to be addressed with the 2025 Blueprints, as with the likely success of the AEC and rising incomes, the exposure of children and youth to illicit drugs (not to mention abuse of legal substances such as alcohol and tobacco) could easily increase. A further aspect of concern is that the ASEAN region has some of the most stringent laws and punishments for substance abuse and drug trafficking; policies, legislation and implementation that do not specifically address children may not address underage substance abuse, possibly resulting in an increase in children in conflict with the law.

Other notable special protection concerns in relation to children exist within ASEAN states, such as child soldiers, children fleeing conflict and children in conflict with the law. These are assessed in the context of the ASEAN Blueprints in other sections of this chapter.
**Access to education**

The child’s basic right to education is enshrined in article 28 of the CRC and it is a core right linked to the development of the child. Importantly, States Parties should achieve the right to education “progressively and on the basis of equal opportunity”. Within ASEAN Member States, there has been clear progress in increasing access to basic education although government expenditure on this sector remains low in Cambodia, Indonesia, Lao PDR, Myanmar and Viet Nam, leading to issues of a high student-teacher ratio and low quality of teachers’ skills. While Brunei, Malaysia and Singapore have received praise for their investment in the education sector, free primary education is provided to children who are citizens only. Thailand’s relatively significant educational expenditure is distributed unequally, such that schools in remote areas receive limited resources and children have to travel hours to attend. The concern of all children being able to access their right to education (i.e., girls, rural children, minority groups, children with disabilities, children affected by HIV/AIDS, irregular child migrants, and non-citizens) is highlighted in the ASCC 2015, which aimed to integrate education priorities into ASEAN's development agenda, in particular, universal access to primary education across ASEAN by 2015, as well as human resource development. However, while nine indicators were identified on the Scorecard to measure the prioritization of education, incomplete data prevented an assessment of progress.

The ASCC 2025 Blueprint (goals B.2.iv, B.2.vi, B.2.xi, E.2.ii) has continued in a similar direction as the Blueprint of 2015, but emphasizes “equitable access to all”, including the education of children at higher levels. This is important as the more agrarian economies of ASEAN suffer from particularly high rates of secondary school dropout, as children opt to enter the workforce to help supplement family incomes. However, unless ASEAN countries do not increase education budgets, secondary education will remain expensive, excluding children from the poorest families who cannot personally contribute to the cost.

Nothing is mentioned in either the AEC Blueprints 2015 or 2025 on education for children. This is a major gap in this set of Blueprints because if ASEAN Member States (particularly the less developed ones) are to take advantage of the AEC, then ensuring a basic secondary school education for children and a focus on providing quality education (at all levels) is essential.

**Safe and Sustainable Environments**

Although the right to a safe environment is not explicitly mentioned in the CRC, it is indisputable that the CRC offers various pretexts to include the environmental dimension in its provisions. In fact, environmental factors affect innumerable children's rights in many ways, including the right to life, survival and development.

In ASEAN, the rising trend in this sector is the more frequent occurrence of natural disasters such as floods and droughts. Reportedly, natural disasters result in severe worsening of the living conditions of people and children who have to face temporary closures of schools, lack of clean water and food, diseases, poor sanitary conditions, as well as displacement and subsequent risk of being trafficked.

In light of the facts above, it is not surprising that all three Blueprints include the protection of the environment among their goals and activities. The APSC Blueprint mainly focuses on maritime cooperation in relation to the South China Sea and its resources. Considering that combating maritime crimes and resource exploitation has always been a challenge for ASEAN Member States, renewed cooperation under the aegis of the Blueprint may help in guaranteeing a safer and more sustainable region for children. The AEC Blueprint reiterates ASEAN’s recognition of
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"the importance of sustainable economic development as an integral part of the region’s growth strategy. ASEAN would actively promote green development by developing a sustainable growth agenda that promotes the use of clean energy and related technologies, including renewable energy through green technology, as well as enhances sustainable consumption and production, and including it in national development plans.”

In the ASCC Blueprint, the promotion of a sustainable community that supports environmental protection is considered one of the main purposes of the ASEAN Socio-Cultural Community. As a result of the importance of this issue for a positive development of the community, sustainability is envisaged as one of the five main characteristics and elements of the Blueprint. The related section includes a number of specific goals and activities ranging from the promotion of the sustainable use and management of terrestrial ecosystem resources and environment, and the advancement of sustainable urbanization, to the encouragement of environmental education awareness. The provided activities may lead to the prompt and effective identification of environmental threats to children's rights and, consequently, reduce the volume and frequency of child deaths and illness while ensuring the better enjoyment of children's right to health. Sustainable urbanization may help children to enjoy better living conditions or on the other hand, urbanization may lead to increased inequality and poverty, and demolition of family connections and community-based child protection mechanisms. The inability of the region to deal with the annual haze crisis stemming from forest burning in Indonesia (which results in smoke pollution that closes schools in Indonesia, Malaysia and Singapore) illustrates the challenges that lie ahead.

Finally, mention should be made of climate change, one of the worst environment-related dangers seen in the last few decades. Climate change poses increasing risks to children all over the world. Reportedly, in the Philippines, Indonesia and Lao PDR, children are particularly vulnerable to climate change's adverse effects. The capacity to adapt and mitigate climate change is included among the strategic measures provided to reach a resilient ASEAN. Effective and child-friendly disaster-risk reduction and response systems, and programmes and interventions may help in avoiding the adverse effects of climate-related hazards on children's health.

Emerging challenges and threats to peace

ASEAN is currently experiencing various risks from political and security tensions, both within and between countries, which can threaten human security and peace, and could affect the well-being of children. For example, long-standing conflicts within some countries in Southeast Asia have resulted in the consistent use of child soldiers. Myanmar reportedly has the highest number of child soldiers in the world. Armed groups operating in southern Thailand have allegedly recruited children as young as 14, and, similarly to Filipino children affected by armed conflict in Mindanao, they are either involved in active fighting or indirectly as messengers, lookouts and informers, etc.

Furthermore, children whose families flee from their homes owing to conflict have to endure the lack of basic human necessities, including shelter, proper nutrition, medical care, and physical security. In Myanmar, there are an estimated 372,000 internally displaced persons, and 479,608 refugees originating from the country. While cross-border clashes have not yet been significant within ASEAN (minor border disputes sporadically break out between Thailand and Cambodia), Brunei Darussalam, China, Malaysia, the Philippines, Taiwan and Viet Nam have all laid territorial and maritime claims over the South China Sea, and there have been sporadic clashes between a few of the countries since 2009.

As the region works towards greater ASEAN integration, there is a shift occurring in the perceptions of ASEAN Member States toward security norms and the related political attitudes found in the region. Within the ASEAN Blueprints, there is a significant focus on threats to peace that are
framed as human security concerns. Not surprisingly, the ASPC Blueprint 2025 looks at a number of key areas that coincide with the core principles and goals of democracy and human rights, such as post-conflict building, maritime cooperation, non-traditional security issues and natural-disaster response.132 The ASCC Blueprint contains a number of action lines pertinent to human security, such as health security, social protection, and enhancing human rights and fundamental freedoms (with a special focus on vulnerable groups). Similarly, while the AEC Blueprint does not specifically mention human security or peace, it does touch upon a number of related issues such as economic, food, health and environmental security. Clearly, protecting and building human security in all of these aspects is crucial to promoting regional integration (and vice-versa), and is a key part of the ‘togetherness’ that is touted as a unique component of the ‘ASEAN Way’.

An assessment of the likely effectiveness of the human security elements of the ASEAN Blueprints in contributing towards peace and stability is difficult to gauge. At best, they are likely to show mixed results, partly due to the overlapping areas found in all three Blueprints which, if not planned well, could undermine each other or waste scarce resources. But perhaps more importantly, the challenge is more the ASEAN concept of non-interference in the internal affairs of the Member States, which has generally been criticized for prolonging conflicts within the region. For intra-state conflicts, such as those currently found in Myanmar, Thailand, the Philippines and Indonesia, ASEAN countries exercise domestic policies that are sensitive to sovereignty and national dignity – although there is the potential for change in looking at regional mechanisms for dealing with conflicts. For example, in November 2012, ASEAN leaders inaugurated the ASEAN Institute for Peace and Reconciliation (AIPR) to help share experiences in conflict resolution. However, the AIPR is not a regional crisis management institute (it focuses more on studies and capacity building), and as such, there is continuing risk of regional armed conflict stemming from accidental confrontation or political miscalculation between various parties. This ever-present threat encourages ASEAN Member States to spend more of their countries’ budgets on defence spending,133 which can divert funds away from social services and entitlements. At the same time, political tensions and conflict between ASEAN Member States would likely hamper other regional integration efforts. Furthermore, efforts to propose an ASEAN peacekeeping force have not yet made it into the Blueprints, which stop short at ASEAN Peacekeeping Centres (APSC Blueprint, goal B.4.5).

3.2.4 Respect for the views of the child

Article 12 of the CRC recognizes a child’s right to express his/her views and to have his/her views taken into consideration in any decisions that affect them. This right to participation includes the right to information, the right to freedom of thought and expression, the right to join and form associations, and the right to identity and privacy.

As pointed out earlier, legislative and policy measures, as well as national apparatuses on child survival, protection and development, can be considered very developed in Southeast Asian countries, but much less is noted in the area of child participation. With regards to the principle of child participation, only the Philippines provides for it by law. However, the Committee on the Rights of the Child notes in its Concluding Observations regarding the Philippines that “despite these positive steps, the Committee is of the view that children’s right to participation and free expression of their views is still limited in the State Party, partly due to traditional attitudes in society.”134 The traditional attitudes vis-à-vis the respect of the views of the child were, in fact, brought up in all its Concluding Observations on all other ASEAN countries.135 The traditional attitudes that the Committee refers to so frequently are those that view children as “irresponsible, irrational, emotional and incapable”, which means that their views will not be sought. These traditional attitudes are difficult to change by legal or policy measures, and the ASEAN Blueprints have not really addressed the challenge.
**Social norms, national initiatives and legislation**

Traditionally, in many ASEAN countries, children are hierarchically subordinate to the older members of their families and they are not expected to question or react to them but, instead, to listen and obey.\(^{136}\) For example, Myanmarese, Bruneian and Thai societies are based on traditional hierarchy and patriarchy; therefore, the way of raising children in these countries is more rigid and top down.\(^{137}\) Traditional Asian families are characterized by a strong sense of respect for the elders and discipline, which is used to train and bring up children.\(^{138}\) This approach inevitably results in a lack of child participation in the private and public spheres.

It is, therefore, not surprising that, in general, at the national level within ASEAN Member States, there is a lack of initiative to meaningfully involve children and adolescents, and the level of effective participation in decision-making processes is low, if it exists at all. Public events, consultations and other kinds of initiatives on child participation are mainly led by CSOs. However, in a few cases, children and youth have been both creators and beneficiaries of specific country’s new plans and policies. For example, the Indonesian Ministry for Women’s Empowerment and Child Protection has recently implemented its new National Strategy for the Elimination of Violence against Children (2016-2020), which includes input acquired through virtual consultations with children and workshops attended by youth organizations.\(^{139}\) From a legal perspective, some national legislation specifically recognizes children’s right to participation and respect for their views. An example is found in article 20 of the Law on Child Protection, Care and Education, whereby Vietnamese children “have the right to access information suitable to their development, express their opinions and aspirations on the matters of their concern…[and they] may take part in social activities suitable to their demands and capabilities.”\(^{140}\) The provision is vague and undefined, which may lead to misinterpretations in its application.

In light of the above, it should be highlighted that even though in ASEAN Member States “national legal and policy frameworks can be seen to facilitate participation of children and youth in micro- and macro-level decision-making, they are rare, and children’s participation activities are generally ad-hoc and generally involve a small proportion of the more well-off children”.\(^{141}\)

**Child participation in ASEAN mechanisms**

According to the ACWC’s terms of reference (TOR), the promotion of child participation in the ASEAN Community will, inter alia, contribute to the realization of the goals envisaged in the ASEAN Charter.\(^{142}\) For this reason, supporting “the participation of ASEAN […] children in dialogue and consultation processes in ASEAN related to the promotion and protection of their rights” is included among the functions of this relevant Commission.\(^{143}\) Furthermore, ASEAN’s commitment to ensuring children’s participation in its processes and policies is fully enshrined in the Ha Noi Declaration on the Enhancement of Welfare and Development of ASEAN Women and Children. In fact, in the 2010 document the Heads of State or governments of the Member States

“agree to foster concerted efforts for the enhancement of the welfare and development of women and children in ASEAN through the following actions and measures […] 3) To strengthen the ability of ASEAN Member States to fulfil their commitments to CEDAW, CRC, BPFA, A World Fit For Children and MDGs as mutually reinforcing processes by effectively utilising national resources and prioritising adequate national budget allocation for the enhancement of welfare, development and participation of women and children [emphasis added]; […] 16) To achieve the goals for children in the ASEAN region as regards the child’s rights to survival, protection, development and participation [emphasis added] in a comprehensive and systematic way; […] 20) To promote and encourage child participation [emphasis added] in the ASEAN Community building through the establishment of the ASEAN Children's Forum and other relevant programmes or activities.”\(^{144}\)
The ASEAN Children’s Forum (ACF) could be considered the best expression of child participation at the regional level. The idea of regularly held fora attended by child representatives of the ASEAN Member States was conceived during the first South East Asian Children’s Conference (2006). So far, four ACFs have been held in different countries within the region. The ACF is a useful mechanism to highlight children’s views about issues affecting their lives and to cooperate on regional development, and to advocate for children’s rights. The outcomes of the ACF are presented to the ASEAN Ministerial Meeting on Social Welfare and Development, and are shared with the other sectoral bodies.

Moving on to the main focus of this report, it should be noted that two out of three ASEAN Blueprints do not contain any reference to child participation. The ASCC Blueprint 2025 is the only one that explicitly mentions child participation among its goals and targets. Specifically, goal B.2 includes, among the strategic measures, to guarantee equitable access to participation and effective engagement of children in the development and implementation of ASEAN plans and programmes. Even though the envisaged participation may lead to the development of more child-responsive policies and programmes, the risk of tokenistic and symbolic participation is high. In fact, the wording of the above-mentioned goal – to “promote equitable opportunities, participation and effective engagement of women, children, youths, the elderly/older persons, persons with disabilities, people living in remote and border areas, and vulnerable groups […]” – is overly ambitious and may lead to the involvement of a relatively small number of children from different groups, thus failing to be truly representative. Nonetheless, goal B.2 is a positive step towards ASEAN’s full commitment to child participation, considering that in the 2015 Blueprints no mention was made of this topic.

In addition to goal B.2, the ASCC Blueprint 2025 makes a general reference to the concept of stakeholders’ participation in relation to implementation and review mechanisms. According to paragraph III.A25, the ASCC Council (which is responsible for overseeing the implementation of the Blueprint) shall promote multi-stakeholder engagement in the performance of its duties. ASEAN shall provide gathering platforms in order to enable relevant stakeholders and groups to fully participate in its activities. Moreover, “[p]articipative monitoring review mechanisms shall be encouraged”. It is therefore expected that child and youth representatives are included among the stakeholders mentioned in this valuable and potentially beneficial section of the Blueprint.

Finally, a major step forward along the road to more conscious child participation in ASEAN Member States has been taken through the design, by the ACWC and other CSO partners, of a three-year project (2016-2019) that aims to create an enabling environment for children to participate in the decision-making process of ASEAN.
3.3 Conclusion

The general principles of the CRC have evolved in the normative legal, institutional and policy framework of ASEAN. The core principles of the CRC first came to prominence in ASEAN through the ASEAN Plan of Action for Children adopted in 1993. Children's rights and the four core principles of the CRC are represented in varying degrees within the ASEAN 2025: Forging Ahead Together framework and the related Blueprints, although, admittedly, the focus in most of these has tended to be more on youth development and youth employment.

The concept of non-discrimination for children is a particular challenge within ASEAN and, while not specifically mentioned in the Blueprints, is certainly implied, with the ASCC Blueprint offering strongest support. The principle of the best interests of the child is perhaps the least understood within the region and, unfortunately, is not specifically addressed – although there is scope to allude to it. The child’s right to life, survival and development is the most developed within all three ASEAN Community Blueprints with goals prioritizing equitable access to services to all and certain manifestations of preventing violence against children covered. Unfortunately, the respect for the views of the child in decision-making is explicitly highlighted only in the ASCC Blueprint.

Clearly, while inclusion of goals and strategies relevant to the core principles of the CRC could have been more consistently evident across all three Blueprints, potential still exists for this to be addressed in the indicators and work plans that are yet to be developed.
Endnotes


2 Declaration of Principle Strengthening ASEAN Collaboration on Youth (1983); Resolution on the ASEAN Plan of Action on Children (1993); Declaration on the Commitment for Children in ASEAN (2001); Declaration Against Trafficking in Persons Particularly Women and Children (2004); Convention Against Trafficking in Persons, Especially Women and Children (2015).

3 Petcharamesree, Sriprapha et al. (2009), "Towards an ASEAN Commission for the promotion and protection of rights of women and children", Working Group for an ASEAN Human Rights Mechanism, Manila.

4 (1) “Promote regional cooperation for the survival, development, protection and participation of ASEAN children, as an integral part of ASEAN’s efforts to improve the lives of peoples in the region.

(2) Intensify ASEAN economic and social development cooperation so as to eradicate the scourges of poverty, hunger and homelessness, which have a far-reaching impact on children, in order to promote their welfare and well-being.

(3) Protect, respect and recognize the rights of all children, including those of indigenous people, consistent with the customs and traditions of their respective communities.

(4) Recognize and encourage respect for children’s rights through mutual sharing of information on the rights of the child by ASEAN members, taking into account the different religious, cultural and social values of different countries.

(5) Acknowledge that children with special needs should be granted opportunities to enable them to take their proper place in society and live as independently as possible.

(6) Create opportunities for children and young people to express their views, advocate their rights and concerns, and participate in community development.”

5 IHRP and Save the Children (2016), ibid.


7 Ibid.


10 ASEAN Socio-Cultural Community (ASCC) Blueprint, goals A.2.4; B.1.1; B.3.7.

11 ASEAN Political-Security Community (APSC) Blueprint, goals A.2.1; A.3; B.4.6.

12 Rules-based, People-oriented, People-centred community that aimed at:

- Strengthening ASEAN unity and cohesiveness to build a more democratic, transparent, just, rules-based and inclusive community that shares the values of tolerance and moderation (ref. APSC Blueprint, goal A.).
- Promoting a culture of peace, inter alia, respect for diversity, tolerance and understanding of faith, religion and culture (ref. APSC Blueprint, goal A.3.1)
- Instilling a culture of good governance and main-streaming principles thereof into policies and practices of the ASEAN Community, through dialogue and partnership among governments and relevant stakeholders […] with a view to enhance transparency, accountability, participatory and effective governance (ref. APSC Blueprint, goal A.2.2).

13 Not only in designing regional strategies and initiatives, but also in identifying impediments to realizing deeper regional economic integration (ref. AEC Blueprint, goal D2 para. 70).

14 To provide easier access to official information on implementation, communicating the initiatives undertaken by the governments on economic integration initiatives to the general public, and to obtain timely feedback on policies (ref. AEC Blueprint D2 para. 70 and AEC Blueprint D5 para. 77-78).

15 UN CRC Article 2 (1).

16 IHRP and Save the Children (2016), ibid.


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22 In ASEAN, there is also the Bali Declaration on the enhancement of the role and participation of persons with disabilities in the ASEAN Community and the Mobilisation Framework of the ASEAN Decade of Persons with Disabilities (2011-2020). The current Thailand Representative to AICHR is particularly advocating and championing the rights of persons with disabilities.

23 IHRP and Save the Children (2016), ibid.

24 Ibid.


29 Ibid.

30 IHRP and Save the Children (2016), ibid.

31 Ibid.


34 Ibid.


36 IHRP and Save the Children (2016), ibid.

37 Thailand for example, maintains a reservation to Article 22 of the CRC, which obliges Member States to “take appropriate measures” to ensure that a child seeking refugee status receives appropriate protection and humanitarian assistance in the enjoyment of their rights under the Convention, as well as any other international binding law.

38 Malaysia has hosted refugees since the 1970s, with influxes from Aceh and Burma following the Indochinese refugee crisis of the 1970s and 1980s. There is presently a continuous flow of refugees into Malaysia, which hosts about 154,140 refugees. The vast majority of the refugees are from Myanmar, including some 53,410 Rohingya. See: UNHCR (2016), “Figures at a Glance”, accessed 2 August 2016, http://www.unhcr.org.my/about_us-@-figures_at_a_glance.aspx.

39 Thailand is concerned that ratifying the Refugee Convention will result in increased numbers of refugees. In 2015, Thailand hosted around 109,800 verified Myanmar refugees. See: Ibid.

40 Indonesia is currently host to 13,829 refugees and asylum seekers. See: Ibid.


44 IHRP and Save the Children (2016), ibid.
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47 IHRP and Save the Children (2016), ibid.


49 IHRP and Save the Children (2016), ibid.

50 Rules-based, People-oriented, People-centred community that aimed at:

- Strengthening ASEAN unity and cohesiveness to build a more democratic, transparent, just, rules-based and inclusive community that shares the values of tolerance and moderation (ref. APSCC Blueprint, goal 3.2.A).
- Promoting a culture of peace, inter alia, respect for diversity, tolerance and understanding of faith, religion and culture (ref. APSCC Blueprint, goal A3.1).
- Instilling a culture of good governance and mainstreaming principles thereof into policies and practices of the ASEAN Community, through dialogue and partnership among governments and relevant stakeholders […] with a view to enhance transparency, accountability, participatory and effective governance (ref. APSCC Blueprint, goal A2.2).


56 Ibid.


58 ASCC Blueprint, goals B.2.iv; B.2.xii; B.3.ii; E.3.iii.


60 In fact, the APSCC Blueprint 2025 at its start calls for the promotion of the ‘understanding and appreciation of political systems, culture and history of ASEAN Member States’ (goal A.1.6).

61 IHRP and Save the Children (2016), Ibid.

62 Ibid.


65 For example, in Brunei Darussalam, Myanmar and Singapore it is 7 years of age, in Indonesia it is 8 years of age, and in Malaysia and Thailand it is 10 years of age. The highest ages of criminal responsibility within ASEAN are found in the Philippines and Lao PDR (15 years of age).

66 • Entrust ASEAN Law Ministers Meeting, with the cooperation of other Sectoral Bodies and Entities associated with ASEAN, including the ASEAN Law Association (ALA), to develop cooperation programmes to strengthen the rule of law, judicial systems and legal infrastructure;
- Continue the work of existing Working Groups (WGs) of ASEAN Law Ministers Meeting and ASEAN Senior Law Officials Meeting (ASLOM) to strengthen legal infrastructure in ASEAN, including the ASLOM WG on Examining Modalities for Harmonisation of Trade Laws of ASEAN Member States and the ASLOM WG on Judicial Assistance in Civil and Commercial Matters;
- Support activities and programmes to strengthen networking and cooperation among the judiciaries in ASEAN Member States;
- Enhance access to legal assistance in ASEAN Member States to promote social justice through more public education and outreach activities (ref. APSCC Blueprint, goal A2.4).

67 IHRP and Save the Children (2016), Ibid.
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84 IHRP and Save the Children (2016), ibid.


87 Only Singapore, Brunei and Malaysia report minimal rates of child labour. See: IHRP and Save the Children (2016), Ibid.


89 According to the Lao Labour Force and Child Labour Survey (2010), 6.5% of children aged 6-13, and 34.7% aged 14-17 were engaging in some form of employment. Cited in ILO, 2014.


92 According to the Lao Labour Force and Child Labour Survey (2010), 6.5% of children aged 6-13, and 34.7% aged


94 According to the Lao Labour Force and Child Labour Survey (2010), 6.5% of children aged 6-13, and 34.7% aged

95 IHRP and Save the Children (2016), ibid.


97 Only Singapore, Brunei and Malaysia report minimal rates of child labour. See: IHRP and Save the Children (2016), Ibid.


99 According to the Lao Labour Force and Child Labour Survey (2010), 6.5% of children aged 6-13, and 34.7% aged


103 IHRP and Save the Children (2016), ibid.


106 Ibid.
Not only may this contribute to inequalities but it may also be self-defeating as it can promote migration.


ASCC Blueprint, goals A.2.ii, B.1.iii, E.1.i, E.2.i.

APSC Blueprint, goal B.3.6.

AEC Blueprint, goals A.1.10.h, B.8.41.v, B.9.44, C.2.50.


This is a new addition to the AEC Blueprint. The 2015 plan was framed more in terms of free flows of goods and services and infrastructure development (with transport getting a particular mention).


Ibid.


• Eradicate illiteracy & ensure compulsory primary education for all and gender equality in education, regardless social class, geography ethnicity, background or physical disabilities, with 70% target benchmark achieved by the end of 2011;

• Promote equal access to education for women and girls and enhance the exchange of best practices on gender-sensitive school curriculum [ref. goal A1].

Through gender-responsive skills training programmes for trainers in ASEAN Member States in particular the CLMV by 2010, and consolidated plan for regional cooperation for skills development for women, youth, and persons with disabilities [ref., goal A2].


• Promote human capital development, economic self-reliance and sustainable livelihood, especially among the poor, through access to education, employment opportunities, entrepreneurship and microfinance;

• Promote equitable opportunities to quality education and access to information with priority given to the advancement of universal access to education [ref. ASCC Blueprint 2025, goal B2].


IHRP and Save the Children (2016), ibid, page 53.

APSC Blueprint, goals B.6.1, B.6.2.

AEC Blueprint, goal B.8.

ASCC Blueprint Introduction, para. 5.3.
121 Ibid, goal C.1.
122 Ibid, goal C.2.
123 Ibid, goal C.4.ii.
132 Upholding the principles of international law governing the peaceful conduct of relations (APSC Blueprint, goal A.1.3); promoting and protecting human rights and fundamental freedoms through encouraging ASEAN Member States to ratify core international human rights instruments and to engage with relevant human rights mechanisms (goal A.2.5); promoting peace, stability, tolerance and understanding of faith, religion and culture in the region (goals A.3, B.4.6); improving ASEAN ability to respond effectively and timely manner with existing and emerging challenges as well as urgent issues or crisis situations (goals B.1, B.2, B.3.8); enhancing ASEAN capacity to address non-traditional security issues, effectively and in a timely manner (goals B.3.1, B.3.2, B.3.3, B.3.9); eliminating smuggling of small arms and light weapons (goal B.3.5); promoting confidence-building measures, preventive diplomacy activities, defence and security’ policies and norms (goals B.4.1, B.4.2); enhancing conflict resolution and pacific settlement of disputes, through building upon existing modes, strengthening research activities on these topics and promoting regional cooperation to maintain peace and stability (goals B.4.3, B.4.4); advancing ASEAN peacekeeping and post-conflict peace-building efforts (goals B.4.5, B.4.6); preserving Southeast Asia as a region free from nuclear and mass destruction weapons while contributing to global disarmament, non-proliferation and peaceful uses of nuclear energy (goal B.5); enhancing maritime security and cooperation through the strengthening of ASEAN-led mechanisms and the adoption of international conventions and principles (APSC Blueprint, goal B.6); strengthening ASEAN unity, cohesiveness and centrality in shaping the evolving regional architecture (goal C.1); and developing and maintaining friendly and mutually beneficial relations with external parties (goal C.2).
133 Especially relevant is the APSC Blueprint target of promoting greater transparency and understanding of defence policies and security perceptions, which is much needed in the region (APSC Blueprint, goal B.4.2).
141 IHRP and Save the Children (2016), ibid, page 27.
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143 Ibid, para. 5.14.


145 The first ASEAN Children’s Forum was held in Pampanga, Philippines, in October 2010; the second was held in Singapore in March 2012; the third, in Bangkok, Thailand, in January 2014; and the fourth was held in Ha Noi, Viet Nam, in June 2016.


147 ASCC Blueprint, Goal B.2.


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CHAPTER 4: ASEAN INSTITUTIONAL ANALYSIS AND POSSIBLE IMPACTS ON THE RIGHTS OF THE CHILD

4.1 Introduction

As analysed in Chapter 3, the ASEAN Community Blueprints could be useful tools for ASEAN and its Member States to further the promotion and protection of the rights of the child. Supported by various declarations and policy documents, ASEAN and its Member States could well address challenges identified in this assessment, despite some shortcomings inhibited in the concept of the ‘ASEAN Way’.

This chapter looks at laws, policies and institutions provided for in the Blueprints to realize the ASEAN Community, and their possible impacts on the promotion and protection of the rights of the child. The institutional dimension, which includes political will, resources, capacity, accountability and organizational culture, is reflected in regional legal documents (both binding and non-binding), policies and mechanisms. The chapter first looks at existing regional laws and policies before examining existing institutions. This is done in the context of the ASEAN Vision 2025 to see if and how each impedes or facilitates access to and enjoyment of the rights of children, and if and how the existing institutions could contribute to mitigating possible negative impacts or strengthen the already positive aspects of communities.

4.2 Regional legal documents and policies

Since its establishment in 1967, ASEAN has adopted several hundred declarations, which, in many ways, reflect the political commitment of ASEAN and ASEAN Member States to different aspects falling under the purview of economic, political, security, social and cultural blueprints. Based on the ASEAN website and a list compiled by the Centre for International Law at the National University of Singapore (with material dating from 1969 to 2013), 209 declarations/protocols, frameworks, agreements, MOUs, Joint Ministerial Meeting Statements and letters of understanding were developed, integrated and classified under what now comprises the Economic Community. Of these, 137 entries were classified under the Political-Security Community and 86 under the Socio-Cultural Community. It should be noted that the list might not be exhaustive and that some documents may be classified in more than one community, such as documents involving trafficking in persons, particularly women and children, and the 2004 Declaration on the Elimination of Violence against Women in the ASEAN Region, which were classified under both the APSC and ASCC. Many more documents were adopted in or after 2013, including the ASEAN Declaration on Strengthening Social Protection, adopted in 2013, and the ASEAN Convention Against Trafficking in Persons, Especially Women and Children, adopted in 2015.

Currently, only 81 items are listed on the ASEAN website as legal instruments. The 81 “ASEAN Legal Instruments” are classified under three different communities, 14 of which are under the Political and Security Community, 59 under the Economic Community, and only 8 classified under the Socio-Cultural Community. Agreements concerning disaster management and emergency response, transboundary haze and pollution, the establishment of the ASEAN University Network and an ASEAN Cultural Fund, and the promotion of cooperation in mass media and cultural activities are all included in the ASEAN Socio-Cultural Community. Agreements and conventions...
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regarding the trafficking of persons (particularly women and children), the granting of immunity to the ASEAN Secretariat, dispute settlement mechanisms, the Counter Terrorism Convention, the Treaty on the Southeast Asian Nuclear Weapon Free Zone, visa exemptions, the establishment of the ASEAN Development Fund, the establishment of the ASEAN Foundation, the Treaty on Mutual Legal Assistance in Criminal Matters, the Treaty of Amity and Cooperation in Southeast Asia, the establishment of the ASEAN Secretariat, the Bangkok Declaration and the ASEAN Charter are all classified under the Political and Security Community. Legal instruments which are included in the Economic Community pertain to economic facilitation such as trade in goods agreements; comprehensive investment, including investment protection, services, ASEAN single window, multimodal transport and enhanced dispute agreements (economic and commercial disputes in nature); and ASEAN framework agreements on mutual recognition that will support an ASEAN agreement on the movement of natural persons aiming at the promotion of movement of skilled labour. The impacts of these legal agreements require comprehensive studies and analyses of different laws, which are outside of this assessment, as most, if not all agreements/conventions, charters and treaties were adopted and ratified before the ASEAN Vision 2025, even though some are still in force.

Under the framework of children’s rights, this assessment takes a close look at some regional legislation/declarations and resolutions that will have direct impacts on the rights of the child; some are child specific, and some may be indirectly related or have possible impacts on children’s rights. This section starts by examining binding and non-binding documents that specifically address children, followed by examining laws and policy documents that are indirectly linked or contribute to/hinder child rights. In addition to the child-specific or child-relevant policy and legal documents mentioned, ASEAN has recently adopted some other documents that may or may not contribute to the promotion and protection of children’s rights.

4.2.1 Child and youth specific laws and policies in ASEAN

At the ASEAN regional level, there are a number of policy documents that are frequently and still referred to by most recent documents adopted by ASEAN, namely:

- the 1993 Resolution on the ASEAN Plan of Action on Children;
- the 1998 Hanoi Plan of Action;
- the 2001 Declaration on the Commitments for Children in ASEAN;
- the 2004 ASEAN Declaration Against Trafficking in Persons Particularly Women and Children;
- the 2010 Ha Noi Declaration on the Enhancement of Welfare and Development of ASEAN Women and Children; the 2012 Human Rights Declaration;
- the 2013 Declaration on the Elimination of Violence against Women and the Elimination of Violence against Children; and

It is important to note here that during the 27th ASEAN Summit, the ASEAN Leaders adopted the ASEAN Convention Against Trafficking in Persons, Especially Women and Children, one of the few legally binding documents that ASEAN has ever adopted. The latest document adopted by ASEAN, in September 2016, was the ASEAN Declaration on Strengthening Education for Out of School Children and Youth (OOSCY). Of particular interest is that the first document ever adopted by the five founding members of ASEAN (Indonesia, Malaysia, the Philippines, Singapore and Thailand) was the 1983 Declaration of Principles to Strengthen ASEAN Collaboration on Youth, which is still referred to from time to time. In August 2016, ASEAN adopted the ASEAN Work Plan on Youth 2016-2020.3 It was deemed crucial to examine these child-specific documents closely as it seems they are still in force.
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Declaration of Principles to Strengthen ASEAN Collaboration on Youth (1983) and ASEAN Work Plan on Youth 2016-2020

The first document relating to ASEAN collaboration on youth was adopted by the five founding Member States of ASEAN in June 1983. This document is still referred to in some documents adopted by ASEAN, even after 2000. It is interesting to note that the document is open and forward looking, with an emphasis on strengthening ASEAN collaboration on youth. Not only did the five Member States commit to both individually or collectively “create appropriate environments which facilitate the promotion and development of the creativity and responsibility of youth and the participation and integration of youth in national and regional development,” but also “to expand the base of youth participation and integration at the national and regional levels of development, such as through mobilization, consultation, participation in decision-making and provision of services, to enhance active participation of youth and non-governmental youth organizations in society, and in particular the promotion and achievement of national and regional development, toward strengthening the national and regional resilience as well as to support the efforts of national and regional non-governmental youth organizations in the development of their constructive and responsible activities.”

It is remarkable that the document emphasized the participation of youth in decision-making, as well as recognizing the roles of NGOs, considering the fact that at that time the existence of NGOs was not as widespread, nor recognized by the existing ASEAN Member States. It also shows that the ASEAN five founding Member States were rather open to participation of different stakeholders. The document did not refer to any of the ASEAN working principles. Although the Declaration was focused on youth, it serves as a useful reminder to ASEAN that they were open to the participation of external entities in decision-making without concern of interference. It is to be noted that the adoption of this document predated the adoption of the CRC by the United Nations General Assembly in November 1989.

ASEAN has adopted other documents involving youth including the Jakarta Declaration of the ASEAN Ministerial Meeting on Youth in 1992, the Singapore Declaration of 1992, the Bangkok Summit Declaration of 1995, the Kuala Lumpur Agenda on ASEAN Youth Development of 1997, the 2013 Bandar Seri Begawan Declaration on Youth Entrepreneurship and Employment, and, the latest, the ASEAN Work Plan on Youth 2016-2020, which focuses on five priority areas: youth entrepreneurship, youth employment, youth awareness, youth volunteerism and leadership, and youth resilience. Many, except the first few documents adopted after 2000, are economically focused, considering youth from a human resource point of view.

The review of the documents reveals an interesting shift of ASEAN language, reflecting a change in perception, regarding youth. Youth was described in later documents as “a vast and dynamic resource for national and regional development”. Once the concept of a “human resource for development” was introduced, participation of youth was viewed narrowly to mean “participation in development”, although “the participation of the NGOs in youth activities” remains in the document.

1993 Resolution on the ASEAN Plan of Action on Children

The 1993 Resolution is the first document directly addressing children. The ASEAN six Member States at that time had decided to extend “ASEAN functional cooperation to the development of children to realize their full potential”, in recognition of “the importance of regional cooperation in improving the conditions of children in ASEAN and convinced of the urgency to respond more effectively to the needs of children in the region and to complement efforts being undertaken by individual member countries”. It stated that, “the Resolution served as the framework for promoting regional cooperation for the survival, protection and development of the ASEAN Child.”
The Plan shall be an integral part of the member countries' efforts in improving the lives of the peoples of the region.”12 Although not all of the six ASEAN Member States, by 1993, had ratified the CRC,13 the Resolution was very much in line with the CRC. The most evident indicator of this is seen in the definition of the child and reference to principles underlining the CRC. The Plan of Action defines “the ASEAN child as any person below the age of 18 years”,14 and focused on three priority areas: “child survival, child protection and child development.”15 A Desk Officer for Children (to serve as the focal point for each ASEAN Member State) was prescribed by the Resolution with the functions not only to assist in formulating and recommending policies and programmes involving children, but also to facilitate the exchange of information, technical advice and experiences, as well as “coordinate, monitor, review and evaluate the respective member country’s implementation of ASEAN programmes of cooperation on children and prepare and submit proposals and required reports on children to the ASEAN”.16 It also prescribed the coordination among relevant bodies in ASEAN, including the Committee on Social Development and its sub-committees, the Committee on Culture and Information and its relevant Working Groups, the ASEAN Senior Officials on Drug Matters and the Committee on Social Development. UNICEF was identified as an external partner.

As mentioned earlier, it is interesting to note that the Resolution was adopted only a few years after the CRC entered into force (in 1990). It adopted the definition of who is a ‘child’, and the underlining principles of the CRC (except the principle on child participation). The Resolution was adopted and enforced despite the fact that not all Member States at that time had ratified the CRC.17 The document is progressive in the sense that it assigned the Desk Officer for Children to ‘monitor, review, and evaluate’ the implementation of the Plan of Action. Most of the current ASEAN Member States now have a specific department/division dealing with issues relating to children and children’s rights. It also required reports on children to be submitted to ASEAN. It is unfortunate that data about its implementation is scarce. The terms ‘monitor’, ‘review’, ‘evaluate’ and ‘requirement of reports’ to be submitted, which are now considered ‘sensitive’ by ASEAN Member States, were used then. Despite this, the submission of country reports on children to ASEAN has not been considered a Member State obligation because of the sensitivity of the notions of monitoring and review. However, many seminars/workshops regarding child rights have been organized by ASEAN and the Member States every year. Since the document is still in force, the ACWC or SOMSWD may consider using the clause to make the submission of a report a Member State obligation to ASEAN.

**Hanoi Plan of Action adopted on 15 December 1998**

The 1998 Hanoi Plan of Action is a rather comprehensive document addressing all aspects of ASEAN cooperation, with the longest section on enhancing greater economic integration within ASEAN. The document was adopted just after the regional financial crisis, which caused economic challenges for the whole region. Section IV on “promot[ing] social development and address[ing] social impacts of the financial and economic crisis”, which mentions children, called on Member States to

“implement the ASEAN Plan of Action for Children. This provides for the framework for ensuring the survival, protection and development of children, strengthen ASEAN collaboration in combating the trafficking in, and crimes of violence against, women and children, and work towards the full implementation of the Convention on the Rights of the Child and the Convention on the Elimination of all Forms of Discrimination against Women and other international instruments concerning women and children.”18

The document is among the first few adopted by ASEAN to have made reference to the CRC and CEDAW, as well as the promotion and protection of “all human rights and fundamental freedoms of all peoples in accordance with the Charter of the United Nations, the Universal Declaration of Human Rights and the Vienna Declaration and Programme of Action” by providing for the “exchange of information in the field of human rights among ASEAN Countries”.18 It is to be observed that the purposes of the document are highly ambitious but the suggested activity – the “exchange of...
information in the field of human rights among ASEAN Countries” – seems to be rather conservative and very common in ASEAN nations. However, whether the exchange of information in the field of human rights did happen is not clear. What is clear is that the document is still relevant and has been referred to on regular basis.

**Declaration on the Commitments for Children in ASEAN (2001)**

The Declaration on the Commitments for Children in ASEAN was adopted by the Ministers Responsible for Social Welfare in Singapore, on 2 August 2001. This document is the second of its kind to be child specific with reference to the “Convention on the Rights of the Child, the outcomes of the World Summit on Children, the World Summit for Social Development and other international instruments concerning children”, and includes the concept that “holistic development of children enable and equip them for the achievement of their full potential and shall contribute to a future of prosperity and progress in ASEAN”. In the document, “the promotion of regional cooperation for the survival, development, protection and participation of ASEAN children, as an integral part of ASEAN’s efforts to improve the lives of peoples in the region”, was prescribed. The principle of child participation was added to the other three principles that appeared in the 1993 Resolution. The Declaration addresses different groups of children, including indigenous children. The document could be considered comprehensive and very much based on the CRC as it also addresses children in different situations, including calamities and natural disasters, armed conflicts, and HIV/AIDS. The document has been referred to by most subsequent documents addressing children and other ‘vulnerable groups’.

**The 2004 ASEAN Declaration Against Trafficking in Persons Particularly Women and Children, and the 2015 ASEAN Convention Against Trafficking in Persons, Especially Women and Children**

In 2004, ASEAN adopted the ASEAN Declaration Against Trafficking in Persons Particularly Women and Children. The main thrust of the document is for the Member States to adopt measures to prevent fraudulent use of passports and official travel and identity documents; exchange information on migration flows, trends and patterns; improve victim identification and protection procedures; take coercive measures against human trafficking; and strengthen regional and international cooperation to prevent and combat trafficking through the establishment of a regional focal network. Although the Declaration shows the seriousness of the issues as well as the commitment of ASEAN (through recognizing the regional nature of the problem), the Declaration only requires Member States to take measures “to the extent permitted by their respective domestic laws” and “through maximum efforts by such appropriate instruments as may be necessary and consistent with their respective national laws and policies”. In terms of implementation, ASEAN later adopted the ASEAN Plan of Action Against Trafficking in Persons, Especially Women and Children. The document refers to a large number of international and regional instruments. It focuses on:

1. Advancing the rule of law and border control among ASEAN Member States;
2. Intensifying efforts to prosecute trafficking in persons cases; and
3. Enhancing regional cooperation based on shared responsibilities to effectively address demand and supply that fosters all forms of trafficking in persons, Especially Women and Children.

Even though the ASEAN Ad-Hoc Interagency was established in 2006, the efforts of ASEAN on this issue are limited to the areas of information exchange, training of responsible officials and law enforcement agencies, and workshops. The 2004 Declaration Against Trafficking in Persons Particularly Women and Children, and the 2015 ASEAN Convention Against Trafficking in Persons, Especially Women and Children (ACTIP), reflect the perception that ASEAN and its Member States tend to deal with the issue of trafficking from the criminal and transnational crime perspective, rather than from a human rights-based perspective. This is evident in the prescribed bodies responsible for cooperation, coordination and oversight of implementation, which are INTERPOL, the ASEAN Senior
Officials Meeting on Transnational Crime (SOMTC), and the SOMTC Working Group on Trafficking in Persons. However, the principles of human rights were recognized by the document.

In addition, the issue of human trafficking was included in the Political and Security Community Blueprint adopted by ASEAN in 2009, under Section B.4: Non-Traditional Security Issues. It is to be noted that in this document, trafficking of children is considered a crime without any exception.

It needs to be recognized that ASEAN has been giving attention to the issue of trafficking. After long negotiations, the ACTIP, was adopted in November 2015 by ASEAN leaders. It is subject to six ratifications in order to enter into force. The ACTIP is distinctive in many ways. First, as pointed out in the previous chapter, it is not very often that ASEAN departs from its usual ‘consensus’ principle, as the ACTIP requires 6 out of 10 ratifications for documents’ entry into force. This is considered a progressive way of moving forward. Second, the definition of trafficking as defined by article 2 (a) is inclusive in the sense that it follows, more or less, the definition of the trafficking protocol (although the phrase “wherever applicable” was mentioned, as not all Member States are party to the Palermo Protocol). Article 2 (d), defines a child as “any person under 18 years of age.” Considering the fact that not all ASEAN Member States define a child in accordance with the CRC, this definition is a progressive move as well. The Convention also prescribes measures to aid with criminalization, prevention, areas of cooperation, protection of victims at different stages, law enforcement and prosecution as well as mutual legal assistance and extradition.

Despite progressive elements in the Convention, ASEAN still maintains the notion of the protection of state sovereignty as it appears in article 4, which says that, “the Parties shall carry out their obligations under this Convention in a manner consistent with the principles of sovereign equality and territorial integrity of States and that of non-intervention in domestic affairs of other States.” Article 12 specifies that cooperation will be in conformity with the domestic laws of respective parties. It further states in article 18 that mutual legal assistance in criminal matters is “subject to their respective domestic laws.” This is a reiteration of what was specified in the 2004 ASEAN Declaration Against Trafficking in Persons Particularly Women and Children. This has impacts on the proper implementation and monitoring of the Convention itself. Moreover, the Convention does not prescribe the establishment of an independent monitoring body. Instead, the Convention entrusts “the ASEAN Senior Official Meeting on Transnational Crime to be responsible for the monitoring, reviewing and reporting periodically on the effective implementation of this Convention”.

The Convention finally entered into force in March 2017, after the sixth ratification was deposited by the Philippines to the ASEAN Secretariat on 6 February 2017. Upon the deposit of the instruments of ratification, the Philippines Permanent Representative to ASEAN declared that “the entry into force of the ACTIP is one of the key priorities of the Philippines ASEAN Chairmanship.” It is also recognized that the response to trafficking in persons, especially women and children, has been one of the priorities of ASEAN. However, while the Convention demonstrates ASEAN's commitment to address the need for common standards and approaches in relation to the way in which trafficking in persons is criminalized, investigated and prosecuted as well as the treatment of identified trafficked victims, the protection of state sovereignty and territorial integrity, as well as non-intervention in domestic affairs, principles specified in article 4, and references to domestic laws may prevent the Convention from being used as ‘common standards and approaches’ to dealing with issues of trafficking in persons in the region.

The entry into force of the ACTIP is timely as the issues have come under increased scrutiny in recent years, and three ASEAN Member States are currently placed on the Tier 2 Watch List in the annual U.S. Trafficking in Persons (TIP) Report in 2017. Only the Philippines was ranked Tier 1. It remains to be seen how ASEAN is implementing the Convention and how the instrument will be monitored by SOMTC since this sectoral body is part of the bureaucratic structure of ASEAN.
The work programme of ASEAN cooperation in social welfare and development

It is important to also mention the work programme of ASEAN in the area of social welfare and development. ASEAN cooperation in the area of social welfare and development attempts to address “social risks faced by children, women, the elderly and persons with disabilities”. A few work programmes were adopted by ASEAN, namely the social welfare and development work programme of 2003-2006, the work programme of the ASEAN cooperation in social welfare and development for 2007-2010, and the ASEAN Strategic Framework on Social Welfare and Development 2011-2015. The first section of the last document provided for a plan of action prioritizing children, aiming at “promoting the welfare of children by safeguarding their rights, ensuring their survival and full development; protecting them from abuse, neglect, violence, discrimination and exploitation; and encouraging their meaningful participation in society”. Six areas were identified by the Framework as part of the Plan of Action. No document on assessment of its implementation is available so far.

In terms of institutional arrangement,

“All activities undertaken under the ASEAN cooperation on social welfare and development come under the purview of the Senior Officials Meeting on Social Welfare and Development (SOMSWD). The ASEAN Ministerial Meeting for Social Welfare and Development (AMMSWD), which meets once every three years, oversees the overall work under the cooperation. In addition, under the framework of ASEAN cooperation with China, Japan, and the Republic of Korea (the ‘Plus Three’ countries) the ASEAN Plus Three Meeting for Social Welfare and Development (AMMSWD+3) was established in 2004.”

The collaboration with NGOs was mentioned but there is no concrete information available.

It is hard, however, to verify how many activities were actually implemented and the results of the implementation. In 2016, according to the Joint Statement of the 9th ASEAN Ministerial Meeting on Social Welfare and Development (9th AMMSWD), issued on 29 September 2016, the Strategic Framework on Social Welfare 2016-2020 was adopted. It includes “a primary focus on children, persons with disabilities, and older persons and new issues relating to family, social work and vulnerable groups”. For children, there are 11 action lines in order to meet the strategic objectives, which are to promote the survival, protection, participation and development of the rights of children. These objectives are based on the four principles of the CRC. Activities or action lines identified were also included in the UNICEF-ASEAN Work Programme 2016-2020. It is interesting to note that two countries, Lao PDR and Myanmar, have not volunteered to be the focal country for the implementation of any activities, while Cambodia, Brunei Darussalam and Viet Nam proposed to organize the ACF. The most strategic actions to be implemented by Member States are the development of effective mechanisms and programmes to protect migrant children, development of a model of multi-sectoral approaches responding to child protection concerns, and an assessment of the effectiveness of the ACF as a platform to promote children’s participation. It would be essential to closely follow up the implementation.

Moreover, the Joint Statement recognized and reiterated the instrumental role of civil society organizations and the private sector in bridging governments and local communities, and it also affirmed commitment to mainstream the issues of persons with disabilities, children, and older persons in laws, policies and programmes. The Joint Statement also welcomed the views of children and their recommendations on issues that affect them such as violence against children, trafficking in persons, cyber-bullying and online child pornography among others. Issues reiterated in the Joint Statement were included in the ASCC Blueprint.
There are follow-up mechanisms in place that enhance accountability and help identify next steps – such as setting regional norms, peer-to-peer exchanges, improving monitoring frameworks and enhancing statistics capacity.

**Ha Noi Declaration on the Enhancement of Welfare and Development of ASEAN Women and Children 2010**

The ASEAN leaders pledged their commitment to “promote a people-oriented ASEAN where women and children participate in and benefit fully from the process of ASEAN integration and community building”. The document includes both women and children but it covers a wide range of issues pertaining to children. It focuses on the welfare and development of women and children in ASEAN and it encourages “closer regional cooperation in promoting and protecting the rights of women and children especially those living under disadvantaged and vulnerable conditions, including those in disaster and conflict affected areas”. It also aims at strengthening “existing institutional mechanisms and technical capacity of ASEAN Member States’ relevant agencies to promote gender equality, women’s empowerment, gender mainstreaming and a child-centred approach in planning, programming and budgeting, implementation, monitoring and evaluation processes at all levels in the region”. Studies, evaluations and proposals to reduce the negative impacts of economic and environmental changes, including climate change, on women and children were also encouraged.

In terms of thematic issues, the Declaration recommends actions to end violence against women and children; improve maternal and child mortality rates, reproductive health, access to safe contraception, safe family planning methods and emergency maternal obstetrical care (EMOC) facilities; reduce the prevalence rate of HIV and AIDS among women and children and facilitate their access to HIV and AIDS treatment and care; improve access to housing; improve sources of safe drinking water and adequate sanitation facilities and hygiene; improve access to education and other basic necessities; improve the welfare and development of women and children in ASEAN; and rehabilitate children in conflict with the law. In regard to institution building and the promotion of child participation, the Declaration prescribes the establishment of the ACF and other relevant programmes or activities. To support networking, it also supports the establishment of an ASEAN Social Work Consortium. The ASEAN Sectoral Ministerial and Senior Official Bodies, as well as other relevant bodies, including the ACWC, were tasked with implementing the Declaration and monitoring its progress. It would be interesting to see how these bodies cooperate with each other not only to implement but also to monitor the implementation.

The ACF was created in 2010. It provides a venue for children to voice their ideas and to formally participate in the ASEAN forum. According to its TOR, said to be drafted with the inputs of ASEAN children who met during the first ACF in October 2010, in the Philippines, it sets forth three objectives, namely for:

a) children to participate in ASEAN community building,
b) children to express views and
c) children to pursue aspirations on issues affecting their lives.

Children could use the ACF to advocate for their rights. The Forum meets every two years and is composed of child delegates aged 12-18 years old from ASEAN Member States, who are nominated by their respective states “through the existing national processes that will ensure wider representation of children”. Each country has different experiences, including diverse circumstances, which facilitate or inhibit children’s participation. Furthermore, the process of selecting a child delegate may vary from one country to another. Decision-making is based on consensus, which is in accordance with the ASEAN Way. Each delegate shall be accompanied by at least one adult guide or mentor, nominated by his or her respective state. The roles of said guide or mentor are significant, not to mention the role of the states in selecting children and the mentor/guide.
The first ACF (held in the Philippines) focused on many issues, including poverty and child labour, health (HIV-AIDS and sexual issues), child participation, the environment, children with disabilities, and cyberspace and Internet for children. The second ACF was hosted by Singapore in 2012. It included a badge design competition, and had the theme “Empowering children by promoting their rights under the UN Convention on the Rights of the Child”. The third AFC was hosted by Thailand, and the fourth AFC was organized by Viet Nam with “One ASEAN, One Vision for Children” selected as the theme. It is interesting to see that more or less the same issues discussed in the first ACF were discussed in most successive forums, including preventing child trafficking within ASEAN, protecting children in the Internet environment, preventing violence against children, as well as the impact of climate change on ASEAN children. The outcomes of the Forum are presented to the AMMSWD, through the SOMSWD, then shared by the ASEAN Secretariat and “with other relevant ASEAN sectoral bodies, particularly the ASEAN Senior Officials Meeting on Youth (SOMY), ASEAN Committee on Women (ACW), and the ACWC, for information sharing, coordination and support”.

It is to be noted, that in most of the AFCs, not all 10 ASEAN Member States sent child delegates to participate. Timor-Leste was invited as an observer. It would be important for regional bodies, such as ACWC, to follow up and support the ACF to become a truly inclusive children’s rights forum.

Declaration on the Elimination of Violence against Women and Elimination of Violence against Children in ASEAN

The Declaration on the Elimination of Violence against Women and Elimination of Violence against Children in ASEAN was adopted at the 23rd ASEAN Summit in 2013. It is well recognized that, to different degrees, children have been victims of violence in various forms. In 2004, ASEAN adopted the Declaration on the Elimination of Violence against Women, so, the new Declaration added the Elimination of Violence against Children. The Declaration acknowledges that it should play a complementary role to existing international mechanisms, noting that ASEAN Member States commit to strengthen national mechanisms in

“implementing, monitoring and reporting the implementation of the Concluding Observations and Recommendations of CEDAW, CRC and other Treaty Bodies as well as the accepted recommendations under the Universal Periodic Review Process of the United Nations Human Rights Council related to the elimination of all forms of violence against women and violence against children.”

The declaration recognizes that violence against women and children can occur “in public or private (including cyber space)”. It also includes a long list of specific forms of violence and vulnerable groups to be addressed by Member States, including

“domestic violence, women and children who are sexually exploited, women and children with disabilities, women and children living with and affected by HIV and AIDS, women and children in conflict with laws, cyber pornography and cyber prostitution, trafficking in women and children, women and children in disasters, women and children in armed conflict, women and children in refugee camps, women and children on the move, stateless women and children, migrant women and children, women and children belonging to ethnic and/ or indigenous groups, children in early marriage, physical abuse of children, bullying, discrimination against women and children in mass and social media, and other.”

Importantly, the Declaration recognizes the role of civil society in prevention and responses to violence against women and children requiring Member States to “create an enabling environment for the participation of women and children, including victims/survivors, in the prevention and elimination...”
The Declaration has drawn criticism, for example, from the Southeast Asia Women's Caucus on ASEAN, saying that the “Declaration falls short in some areas.” The Declaration does not include explicit provisions to address sexual harassment and it fails to recognize the due diligence framework. This was, however, provided for by the ASEAN Regional Plan of Action on the Elimination of Violence against Children adopted in November 2015. Another weakness outlined by the Caucus is the attempt of the Declaration to address both violence against women and children in the same document, even though the two issues are very different. Moreover, the Declaration includes the phrase “taking into consideration the regional and national contexts bearing in mind the different historical, political socio-cultural, religious, legal and economic backgrounds in the region” as a qualifier in promoting and protecting human rights. This particular clause is very problematic as it allows ‘relativism’ rather than universality for rights of women and children. It fails to recognize that violence is violence, and that it does not depend on the different historical, political socio-cultural, religious, legal and economic backgrounds in the region.

The Caucus, however, sees “positive elements and one specific achievement of this declaration is that it encourages ASEAN Member States to report on efforts to eliminate violence against women and children through the Universal Periodic Review Process, in which notably the ACWC is to assist where necessary”. The Declaration also tasks the ACWC to “promote the implementation of the Declaration and review its progress”. This could include assisting with national plans of implementation, for example. This gives the ACWC a stronger mandate. In following up on the Declaration, ASEAN adopted (in November 2015) the ASEAN Regional Plan of Action on Elimination of Violence against Children. The Plan provides for a wide range of actions from prevention to protection, responses and support services as well as those relating to legal frameworks, prosecution and justice systems. It also includes capacity building, partnership and collaboration, etc. The Regional Plan of Action outlines each part in detail with the timeframe covering a period of 10 years (2016-2025), although there is no specific timeframe for completion attached to the activities. It needs to be noted that, in the Plan, the definition of ‘a child’ follows article 1 of the CRC, which allows different definitions in accordance to national laws.

**Work Plan 2012-2016 and 2016-2020 of the ASEAN Commission on the Promotion and Protection of the Rights of Women and Children**

The Work Plan of the ACWC (2012-2016), adopted and released by the ACWC, contains thematic areas and activities that include the promotion and protection of women and children, specifically the elimination of violence against women and children, and the review of existing practices on the treatment of victims of trafficking. The Work Plan for 2012-2016 also includes action points for the review of legislation, national plans/programmes, and other national mechanisms relating to the prevention, protection, prosecution, rehabilitation, recovery and reintegration of child victims of violence. It also calls for the development of guidelines for non-violent approaches to child rearing and child caring in various settings, the rights of children to participate in all affairs that affect them (by creating an enabling environment for children to participate in decision-making processes), the promotion and protection of the rights of women and children with disabilities, the establishment of a child protection system, and the right to early childhood and quality education. It also draws attention to the social impact of climate change on women and children, adolescent physical and mental health, and cultural and religious practices that impact the rights of children. It calls for the setting of performance standards on service delivery for children with disabilities, standards for quality early childhood care and development (ECCD), and child development index, etc.

One could say that the outlines of thematic areas and activities identified in the Work Plan (2012-2016) of the ACWC are very comprehensive, covering a wide range of issues critical to the promotion and protection of the rights of the child. Moreover, some areas such as child education, trafficking, child labour, children affected by statelessness, undocumented migrant children, HIV/AIDS, natural disasters, conflicts, children in the juvenile justice system/children in conflict with the law, and climate change are to some extent dealt with by the AICHR and other ASEAN sectoral bodies.
A number of activities identified in the Work Plan (2012-2016) of the ACWC were implemented, often as workshops or regional conferences; regional reviews of laws, policies and practices within ASEAN relating to the identification, management and treatment of victims of trafficking, especially women and children; and the production of various campaign materials. However, the adoption of different declarations is still lacking. Some plans were carried over to the next five-year Work Plan (2016-2020).

The new draft of the ACWC Work Plan was finalized at the 13th ACWC Meeting in October 2016, in Singapore. Altogether, 16 thematic areas of projects and activities were included in the second Work Plan (2016-2020), 10 of which directly address children’s issues, and women and children.71

There are 33 projects to be implemented in the second Work Plan (2016-2020), with 17 projects carried over from the first Work Plan (2012-2016), three as follow up to the first Work Plan, and 13 new projects. Some new projects are of particular interest to UNICEF and other stakeholders, such as mapping best practices on cultural and religious practices on child marriage, to be led by Indonesia (beneficial considering that child marriage is one of the concerns in Indonesia);72 a study on key concerns on violence against children in ASEAN to be led by Thailand in cooperation with UNICEF; development of a Child-Sensitive Guideline for Handling Child Victims of Trafficking in Persons and a project on child-sensitive budgeting to be led by Brunei Darussalam; a project on gender and child-centred disaster risk reduction and climate change adaptation to be led by Lao PDR; and a Workshop on the Implementation of the CRC in the region, to be led by Singapore (all in cooperation with other countries and AICHR). Although the activities in the new Work Plan are more or less in line with the Blueprints, it is crucial to assess if those activities will contribute to mitigating or strengthening the action lines identified by the three ASEAN communities.

**ASEAN Declaration on Strengthening Education for Out-of-School Children and Youth (OSCY)**

The ASEAN Declaration on Strengthening Education for Out-of-School Children and Youth (OSCY) may be the latest document that reflects the commitment of ASEAN to children and youth. The Declaration was adopted in September 2016. It refers to the ASEAN Human Rights Declaration (AHRD) (article 31) and the three international human rights conventions (CRC, CEDAW and CRPD) that all ASEAN Member States are party to, as well as the four principles enshrined in the CRC, detailing CRC provision 28, regarding the right to education, and Goal 4 of the SDGs, with the key target of ensuring, by 2030, that “all girls and boys complete free, equitable and quality primary and secondary education leading to relevant and effective learning outcomes” (4.1). Another target is, by 2030, ensure that all girls and boys have access to quality early childhood development, care and pre-primary education so that they are ready for primary education” (4.2).73

Point 1 of the Declaration defines OSCY as

> “encompassing children and youth in one or more of the following four key situations:
> a) Children and youth who do not have access to a school in their community;
> b) Children and youth who do not yet enrol at a school, despite the availability of a school;
> c) Children and youth who have enrolled but do not attend school or are at risk of dropping out;
> d) Children and youth who drop out of the education system.”74

It was noted that these situations also reflect population flows and ethnic diversity. The Declaration is based on “key principles of inclusivity, equity, accessibility, continuity, quality, flexibility and sustainability”.75 The document provides for programmes and practical measures to ensure the implementation of the Declaration. It recommends “to establish a monitoring and reporting
system for information, statistics and data (disaggregated and gender sensitive) in order to accurately identify and track OSCY; and to support the monitoring of education programmes and related implementation based on inclusive and quality education.” The ASEAN Ministers of Education were tasked with coordinating with other relevant ministries. The Declaration, if properly implemented, has strong potential to mitigate the negative impacts of ASEAN economic integration and address challenges of children on the move. However, despite the very human rights-based approach, it seems that national governments have discretion to design who will get access to education.

4.3 ASEAN laws/policies relevant to children

In addition to child-specific documents, ASEAN has also adopted the broad ASEAN Human Rights Declaration (AHRD) and other documents that are child related or may have impacts on children.

**ASEAN Human Rights Declaration**

The adoption of the AHRD is another milestone for ASEAN. Although the AHRD does not contain any specific provisions on the rights of children, the general principles clarify that:

- “Every person is entitled to the rights and freedoms set forth herein, without distinction of any kind, such as race, gender, age, language, religion, political or other opinion, national or social origin, economic status, birth, disability or other status;
- Every person has the right of recognition everywhere as a person before the law; every person is equal before the law;
- Every person is entitled without discrimination to equal protection of the law; and
- The rights of women, children, the elderly, persons with disabilities, migrant workers, and vulnerable and marginalized groups are an inalienable, integral and indivisible part of human rights and fundamental freedoms.”

The reference to “every person” in most provisions could potentially contribute to the promotion and protection of the rights of children as well. Article 27 para. 3 specifically mentions that “no child or any young person shall be subjected to economic and social exploitation.” Those who employ children and young people in work harmful to their morals or health, dangerous to life, or likely to hamper their normal development, including their education, should be punished by law. ASEAN Member States should also set age limits below which the paid employment of child labour should be prohibited and punished by law. Although the term “should” was used rather than “shall”, this provision is strong and is also among the very few in the AHRD that address the rights of the child.

There are also specific provisions that are directly relevant to children such as article 31 – the right to education – which was elaborated in three paragraphs. It also emphasizes making “primary education compulsory and available free for all”. However, as one can guess, economic and social rights, as specified in article 33, are to be realized progressively and according to maximum available resources. Articles 35, 36, 37 and 38 recognize rights to development, to a clean and sustainable environment, and to peace. These rights are considered important factors that, if properly implemented, could contribute to the promotion and protection of the rights of the child.

**ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers (2007)**

In 2007, ASEAN adopted the ACMW. The Declaration, in a way, articulated a more rights-based approach to migration. However, this approach was immediately countered by the Member States recognizing that “the sovereignty of states in determining their own migration policy relating to
migrant workers, including determining entry into their territory and under which conditions migrant workers may remain”.80 This particular preamble weakens the whole Declaration as it curtails any possibility for a regional approach to migration and migrant workers. Each Member State has full authority to deal with migrant workers, including child migrant workers, in spite of the regional recognition of the need to address cases of abuse and exploitation. The preamble was further weakened by the general principles, which essentially say that the treatment of migrant workers will be in accordance with the laws, regulations, and policies of respective ASEAN Member States. Moreover, the Declaration is not to be interpreted as “implying the regularization of the situation of migrant workers who are undocumented”.81 The Declaration does not provide any provisions on the protection of irregular migrant workers in ASEAN. As we know, many children working in countries other than their own are in irregular situations. Moreover, the Declaration does not include members of families of migrant workers.

In order to follow up the implementation of the Declaration, ASEAN established the ASEAN Committee on the Implementation of the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers (ACMW) in 2007.82 It was tasked with conducting an annual ASEAN Forum on migrant workers, developing an ASEAN instrument on migrant workers’ rights, preparing pre-departure information for ASEAN migrant workers, and collaborating with relevant international organizations on “Safe Migration” campaigns and pre-departure literature, as well as strengthening the dialogue between the ACMW and those working on human smuggling and trafficking.83 The Committee on the Implementation of the ACMW has been making very slow progress in fulfilling its mandates due to sensitivity of the issue and the lack of consensus among Member States.

One of the tasks that the Committee on Implementation of the ACMW was entrusted to complete was the preparation of an ASEAN Instrument on the Protection and Promotion of the Rights of Migrant Workers. The Task Force on ASEAN Migrant Workers noted in its document, published in March 2014, that

“there are challenges to be overcome before the instrument gains agreement by ASEAN Member States as the sending countries aspire for a legally binding regional ‘agreement’ but others, mostly receiving countries, are bargaining for non-legally binding guidelines. There are also fundamental differences in the drafting of the content, such as the definition and scope of migrant workers, which has already resulted in four years of deadlock. The protection of the rights of the migrant workers in the legal framework instrument should become the priority to progress toward an ASEAN community with social justice by 2015.”84

Indeed, the differences in attitude, policies, and laws regarding migrant workers and their rights make it difficult for the Committee on the Implementation of the ACMW to come up with a draft instrument. However, in the last meeting of the ASEAN Labour Ministers, the proposal made by the Philippines to finalize the ASEAN instrument to protect migrants by September 2016 at the earliest, or by April 2017 at the latest, was unanimously adopted.85 The Philippines was pushing for such an instrument “to mark the 10th year of the Cebu Declaration and, more importantly, the 50th year of our sharing and caring ASEAN Community”.86

The overall policies and work plan on workers (and migrant workers) are overseen by the ASEAN Labour Ministers and the ASEAN Senior Labour Officials Meetings (ASLOM). The ASEAN Labour Ministers’ Work Programme 2010-2015 identifies a number of thematic areas and actions including a few on child labour, namely to “study the development of regional guidelines with respect to eliminating the worst forms of child labour”. The Work Plan tasks the ASLOM to “coordinate, as the need arises, with the AICHR and other ASEAN bodies in protecting labour rights, including migrant workers’ rights”. Once adopted and released, it should be easier to see if children on the move are protected by the said instrument.
By August 2017, the long-awaited ASEAN instrument on migrant workers was still not adopted. However, the ASEAN Labour Ministers’ Work Programme 2016-2020 and Work Plans of the Subsidiary Bodies were adopted in 2016. The Work Plan is based on the ASCC Vision 2025’s five objectives, with the overall objective of “a better quality of life for ASEAN people through workforce with enhanced competitiveness and engaged in safe and decent work derived from productive employment, harmonious and progressive workplace, and adequate social protection”, covering four thematic targets: skilled and adaptable workplace; productive employment; harmonious, safe and progressive workplace; and extended social protection. Some thematic areas identified by the Work Plan could be contributing directly or indirectly to children’s rights, such as gender equality, a labour dimension of sustainable development, functional social protection, and emerging labour trends, including CSR and the impacts of ICT. Since the Work Plan was adopted after the ASEAN Vision 2025, it refers to the ASEAN Community Blueprints. The thematic areas were designed to respond directly to the ASCC Blueprint 2025’s strategic measures, as relevant to the ASEAN Labour Ministers’ Work Programme 2016-2020. One of the interesting aspects identified by this document is the impact of ASEAN economic integration with ASLOM as the responsible body.

The same Work Programme includes other relevant documents that ASEAN has adopted which indirectly could support the efforts to promote and protect the rights of children, such as the ASEAN Occupation Safety and Health Network (ASEAN-OSHNET) Work Plan 2016-2020. Also, the Vientiane Declaration on Transition from Informal Employment to Formal Employment Towards Decent Work Promotion in ASEAN, which calls for ASEAN to take “necessary concrete actions towards the transition from informal employment to formal employment in ASEAN Member States consistent with each ASEAN Member State’s national legislation, policies and programmes”. The first point of the Declaration aims at promoting “the elimination of forced labour, child labour, violence at the workplace and all forms of discrimination, including gender inequality”. Another document which is of particular interest is that establishing the ASEAN Committee on the Implementation of the ACMW Work Plan 2016-2020, with the function to contribute to the ASCC Blueprint 2025’s strategic measures (B.3.ix), and enhance regional initiatives in accordance with the ACMW in order to improve the protection and promotion of the rights of workers and migrant workers, and governing mechanisms of labour mobility. A number of activities merit follow-up, such as the public campaign on safe migration, research on the gender dimension of migration (including exploitation and mistreatment), and finalizing the ASEAN instrument on the protection and promotion of the rights of migrant workers, to name a few.

Although the ACMW could contribute to the protection of children’s rights, at the same time it waters down the common ASEAN aspiration by emphasizing “each ASEAN Member State’s national legislation, policies and programmes” and the principle of “the sovereignty of states in determining their own labour policy relating to informal employment”.

**ASEAN Declaration on Strengthening Social Protection and its Regional Framework and the Action Plan to Implement the ASEAN Declaration on Strengthening Social Protection (2013)**

The ASEAN Declaration on Strengthening Social Protection and its Regional Framework and the Action Plan to Implement the ASEAN Declaration on Strengthening Social Protection document was adopted in 2013 as civil-society groups were enthusiastic and pushed for its adoption. The term “social protection” was defined in article 3 to “cover, but is not limited to, social welfare and development, social safety-nets, social insurance, social assistance, social services, in ASEAN Member States.” The document looks comprehensive and seemed to be both rights- and needs-based, as it includes “everyone, especially those who are poor, at risk, persons with disabilities, older people, out-of-school youth, children, migrant workers, and other vulnerable groups”, and states that they “are entitled to have equitable access to social protection that is a basic human right and based on a rights-based/needs-based, life-cycle approach and covering essential services as needed.” It advocates strategies that promote the “coverage, availability, comprehensiveness, quality, equitability, affordability and sustainability of various social protection
services, including the expansion of social insurance to the informal sector”. The document is, therefore, based on internationally recognized concepts of social protection. What is also important is the fact that the Declaration mentions, in article 15, the allocation of adequate financial resources for social protection but immediately cautions that it has to be “in line with national targets and subject to the capacity of each government.” While it promotes “multi-sectoral responsiveness”, it assigns “the ASEAN Ministerial Meeting on Social Welfare and Development (AMMSWD), with the support of SOMSWD, as the focal point for inter-sectoral cooperation on social protection at the regional level, while acknowledging the different national coordinating mechanisms in ASEAN Member system.”

Despite being considered a progressive document, it has some drawbacks. The Declaration sets out the principles to which the ASEAN Member States are required to adhere. Yet, the Declaration has to be “applied in accordance with the domestic laws and policies of respective ASEAN Member States, nationally-defined social protection and its national priorities, and adapted to the different contexts of ASEAN Member States”. This was reiterated in article 5, that the “implementation of social protection towards progressive realization in ASEAN Member States is the main responsibility of the respective governments based on national legislations, policies, programmes, strategies, standards and guidelines”. The holistic nature of the Declaration is left at the readiness and discretion of the national governments. Nevertheless, if a national government is serious about social protection, this will benefit groups of people including children.

The Regional Framework and Action Plan to Implement the ASEAN Declaration on Strengthening Social Protection 2013 was also adopted, having a vision to “uplift the quality of life of ASEAN peoples by 2025”, which is in line with the ASEAN Vision 2025. The Framework has identified different risks, which include “life circle and individual risks, social risks, environmental and impacts of disaster risks and climate change as well as economic risks”. It also identified four core programmes: social welfare/social assistance, social insurance, labour market interventions, and human resources development and social safety nets. A lot of action lines focus on capacity building, two of which mention children: “review national Early-Childhood Care and Development (ECCD) policies, strategies, and programmes that focus on children of pre-primary school age in ASEAN Member States” and “the social assistance programmes for persons with disabilities, elderly, children and other vulnerable groups to be able to access social services”. What is crucial is to examine if all these action lines and measures include children who are not nationals of a particular country, such as children on the move, child migrant workers, etc.

Different declarations and work plans examined so far are all very supportive of the promotion and protection of the rights of the child. Nevertheless, not all legal and non-legal documents and policies adopted by ASEAN since its establishment are geared towards rights promotion and protection. Many policies and legal frameworks adopted and applied to advance ASEAN economic integration and the economic community are not conducive to the promotion and protection of the rights of people, children in particular. It is important to reiterate that the ambitious project of the AEC is a single market and production base with a free flow of goods, services, investment, capital and skilled labour, and it also envisages a highly competitive economic region. The 2009-2015 Economic Blueprint provided for the full elimination of tariffs and non-tariff barriers, including modern rules of origin, trade facilitation, customs integration and modernization, the removal of restrictions on trade in services, a comprehensive investment agreement, a greater harmonization of capital market standards, and a facilitated issuance of visas and employment passes for skilled labour and professionals in cross-border trade and investment. It also envisages competition policies and consumer protection in all Member States, better protection of intellectual property, the promotion of e-commerce, infrastructure development, the support of small and medium enterprises, development cooperation within ASEAN and a ‘coherent approach’ towards external economic relations.
In order to achieve ASEAN economic integration, multi-sectoral agreements were adopted, ratified and applied by ASEAN Member States, such as the ASEAN Trade in Goods Agreement (ATIGA) of 2009, ASEAN Framework Agreement on Services (AFAS) of 1995, the ASEAN Comprehensive Investment Agreement (ACIA) of 2009, and the ASEAN Agreement on the Movement of Natural Persons (MNP) of 2012, to name a few. Most, if not all, of these agreements do not grant legal protection to citizens, except investors, or free movement of ordinary citizens, etc. “The citizen depends on the good will of his national government to defend his rights against governments or authorities of other Member States, using the highly deficient ASEAN dispute settlement system.”

Under the political and security community, a number of documents both legal and non-legal have been adopted as well such as the ASEAN Convention on Counter-Terrorism (ACCT), adopted in 2007. Based on the concern over the danger posed by terrorism, the convention provides for “the framework for regional cooperation to counter, prevent and suppress terrorism in all its forms and manifestations and to deepen cooperation among law enforcement agencies and relevant authorities of the Parties in countering terrorism.” The Convention is a rather comprehensive document making reference to important international legal instruments regarding transnational crime and terrorism. It includes 23 articles, including a number on refugee status, extradition, mutual legal assistance, rehabilitation programmes and fair treatment.

Article 5 identifies areas of cooperation that could contribute positively or negatively to the promotion and protection of human rights, including the rights of children. Examples include measures as outlined in paragraph (d) to “prevent the movement of terrorists or terrorist groups by effective border control and controls on issuance of identity papers and travel documents, and through measures for preventing counterfeiting, forgery or fraudulent use of identity papers and travel documents”, which may result in very stringent national laws, policies and practices to control borders and entry of non-nationals. This could in turn lead to abuse and human rights violations, such as smuggling and trafficking when legal channels are not available, or are too bureaucratic and costly. In the same article (paragraph 2), it stipulates that “subject to the consent of the Parties concerned, Parties shall cooperate to address the root causes of terrorism and conditions conducive to the spread of terrorism to prevent the perpetration of terrorist acts and the propagation of terrorist cells”, which may well support ASEAN Member States to address issues of poverty and inequality, discrimination, persecution and human rights violations, and conflicts and violence within national borders. However, the Convention may not be as efficient as one might expect, as it is based on principles of respect for state sovereignty and non-interference in internal affairs of state parties. This in itself limits the scope of cooperation of ASEAN.

Another interesting set of ASEAN documents are those related to the vision for drug-free ASEAN. The ASEAN Declaration of Principles to Combat the Abuse of Narcotics Drugs was adopted in 1976, and remains in force to the present. The concern that “drug abuse seriously endangers the development programmes of the Member Countries, in particular, in developing countries in general, especially in relation to the life of the younger generation”, was spelled out in the principles. Although a drug-free society is desirable and it is recognized that drug abuse is harmful to society and future generations, by examining Clause I of the Declaration, there are some worrying messages which, in many cases, may lead to abuses and violations that are harmful to people and children. The two paragraphs (1 and 3) are critical, as both are geared towards encouraging Member States to adopt a number of serious steps that were mostly dominated by repressive and punitive approaches to addressing drug-related crimes. A study conducted by the Habibie Centre reveals that

“In general, there is a common approach found in the member states of ASEAN when it comes to how they deal with drug-related issues: they are dominated by punitive and repressive drug laws. Many states in Southeast Asia impose the death penalty for drug trafficking and have not been afraid to use this legal instrument. As such, it can be seen that the governments of ASEAN member states all share a ‘tough on drugs’ rhetoric, in which drugs are cast as a serious social evil that requires harsh punishments with little distinction between suppliers, dealers and users.”
A “war on drugs” has been waged in a number of ASEAN Member States (including Thailand, the Philippines and Indonesia) that has claimed a large number of lives so far. This leads to a high rate of extra-judicial killings, stigma and discrimination, which could directly affect children. The study reiterates that

“there are indeed problems with the current ASEAN approach towards creating a Drug-Free region. While the original focus of a Drug-Free ASEAN is the ‘health and welfare of humankind’, in practice, there has been an overwhelming focus on punishment, law enforcement and criminal justice. This has had several implications for the public and on human rights. For example, it promotes stigma and discrimination for users who are arguably victims that need treatment rather than criminals that require punishment, undermines evidence-based public health responses and undermines human rights.”

These are only a few examples of ASEAN laws, policies and declarations that have both negative and positive impacts on child rights. It would be important to do further thematic studies to seriously assess the impacts of the implementation of those documents adopted by ASEAN so far. However, this is beyond the scope of this current assessment.

4.4 Roles of relevant existing mechanisms in ASEAN

With the exception of the ACWC, there is no specific institution/mechanism in ASEAN mandated specially to address the issues of children’s rights/children. As already seen and will be seen in other chapters, children in ASEAN are usually put under the category of ‘vulnerable groups’. The same applies to the ACWC, with mandates to deal with both women and children. These ‘vulnerable groups’ are put under the purview of the ASEAN Ministers on Social Welfare and Development. This section aims at examining existing institutions that have responsibilities to ensure that different declarations, plans of action and statements are properly implemented.

ASEAN Ministerial Meeting on Social Welfare and Development

Under the ASEAN structure, the ASEAN Ministerial Meeting on Social Welfare and Development (AMMSWD) has been the major actor (duty bearer) for laying down laws and policies pertaining to ‘vulnerable/marginalized groups’, including children. It is the decision-making entity of what ASEAN calls “Functional Cooperation”. The AMMSWD takes place once every three years and oversees the overall work in cooperation. In addition, under the framework of ASEAN cooperation with China, Japan, and the Republic of Korea (the ASEAN Plus Three countries). It is to be noted that ASEAN has a separate entity for youth, which is ASEAN Ministerial Meeting on Youth (AMMY).

In the latest Joint Statement of the ASEAN Ministerial Meeting on Social Welfare and Development (adopted on 29 September 2016), the theme “Strengthening Social Welfare Development in Pursuing the ASEAN Community Vision 2025” was used. It emphasizes “championing the welfare of children, persons with disabilities, older persons and other vulnerable groups”. It welcomed the recommendations by the ACF, held in June 2016, “on issues that affect them such as violence against children, trafficking in persons, cyber-bullying and online child pornography among others”. The Statement highly applauds the work done by the ACWC.

All activities undertaken under the ASEAN cooperation on social welfare and development come under the purview of the SOMSWD. Since there are representatives of all Member States in the SOMSWD (as with all other forums of senior officials and ministers), they are there to represent the governments and to ensure that any documents adopted are in line with national policies. It
usually meets once a year to endorse policy documents and to oversee implementation of different declarations, including the ASSC Blueprint.

Apart from SOMSWD, under the ASEAN structure there are other sectoral bodies with duties and functions to propose policies, draw up work plans and follow up on the implementation of relevant declarations and work plans/programmes. As mentioned earlier, the ASLOM is tasked with implementing the ACMW and work programme regarding migrant workers and employment related documents. The Senior Officials Meeting on Education (SOM-ED) has been dealing with various declarations and work plans relating to education, as explained earlier. However, there are different layers of the ASEAN structure, ranging from a Summit, where decisions are made at a ministerial level with a decision-making process, before going to the leaders, Senior Officials who negotiate and the Committee of Permanent Representatives, which coordinates various issues. There are also more and more bodies which are expected to be independent, such as AICHR and ACWC, but do not enjoy independence in their implementation. There has been confusion over which body will be addressing issues such as rights of children, which are covered by ACWC, AICHR, SOMSWD, SOMY, SOM-ED, etc., as each of these has their own work plans/programmes that could overlap. In any case, none of these bodies has monitoring power to investigate human rights violations, despite the mandate to promote and ‘protect’, in the case of AICHR and ACWC. Implementation of laws, policies (in the form of declarations), and work plans are all subject to the discretion of the ASEAN Member States in accordance with the principles of respect for state sovereignty and non-interference.

Since the entry into force of the ASEAN Charter, ASEAN has established human rights institutions for the promotion and protection of human rights in ASEAN. These include the AICHR and the ACWC.

**ASEAN Intergovernmental Commission on Human Rights**

The establishment of AICHR in 2009, presented great promise for the protection and promotion of human rights and the rights of women and children in the region. The AICHR is a charter-based body with mandates to promote and protect the human rights of all ASEAN peoples. As an overarching body in ASEAN, AICHR not only deals with all categories of human rights but also has obligations to promote and protect human rights of all groups of the population of ASEAN, children included.

There have been criticisms against the AICHR for not having an explicit mandate to perform a protection duty. Although the criticisms rest on some facts, AICHR could, if its representatives so desired, interpret their mandates and functions expansively and creatively. For example, the AICHR could influence ASEAN Member States to consider acceding to and ratifying international human rights instruments (4.5 mandates and functions). AICHR could also seek to obtain information from ASEAN Member States on the protection and promotion of human rights (4.10), which could include the rights of the child. AICHR could, as well, conduct thematic studies relating to human rights in ASEAN (4.12). So far, AICHR has identified a number of issues for thematic studies including issues of CSR, human rights and migration. Other themes include the right to education, women and children in armed conflicts and natural disasters, and children in conflict with the law. These thematic studies are directly related to child protection and child development, and could be beneficial to the promotion and protection of the rights of the child. In addition, the issue of statelessness, although faced with some reluctance, has already found its way to the AICHR agenda. While activities organized so far focus mainly on awareness raising, in the long run, this may lead to better sensitization and more concrete actions to be taken up by the AICHR.

In 2016, AICHR adopted the new five-year work plan (2016-2020) with one of the objectives of “contributing to the successful building of an ASEAN Community and beyond”. Out of 62 action points under its 14 mandates and functions, three directly mention children and child rights, and an additional one covers human rights. These include:
1. Develop regional plans of action, recommendations, or ASEAN policy frameworks on human rights for women, children and persons with disabilities to mainstream and enhance human rights across the Community pillars, organs and bodies;

2. Promote increased access to education for children with disabilities, including working with relevant stakeholders; and

3. Conduct thematic studies which are directly or indirectly related to child rights, namely:
   - Migration
   - Trafficking in person particularly women and children
   - Women and children in conflicts and disasters
   - Juvenile justice
   - Right to information in criminal justice
   - Right to health
   - Right to education
   - Right to life
   - Right to peace
   - Legal aid
   - Freedom of religion and belief

4. Work towards acceding to ASEAN conventions and other instruments dealing with human rights, in light of the adoption of the AHRD and the Phnom Penh Statement.

What has to be further acknowledged is that some thematic studies that do not explicitly include children could be expanded to cover children’s rights as they are, in one way or another, related to children. For example, the right to life may be looking into issues of reproductive rights and abortion, the right to peace may be also looking at the adverse impacts of conflicts on the rights of the child and children, migration may include children on the move, child refugees and asylum seekers, etc. Positive implications of this work plan on children depend not only on the proper implementation of it, but also on the closer cooperation with ACWC and other sectoral bodies and stakeholders.

**ASEAN Commission on the Promotion and Protection of the Rights of Women and Children**

The ACWC was established in April 2010, in Ha Noi. The TOR of the ACWC as adopted could be said to be a bit more advanced than the one of AICHR. However, its protection mandates are still hindered by the core ASEAN principle of non-interference in internal affairs of ASEAN Member States, and delays can be caused by the principles of consultation and consensus. Nevertheless, the ACWC is a specialized body dealing specifically with the rights of women and children.

The establishment of the ACWC was strengthened by the adoption of the Ha Noi Declaration on the Enhancement of Welfare and Development of ASEAN Women and Children in October 2010. It affirmed existing ASEAN communiqués and declarations on children and women pursued by ASEAN. The Declaration aims at strengthening ASEAN's commitment to ensure that women and children fully benefit from the process of integration and community building. Although focusing on welfare and well-being of children and women, the Declaration does have a few provisions that promote “closer cooperation in promoting and protecting the rights of women and children especially those living under disadvantaged and vulnerable conditions including those in disaster and conflict affected areas”. The Declaration (in point 16) further aims to achieve goals for children in ASEAN in regard to the child’s rights to “survival, protection, development and participation in a comprehensive and systematic way”. In point 18, ASEAN is committed to “improve quality of and gender equality in education and school enrolment to children, including children of ethnic and/or indigenous groups as well as children with disabilities...”. It still remains to be seen how much ASEAN has achieved in promoting and protecting rights of children. The Declaration, if interpreted broadly, may also include children who are on the move.
The ACWC has been organizing many meetings, workshops and visits, as well as a campaign and production of campaign materials. It is worth noting, for example, the ACWC organized, in partnership with UNHCR, the Regional Workshop on Promoting the Right to a Nationality for Women and Children in the Implementation of CEDAW and CRC in ASEAN in Da Nang, Viet Nam, in August 2013, and followed up with another Regional Workshop on Promoting the Rights of ASEAN Women and Children through Effective Implementation of the Common Issues in CEDAW and CRC Concluding Observations with a Focus on the Girl Child at the same venue in 2013. It produced the “stop violence against women” public campaign posters, pamphlets, stickers and VDOs for dissemination to ASEAN Member States to commemorate the International Day for the Elimination of Violence against Women.

In addition, the ACWC has meetings with Chairs and/or Representatives of the AICHR and ASEAN sectoral bodies in charge of women’s affairs, social welfare, rural development and poverty eradication, education, labour and migrant workers, as well as trafficking in persons. As mentioned, the ACWC published and produced a number of materials including:

- Guidelines for Handling of Women Victims of Trafficking in Persons
- An outcome document on the Workshop on the Promotion of Access to Justice for Women Victims of Violence in Trafficking Cases
- Good Practices: Eliminating Violence against Women and Children

As stated earlier, if the new Work Plan 2016-2020 of ACWC is effectively implemented as planned, it will definitely contribute to the promotion and protection of children’s rights. Nevertheless, as already mentioned in Chapters 2 and 3, some national cultural values or ASEAN values are still present and pronounced in the region, and even with the very strong commitment of ACWC to address children’s rights violations, the body may be facing challenges. Activities or projects on topics such as early child marriage, including mapping best practices on cultural and religious practices on child marriage, and on violence against children, may contribute to overcoming social and cultural value constraints. However, this can materialize if the notion of non-interference becomes weaker than it is today.

It can be seen that policies and some frameworks, as well as mechanisms for the protection of children, are not lacking in ASEAN. There is potential for the rights of the child to be properly promoted and protected. ASEAN has developed a human rights system, albeit still weak. Mechanisms such as a human rights court have yet to be developed. Moreover, existing human rights commissions are not equipped with the mandates to receive complaints or to investigate. This is the case because of the strong practice of ASEAN's working principles – respect for state sovereignty, non-interference in the international affairs of ASEAN Member States, as well as consultation and consensus. What is more unfortunate is that the overall implementation of policies and laws on children are left to the will of national governments, which can lead to conflicts with international human rights standards. The implementation of the ASEAN Community Blueprints, even if it follows commitments made by ASEAN as reflected by different laws and policies, may not contribute to mitigating any negative impacts because of varying national standards within ASEAN Member States. There is a need for ASEAN to ensure that regional agreements, declarations and other forms of commitments meet international standards, and that these documents actually set one regional benchmark on children’s rights. Moreover, it is important for the ACWC and the AICHR to develop modalities to not only promote but also to protect human rights, including children’s rights. In order to do so, recognition of rights holders and proper identification of rights holders is crucial.
Endnotes

1 Centre for International Law, https://cil.nus.edu.sg/.
2 Ibid.
3 The goals of this Plan are: (i) youth entrepreneurship; (ii) youth employability; (iii) enhancing awareness and appreciation of an ASEAN Community; (iv) youth involvement and participation; and (v) youth competencies and resilience.
4 Indonesia, Malaysia, Philippines, Thailand and Singapore.
6 Ibid.
9 Brunei Darussalam joined ASEAN soon after independence in 1984.
11 Ibid.
12 Ibid.
13 Malaysia and Singapore acceded to the CRC in 1995.
14 Ibid.
15 Ibid.
16 Ibid.
19 Ibid.
21 Ibid.
22 Ibid.
23 For details, please see IHRP and Save the Children (2016), ibid, Chapter III. The research was supported by Save the Children in 2015.
25 Ibid.
26 Ibid.
CHAPTER 4

What ASEAN integration could mean for children: Assessment of the ASEAN Community Blueprints and potential impacts on children


29 Ibid.

30 Ibid.


35 Ibid.

36 Ibid.

37 Lao PDR, Myanmar and Thailand.


41 1. To establish a forum for sharing best practices on social work case management and multi-sectoral approaches responding to child protection concerns with the Philippines as Country Coordinator;
2. To develop a model of multi-sectoral approaches responding to child protection concerns. Viet Nam and Indonesia were entrusted to be country coordinators;
3. To undertake a study on social protection and care systems for children in ASEAN Member States, including on early childhood care and education. Vietnam was appointed as country coordinator;
4. To carry out a Situation Analysis of children and families affected by armed conflict in ASEAN Member States. Lao PDR was the country coordinator;
5. To hold a workshop on the impact and cost of violence against children with Indonesia as country coordinator; and
6. To establish a Ministerial Forum on Protection and Care for the Victims of Trafficking. Malaysia was assigned to be country coordinator, ibid.

42 ASEAN, “ASEAN Economic Research Institute for ASEAN and East Asia I Ministerial Meeting on Social Welfare and Development (AMMSWD)”, ibid.

43 Ibid. Unfortunately, a copy of the Strategic Framework on Social Welfare 2016-2020 was not available on the ASEAN Website at the time of publication.


45 Ibid.

46 Ibid.

47 Ibid.

Ibid.

Ibid.

Ibid.

Ibid.

Ibid.


Ibid.

Ibid.


Ibid.

Ibid.


Ibid.

Ibid.

Ibid.

Ibid.


Ibid.

Ibid. These activities include:

(i) strengthening institutional capacity of ACWC, elimination of violence against women and children;

(ii) the right of children to participate in all affairs that affect them;

(iii) trafficking in women and children;

(iv) promotion and protection of the rights of women and children with Disabilities, Child Protection System: Comprehensive / Integrative Approach for Children in Need for Special Protection (e.g., victims of abuse and neglect, trafficking, child labour, children affected by statelessness, undocumented migrant children, HIV/AIDS, natural disaster, conflicts, and children in juvenile justice system / children in conflict with the law);

(v) the right to early childhood and quality education;

(vi) promoting implementation of international, ASEAN and other instruments related to the rights of women and children;

(vii) gender equality in education (textbook, curriculum, equal access);

(viii) social impact of climate change on women and children;

(ix) adolescent physical and mental health;

(x) early marriage.

CHAPTER 4

72 ACWC Work Plan 2016-2020, ibid.


74 Ibid.

75 Ibid.

76 Ibid.


78 Ibid.

79 Ibid.


81 Ibid.


83 Ibid.


86 Ibid.

87 ASEAN Secretariat, http://asean.org/storage/2012/05/FINAL-PRINTING_27Content-ALM-WP.pdf

88 Ibid.

89 Ibid.


91 Ibid.

92 Ibid.

93 Ibid.

94 Ibid.

95 Ibid.

96 Ibid.


98 Ibid.

99 Ibid.

100 Ibid.

101 Ibid.

102 Ibid.

103 Ibid.


105 Ibid.

106 Ibid.

107 Ibid.

There is no general treaty on the free flow of goods, services, investment, capital and skilled labour in ASEAN.


Ibid.

Ibid.

See Article 3.


[in the context of cooperation to combat the abuse of narcotic drugs, each Member Country shall:

1. Intensify its vigilance and preventive and penal measures with regard to illicit traffic in drug by:
   a) Organizing exchange of information on individuals, gangs and syndicates in the territory of each member country;
   b) Organizing efforts to eliminate the illicit cultivation of opium poppy, cannabis and coca bush;
   c) Organizing efforts to eliminate the illicit manufacture of drugs.
2. Organize cooperation in the fields of drug research and education.
3. Institute improvements in national legislation aimed at intensifying the fight against the abuse of drugs and its consequences”, Ibid.


Ibid.


Ibid.

Ibid.

IHRP and Save the Children (2016), Ibid.


Ibid.

Ibid.

IHRP and Save the Children (2016), Ibid.
CHAPTER 5: ENGAGING ASEAN
STAKEHOLDERS, DUTY BEARERS AND
CIVIL SOCIETY ON CHILDREN’S RIGHTS

5.1 Introduction and definitions

The previous chapter demonstrated that ASEAN is not lacking in laws, policies and mechanisms as reflected in different declarations and work plans. ASEAN has shown its strong commitment to the promotion and protection of child rights. Although State authorities and bodies tasked to implement the declarations and work programmes are mainly State-led entities, other stakeholders have still been mentioned in various documents. This chapter describes the contributions of stakeholders, duty bearers and civil society towards the implementation of policies and plans that take into account the impact on children’s rights in the framework of the ASEAN community and the ASEAN Community Blueprints. It provides an overall identification and classification of relevant persons and entities in order to describe their unique roles while highlighting the achievements, omissions and/or failures that have been made so far in addressing the gaps in the Post-2015 ASEAN Vision.

It seems necessary to provide general definitions of the categories of the subjects mentioned in this chapter. First, when speaking of ‘stakeholders’, reference is made mainly to natural or legal persons that have a direct or indirect interest in a specific area because they can affect or be affected by its developments, actions, plans and programmes. When applying a rights-based approach to policy and legislation analysis, the above-mentioned category can be divided in two different, but linked, groups of subjects: the rights holders and the duty bearers.1

The first sub-category includes all the individuals or social groups that are entitled to enjoy specific human rights in relation to one or more duty bearers. Specifically, all children are rights holders under the CRC. Although all ASEAN Member States have ratified the CRC and a number of regional declarations,2 within the 10 countries there are often specific groups of children whose rights are not completely fulfilled, respected and protected. Worthy of mention here are, for example, children living in poverty, children belonging to ethnic minorities or indigenous communities, child workers, irregular child migrants, children with disabilities, children living in rural areas, children in conflict with the law and child victims of trafficking and exploitation. Furthermore, as the primary rights holders, children are entitled to participate in all decision-making processes related to the realization and development of their fundamental and innate human rights.3

On the other hand, duty bearers are all the entities that hold responsibilities to fulfil, respect and protect children’s rights, in accordance with the CRC and other relevant regional instruments – e.g., ASEAN Human Rights Declaration and ASEAN Community Blueprints. According to the CRC and international human rights law, the primary duty bearers are the States.4 Hence, ASEAN Member States should implement and develop plans and programmes in line with the provisions of the CRC and that are in line with the spirit of ASEAN integration.

However, States are not the only ones to have particular obligations and responsibilities to ensure children’s rights. In the last decades, traditional moral duty bearers, such as families, local communities and civil society, were joined by a number stakeholders mainly belonging to the private sector. The region has been shaped by the many trends and challenges arising in ASEAN societies that could affect children’s rights’ promotion and protection. For example, ICT providers are now taking greater responsibility to ensure a safer and more controlled environment for children, avoiding online risks and unlawful conducts, such as child pornography, grooming, cyber-bulling and sexual abuse,5 that have been exponentially increased by in the region.6
Finally, considering the increasing regionalization and globalization of ASEAN Member States, a significant role is also played by external duty bearers – all the organizations and institutions with no local direct involvement, such as INGOs, United Nations agencies, and ASEAN sectoral bodies and commissions.

As evidence of the strategic importance of stakeholders in the context of the Post-2015 ASEAN Vision, the three 2025 Community Blueprints recognize, in several provisions, the link between these subjects and the achievements of the established goals and targets as specified in many ASEAN declarations and work plans. Consultation, interaction, engagement, cooperation and collaboration with stakeholders are just a few potential approaches for improving and changing the current situation of the ASEAN Member States from a socio-cultural, political-security and economic points of view.7

Enabling the accountability of duty bearers is an efficient way to help advance the equal rights of children in the ASEAN Member States and achieve the fulfilment of the goals of the 2025 Blueprints. Engaging ASEAN Member States, enterprises, CSOs and citizens – including children themselves – has great relevance for advancing the realization of children’s rights while improving public and private services, and enhancing children’s empowerment and participation at both national and regional levels.

In light of the above, this chapter aims to provide a complete and cross-cutting review of the three ASEAN Community Blueprints, highlighting the roles of different stakeholders in the achievement of the newly established goals and identifying how their contributions could impact positively or negatively children’s rights. The analysis is carried out taking into account the previous 2015 Blueprints in order to provide a high-value ex ante assessment, including the relevant information resulting from the comparisons of the two collections of objectives.

5.2 ASEAN stakeholders

5.2.1 Rights holders

As mentioned above, children under 18 years of age are the primary rights holders in relation to the children’s rights recognized by international and regional legal instruments. Being a right-holder means not only that somebody is entitled to that specific right and that he/she can demand his/her rights from the duty bearers, but also that he/she must be considered an active participant in his/her rights’ realization.

As studied and analysed in the previous chapter, a number of documents pertain to children, and these are reiterated here chronologically:

- the Resolution on the ASEAN Plan of Action for Children (1993);8
- the Declaration on the Commitments for Children in ASEAN (2001);9
- the ASEAN Declaration Against Trafficking in Persons Particularly Women and Children (2004);10
- the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers (ACMW) (2007);11
- the Joint Declaration and ASEAN Roadmap on the Attainment of the Millennium Development Goals in ASEAN (2009);12
- the Ha Noi Declaration on the Enhancement of Welfare and Development of ASEAN Women and Children (2010);13
- the ASEAN Human Rights Declaration (AHRD) (2012);14
- the Declaration on the Elimination of Violence against Women and Elimination of Violence against Children in ASEAN (2013);15
the ASEAN Declaration on Strengthening Social Protection and its Regional Framework and Action Plan to Implement the ASEAN Declaration on Strengthening Social Protection (2015);^{16}

- the ASEAN Regional Plan of Action on Elimination of Violence against Women (2015);^{17}

- the ASEAN Convention Against Trafficking in Persons, Especially Women and Children (2015);^{18} and

- the ASEAN Regional Plan of Action on Elimination of Violence against Children (2016).^{19,20}

Aside from the abundance of relevant regional documents that may show the ASEAN commitment to the rights of the child, it is fair to say that the ASCC Blueprint 2025 is the only one among the three Blueprints to specifically mention children as beneficiaries of the potential achievements of its goals. The APSC Blueprint 2025 supplements the United Nations Convention against Transnational Organized Crime by containing a single explicit mention of children in relation to the ratification of the ACTIP and the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children.\(^{21}\) In the AEC Blueprint, there is no recognition of children as relevant subjects in the framework of the provided economic goals.

It can be noted that in this context, no relevant changes have been made compared to the previous Blueprints: even in the older documents, the ASCC Blueprint was the only one that specifically mentioned children in its strategic targets.

A comprehensive analysis of the Blueprints’ approach towards specific and more vulnerable categories of children was provided in the previous chapter in relation to the assessment of critical issues with the implementation of children’s rights through the three ASEAN documents, in light of the four core principles of the CRC.

5.2.2 Duty bearers

It is well established that rights come with responsibilities. A central idea in the framework of human rights law and protection is the relationship between duty bearers and rights holders. As mentioned in the introduction, ASEAN Member States are the primary duty bearers in regard to children’s rights. This means that they are obliged to guarantee to other duty bearers the conditions necessary to fulfil their responsibilities. Secondary duty bearers have the moral duty to respect, protect and fulfil rights in their own fields.

The following paragraphs explore the roles and functions of different duty bearers in the framework of the 2025 ASEAN Blueprints’ implications for children’s rights.

A. ASEAN Member States

The idea that the protection of children’s rights inevitably depends on the actions and activities of Member States is stated in the most relevant ASEAN instrument, the Declaration on the Elimination of Violence against Women and Elimination of Violence against Children in ASEAN, adopted in 2013. The Declaration acknowledges “the importance of intensifying efforts of ASEAN Member States to promote the rights of women and children, as well as to prevent and protect them from and respond to all forms of violence, abuse and exploitation of women and children particularly for those who are in vulnerable situations...”\(^{22}\)

Generally speaking, in the ASEAN Member States, all the decisions related to the development and implementation of programmes and policies concerning children’s rights are placed under the mandate of a specific ministry or department – e.g., the Ministry of Social Welfare in Cambodia, and the Department of Social Welfare, Minister for Women’s Empowerment and Child Protection in Indonesia.\(^{23}\) Considering the exhaustive nature of the three 2025 Blueprints, as well as the huge number of issues covered by them, it should be noted that almost all branches of the governments could play, in some way, a positive or negative role in responding to children’s issues raised by
the established goals and targets. When speaking about States as primary duty bearers, the term “State” includes all the pertinent national authorities representing the commune, district, provincial and central governments, as well as all state agents – e.g., social workers, judges, police, health care workers, teachers – in practice, all those who should cooperate for the creation of a children’s rights-sensitive normative State and institutional context. Unfortunately, considering the number of actors that share this role, it has been observed that state agents at the lower levels may lack knowledge and awareness of their authority, duties and responsibilities, which may lead to a lack of accountability on their part. The three Blueprints go beyond these partitions; mentions of different branches, offices and agents of each single government are scarce – or non-existent – implying the general idea that all the relevant ASEAN goals should be reached through concerted and coordinated activities at different national levels.

In light of these general considerations, the relevance of ASEAN Member States in the three new ASEAN Community Blueprints, from the perspective of their impacts on the rights of the child, needs to be specifically analysed. The primary purpose of the APSC Blueprint 2025 is to ensure that “the peoples and Member States of ASEAN live in peace with one another and with the world at large in a just, democratic and harmonious environment”, in order to create a rules-based and inclusive community in which peoples could enjoy human rights and fundamental freedoms. Therefore, it is clear that the concept of States as primary duty bearers for the protection of the basic human – and children’s – rights is enshrined in the first lines of the document. Nevertheless, the APSC Blueprint contains an important relevant gap in the context of the objectives of this research. As mentioned in the previous chapter, in relation to other ASEAN mechanisms, there is no explicit mention of the role of Member States in relation to the protection and promotion of children’s rights. In general terms, the target A.2.5 deals with the promotion and protection of human rights, fundamental freedoms and social justice that should be reached through, inter alia, the ratification of the relevant international instruments as well as the engagement with human rights mechanisms. By narrowing down the analysis within the purposes of this research, as previously mentioned, all 10 ASEAN Member States have ratified the CRC but that is not the case for its three Optional Protocols, as well as fundamental United Nations instruments which contain provisions related directly or indirectly to children’s rights, such as the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR). More specifically, Singapore is the only ASEAN Member State that has not yet ratified the Optional Protocol to the CRC on the sale of children, child prostitution and child pornography (OPSC); regarding the Optional Protocol on the involvement of children in armed conflict (OPAC), it has been ratified by 9 States out of 10. In relation to the third and most recent Optional Protocol on a communications procedure, Thailand is the only ASEAN Member State that has already signed and ratified it. Brunei Darussalam, Malaysia, Myanmar and Singapore have not made any action yet in relation to both International Covenants of 1976. It should also be noted that two ASEAN States, Myanmar and Singapore, are listed among the twelve United Nations Member States with the lowest rates of ratification of the 18 core human rights international treaties.
### Table 4: Status of ratification of CRC and the three Optional Protocols (as of 7 April 2017)\(^3\)\(^0\)

<table>
<thead>
<tr>
<th>Country</th>
<th>Signature(s)</th>
<th>Ratification/Accession</th>
<th>Reservations</th>
</tr>
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<tbody>
<tr>
<td>Brunei Darussalam</td>
<td>CRC: 27/12/1995</td>
<td>OP1: 17/05/2016</td>
<td>Arts. 14, 20(3), 21(b), (c), (d) and (e) of the CRC.</td>
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<td>Cambodia</td>
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<td>OP2: 30/05/2002</td>
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<td>Indonesia</td>
<td>CRC: 05/09/1990</td>
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<td>Lao PDR</td>
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<td>Arts. 2, 7, 14, 28(1)(a)(^3)(^1) and 37 of the CRC</td>
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<td>Myanmar</td>
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<td>Philippines</td>
<td>CRC: 21/08/1990</td>
<td>OP1: 26/08/2003</td>
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<td>OP2: 28/05/2002</td>
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<td>Singapore</td>
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<td>OP1: 11/12/2008</td>
<td>Reservations to Arts. 28(1)(a) and 32 of the CRC</td>
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Table 5: Status of ratification of other international human rights instruments

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<tr>
<th>Human rights treaty</th>
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<th>Brunei</th>
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<td>ICESCR-OP</td>
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<td>CAT-OP</td>
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<td>7. ICRMW</td>
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<td>2004 s</td>
<td>2012</td>
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<td>1995</td>
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<td>9. ICCPED</td>
<td></td>
<td>2013 a</td>
<td>2010 s</td>
<td>2008 s</td>
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<td>-</td>
<td>2012 s</td>
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</table>

Notes
s: signature (not yet ratified)
a: ratification/accession

List of conventions and optional protocols

1. ICCPR International Covenant on Civil and Political Rights
   ICCPR-OP 1 Optional Protocol to ICCPR
   ICCPR-OP 2 Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty

2. ICESCR International Covenant on Economic, Social and Cultural Rights
   OP-ICESCR Optional Protocol to ICESCR

3. CEDAW Convention on the Elimination of All Forms of Discrimination against Women
   OP-CEDAW Optional Protocol to CEDAW

4. CRC Convention on the Rights of the Child
   OP-CRC-AC Optional Protocol to CRC on the involvement of children in armed conflict (OP1)
   OP-CRC-SC Optional Protocol to CRC on the sale of children, child prostitution and child pornography (OP2)
   OP-CRC-CP Optional Protocol to CRC on a communications procedure (OP3)

5. ICERD International Convention on the Elimination of All Forms of Racial Discrimination

6. CAT Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
   OP-CAT Optional Protocol to CAT

7. ICRMW International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

8. CRPD Convention on the Rights of Persons with Disabilities
   OP-CRPD Optional Protocol to CRPD

9. ICCPED International Convention for the Protection of All Persons from Enforced Disappearance

### Table 6: Status of ratification of ILO Core Conventions

<table>
<thead>
<tr>
<th>ASEAN Member States</th>
<th>Freedom of association</th>
<th>Forced labour</th>
<th>Discrimination</th>
<th>Child labour</th>
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<td>Brunei Darussalam</td>
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<td>Myanmar</td>
<td>1955</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Viet Nam</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>1997</td>
</tr>
</tbody>
</table>

### Table 7: Definition of a child and minimum age in legislation relevant to child rights in ASEAN

<table>
<thead>
<tr>
<th>Country</th>
<th>Age of a child as defined in legislation relating to child protection</th>
<th>Minimum age of marriage</th>
<th>Minimum age of criminal responsibility</th>
<th>Minimum age of employment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Brunei Darussalam</td>
<td>A child is a person younger than age 14; a young person is someone aged between 14-18 years; and a juvenile means a person aged 7-18 years</td>
<td>14 years old with parental consent for non-Muslims; 15 years old for ethnic Chinese girls, no minimum age stipulated for ethnic Chinese males; not expressly defined for Muslims</td>
<td>7 years old</td>
<td>16 years old; 14 years old for light work</td>
</tr>
<tr>
<td>Cambodia</td>
<td>No specific child law</td>
<td>18 years old</td>
<td>14 years old</td>
<td>16 years old; parental consent is required for the employment of children younger than 18 years old</td>
</tr>
<tr>
<td>Indonesia</td>
<td>Younger than age 18</td>
<td>16 years old for females and 19 years old for males</td>
<td>12 years old</td>
<td>15 years old; children aged 13-15 years may be employed in light work jobs; children may also work in the family business</td>
</tr>
<tr>
<td>Lao PDR</td>
<td>Younger than 18 years old</td>
<td>18 years old</td>
<td>15 years old</td>
<td>15 years old</td>
</tr>
<tr>
<td>Malaysia</td>
<td>Younger than 18</td>
<td>18 years old under civil law, those aged 16-18 can marry with authorization of the Chief Ministry; 16 years old for females and 18 years old for males under Islamic law, persons below 16 years of age can marry with the approval from the Shariah Court; 10 years old according to the Penal Code; from the onset of puberty for Muslim children according to Islamic law</td>
<td>14 years old and is being raised to 15 years old</td>
<td>14 years old and is being raised to 15 years old</td>
</tr>
<tr>
<td>Myanmar</td>
<td>Younger than 16 years old</td>
<td>14 years old for girls and no minimum age for boys</td>
<td>7 years old</td>
<td>13 years old</td>
</tr>
<tr>
<td>Philippines</td>
<td>Younger than 21 years old</td>
<td>18 years old; with those between 18-21 requiring parental consent</td>
<td>15 years old</td>
<td>15 years old; a child below 15 years of age may be employed under sole responsibility of parents where this does not endanger his/her life safety, health, morals, and the child's education.</td>
</tr>
<tr>
<td>Singapore</td>
<td>Younger than 14 years old (youth between ages 14-16 years old)</td>
<td>18 years old</td>
<td>7 years old</td>
<td>13 years old</td>
</tr>
<tr>
<td>Thailand</td>
<td>Younger than 18 years old</td>
<td>17 for boys and girls; males younger than 18 years old who committed sexual violation against a girl aged between 13-15 years to marry the girl, with her consent</td>
<td>10 years old</td>
<td>15 years old</td>
</tr>
<tr>
<td>Viet Nam</td>
<td>Younger than 16 years old</td>
<td>18 years old</td>
<td>14 years old</td>
<td>15 years old</td>
</tr>
</tbody>
</table>
The previous APSC Blueprint contained an entire section on the promotion and protection of human rights (A.1.5). However, even if the scope and the wording of the two targets seem rather similar, there is considerable difference between the two texts. In the older Blueprint, the main action envisaged to reach the mentioned goal was the establishment of an ASEAN human rights body, namely the AICHR, which was created in 2009. As such, the accomplishment of this meaningful target should entail an opportunity for ASEAN Member States to enhance their efforts to comply with international human rights instruments.

The duties of the Member States, under the APSC, do not stop within the borders of their international commitments. The APSC Blueprint encompasses a number of goals that need the activity of governments to be reached and accomplished. Some of these goals could impact positively or negatively the enjoyment of children’s rights in the ASEAN region. For example, the promotion of the notions of democracy and good governance (goals A.2.1, A.2.2) may increase child and youth participation in law- and decision-making processes. However, the goal B.3.4, urging ASEAN Member States to enhance cooperation against trafficking in persons and people smuggling, may worsen the conditions of children in the event of poorly-established and non-child-focused response systems for child migrants and child victims of trafficking.

The main objectives of the AEC Blueprint 2025, as well as that of its 2015 predecessor, are the free flow of trade in goods, services, investments and skilled labour, and the free movement of capital across the region. ASEAN Member States are required to undertake a number of regional and national programmes, and to make changes in domestic laws and regulations to achieve ASEAN long-term economic development aspirations. Although, generally speaking, the achievements of the economic goals may have a positive impact on children’s rights, mainly in terms of poverty reduction and access to basic social services, ASEAN Member States may sacrifice children’s rights for the benefit of national economic growth, for example, in the context of budget allocation.

The ASCC Blueprint 2025 could be considered the most relevant and progressive Blueprint among the three in regard to human rights and children’s rights. It includes a number of elements that are found in the SDGs. According to the ASCC Blueprint, ASEAN Member States will be involved in a variety of programmes and plans that may directly affect the rights of children. Access to education, healthcare services and other basic social services are some of the cornerstones of the document. In this context, ASEAN Member States working to achieve these goals may experience difficulties depending on the chosen and used strategies. Policies and plans may not take into account the perspective of the most vulnerable groups of children, who may be left behind. Additionally, universal access to education and health care services may lead to poor quality and high costs.

A.1 ASEAN Sub-state entities and agents

As mentioned, the overall ‘duty bearer’ responsibility of the States includes all its functions and agents, for example, government departments, local authorities, teachers and any sub-state subject who works in direct contact with children. The great number of entities and people involved poses additional challenges in their recruitment, training and capacity building. The importance of adequate and child-focused training for these subjects, and all the other relevant stakeholders, is enshrined in the mandate of the ACWC, which includes inter alia, building the “capacities of relevant stakeholders at all levels […] through the provision of technical assistance, training and workshops, towards the realization of the rights of women and children”.

Almost all the goals of the three ASEAN Community Blueprints 2025 that may impact children’s rights envisage, theoretically, the participation and engagement of this category of stakeholder – e.g., involvement of teachers in the access to education (ASCC Blueprint goals B.2.iv, B.2.vi, B.2.xi, E.2.ii). This involvement may lead to a stronger and more effective promotion and protection of children’s rights. The other side of the coin is that those people, without previous and focused training, may act in a way that could impact negatively on children.
In the text of the three Community Blueprints 2025, one reference that pertains specifically to this topic is contained in goal B.3.6 of the APSC Blueprint, in which the promotion of trainings on cyber-security and cybercrimes is included among the means to strengthen cooperation in combating cybercrimes. Newly emerging technological threats and challenges are putting children in the region increasingly at risk of harm by technological devices and the Internet.\(^43\) Dealing with cybercrimes involving children requires specialized skills and increased resources that should be achieved through specialized training and the sharing of good practices.\(^44\) As of today, several training programmes for national law enforcement officials have been organized by ASEAN Member States. For example, Cambodian officials have participated in a number of trainings on investigating cybercrimes against children.\(^45\) In Indonesia, police officers working in the Women and Children Service Units have received training based on techniques for interviewing child victims and witnesses.\(^46\) Also, in the Philippines, the National Bureau of Investigation Cybercrime Division, tasked with investigating all cyber-related crimes, is made up of officers trained on relevant laws and skills building on forensic examination and investigation in line with international best practices.\(^47\)

Also in the APSC Blueprint, training programmes and other capacity-building activities for government officials are encouraged to promote the principles of democracy (APSC goal A.2.1). In this case, mainstreaming a child-rights perspective in the mentioned trainings may help government agents to perceive children and youth as citizens who should participate in law- and decision-making processes in compliance with article 12 of the CRC. As discussed in the previous chapter, it is worth remembering that since 2010, ASEAN Member States have organized and hosted four ACFs\(^48\) aimed at contributing to the creation of a child-friendly ASEAN community, while enhancing the participation of children and the promotion of children’s rights.

The same kinds of training programmes were envisaged in the previous version of the APSC Blueprint. Unfortunately, no scorecard or other kind of assessment is currently available to check what has been achieved so far in terms of goals and strategic targets set by the 2015 document.

A.2 Cooperation amongst ASEAN Member States and issues related to regionalism

Although the concept of States as primary duty bearers is not questioned, it should be highlighted that all three Blueprints were specifically adopted in the framework of ASEAN, a regional organization of Member States. According to the ASEAN Declaration (also known as the Bangkok Declaration), two of the main purposes of the ASEAN are “...[t]o promote active collaboration and mutual assistance on matters of common interest in the economic, social, cultural, technical, scientific and administrative fields” and “[t]o provide assistance to each other in the form of training and research facilities in the educational, professional, technical and administrative spheres...”\(^49\)

Consequently, when it comes to the involvement of ASEAN Member States in the new Blueprints, the actions aimed at reaching the provided targets are often described as the result of cooperative activities of all the Member States. Therefore, the key concept is that States should work to pursue cooperation amongst themselves in order to eliminate inequalities within and between their territories. The idea of cooperation amongst Member States is repeated multiple times in the three Blueprints. For example, in the APSC Blueprint 2025, goal A.2.4 hopes for the establishment of programmes for mutual support and assistance amongst Member States in the development of strategies for advancing the rule of law and strengthening judicial systems and legal infrastructure. A few lines below in the same document, cooperation amongst States is described as one of the ways to combat trafficking in persons and people smuggling (goal B.3.4), as well as improve management of borders. Addressing these issues in a child-sensitive way may strengthen national child protection legislation and help to detect smuggled and trafficked children while preventing irregular migration (although sensitivity around sovereignty means that border management can often look like draconian border control).

Moreover, goal E.2, aimed at a creative, innovative and responsive ASEAN, encourages regional cooperation in the areas of education, training and research. The achievement of this goal may impact children’s rights in different positive ways: the promotion of education, training and research
may provide youth with better skills as well as ensure that specially trained professionals are able to respond to children’s needs in their fields of expertise.

In the ASCC Blueprint, regional cooperation is also presented as the foundation of almost all the goals related to environmental sustainability and climate change mitigation. All children are entitled to live in a safe and healthy environment in order to enjoy the highest attainable standards of mental and physical health. Unfortunately, many children suffer in unacceptable living conditions due to the environmental situation in their own country. Although all 10 ASEAN Member States have already ratified or acceded the most relevant multilateral environmental agreements on global environmental issues, as of June 2015, only 10 action lines of the previous ASCC Blueprint (which included more or less the same goals as the most recent document) were reported to have been completed.

As confirmed by the challenges encountered while pursuing the 2015 goals, ASEAN Member States show several interregional differences in terms of ethnicity, religion, culture, and political systems that are likely to undermine the achievement of the desired regional cooperation in all the fields in which a concerted action may have a highly positive impact on the rights of the child. Moreover “the numerous differences in various fields have frequently made the Member States difficult to agree on certain schemes and plans, such as economic integration proposals, due to discrepancies in perceived national benefits”.

In the context of cooperation amongst Member States and regional efforts, it should be noted that one of the risks of belonging to a regional organization is that Member States may understand children's rights from perspectives that slightly differ from the universal one. As seen in the previous chapter, human rights standards at the regional level of ASEAN, although rhetorically equivalent to international standards, often show an emphasis on select parts of the international human rights instruments that could be more easily accepted in the context of the ASEAN human rights standards.

**B. The private sector**

In recent years, the concept of the private sector's engagement on and commitment to the promotion of human and children's rights has enjoyed increasing support by the international community. According to the United Nations Guiding Principles on Business and Human Rights’ Principle 11: “Business enterprises should respect human rights. This means that they should avoid infringing on the human rights of others and should address adverse human rights impacts with which they are involved.” Business enterprises are required to “avoid causing or contributing to adverse human rights impacts through their own activities, and address such impacts when they occur; (b) Seek to prevent or mitigate adverse human rights impacts that are directly linked to their operations, products or services by their business relationships, even if they have not contributed to those impacts”. It should be noted that the required activities demanded by the United Nations Principles correspond to the three types of obligation – respect, protect and fulfil – that each duty bearer has in respect to rights holders. Particular emphasis is placed on the necessity of a non-discriminatory implementation of the principles, with particular attention to the rights and needs of individuals from vulnerable groups, which can include children.

In the ASEAN region, the private sector has played an increasingly critical role both as violator and as promoter of the rights of children. In fact, even if it is the main driver of economic growth in the ASEAN Member States, and thereby contributing to poverty reduction, the private sector's operations and activities may also affect negatively on the livelihood of children living in poverty as well as increase child labour and sexual exploitation of children in travel and tourism. According to a recent situational analysis, “[w]ith the anticipated growing cross-border trade and investment that accompany regional economic integration, there is a greater need for the private sector (both domestic and international) to be more accountable to the people and communities affected by their operations.”
When analysing the three Blueprints, it is evident that the private sector is particularly present in the AEC Blueprint’s goals. Engagement with the private sector is considered one of the means to promote the principles of good governance, transparency and regulatory-regimes, which is part of the scope of the AEC 2025. Moreover, goal D.2 is specifically dedicated to the betterment of the private sector because “[t]he role of the private sector in ASEAN integration is important as a key stakeholder in the process. In the AEC 2025 environment, it is recognized that greater involvement of the private sector and more structured participation will be beneficial to the achievement of ASEAN goals”.

In the ASCC Blueprint, strategic partnerships with the private sector are considered effective ways to promote sustainable financing mechanisms for sustainable climate (ASCC goal C.3) and social protection, including universal health coverage, early childhood care and development (ASCC goal B.3). Furthermore, according to goal D, contributions from the private sector should be included in ASEAN’s resilient communities.

Lastly, the APSC Blueprint considers strengthened cooperation with the private sector will instil a culture of good governance and corporate social responsibility (A.2.2), promote integrity and anti-corruption (A.2.3) and combat transnational crimes (B.3.1) and cybercrimes (B.3.6).

The AEC and ASCC Blueprints share a common interest and focus on the ICT sector, though from two different perspectives. In the AEC Blueprint, ICT is considered “a key driver in ASEAN’s economic and social transformation”, which can promote trade investment and entrepreneurship, while the ASCC Blueprint encompasses the promotion of access to ICTs as a means to empower people and strengthen institutions (A.2.ii), to reduce barriers among the population (B.1.iii), and to create an open, adaptive (E.1.i), creative, innovative and responsive ASEAN (E.2.i). Regardless of the aim of the promotion of ICTs in ASEAN Member States, it should be noted that its impacts on children’s rights are numerous and the role of ICT providers should not be underestimated.

According to the UN Special Rapporteur on the sale of children, child prostitution and child pornography, Maud de Boer-Buquicchio, “initiatives aimed at enhancing engagement with industry in its wider form, including not only Internet service providers and Internet content providers, but also application developers, should be encouraged.” The proliferation of ICTs may provide children with new opportunities for networking, sharing of information, political discussion and participation. Moreover, access to ICTs gives children from rural communities the opportunity to enjoy a range of services without being hampered or dissuaded by their distance to providers. On the other hand, uncontrolled development of these technologies may increase the frequency and volume of cybercrimes and cyber-threats against underage users, who may experience a lack of protection and subsequently fall victim to exploitation. Children belonging to the most poor and vulnerable groups may be left behind, and the subsequent digital divide could exacerbate “inequalities in access to information and knowledge, making it more difficult to socialize with peers and limiting awareness of and the ability to use basic tools for life in society”. Furthermore, it is fair to say that, considering the censorship that is taking roots within the region, the promotion of access to ICTs may lead to further blocking of information. In short, despite the profound benefits and advantages of ICTs, children may still face a number of risks while surfing the Internet. Considering the potential of ICT providers to broaden the opportunities for rights-fulfilling services to children, while potentially simultaneously creating new threats and dangers for the enjoyment of children’s rights, initiatives to increase their social accountability and awareness are necessary.

Another specific area that requires the involvement of the private sector and is included in the ASEAN Community Blueprints 2025 (specifically in the AEC Blueprint) is quality tourism, which should be fostered in order to contribute to the socio-economic well-being of the population (AEC goal C.6). As stated, ASEAN aims to promote and diversify its tourism products in a responsible, sustainable and inclusive manner. The proposed goal may increase jobs, improve infrastructure in local communities and attract foreign investments. On the other hand, development carried out without the necessary regulatory oversight may leave children at risk of abuse and exploitation. It should be noted that countries in the region are reportedly among the top destinations for travelling...
child sex offenders; therefore, ASEAN should concentrate its efforts on the engagement of the travel and tourism sector in protecting children from exploitation and abuse. A recurring and positive element in the framework of the private sector’s role in the promotion and protection of children’s rights in the region is the business approach commonly known as ‘corporate social responsibility’ (CSR). In its General comment No. 16 on State obligations regarding the impact of the business sector on children’s rights, the UN Committee on the Rights of the Child “acknowledges that voluntary actions of corporate responsibility by business enterprises, such as social investments, advocacy and public policy engagement, voluntary codes of conduct, philanthropy and other collective actions can advance children’s rights.” CSR is mentioned in all three 2025 Blueprints in relation to collaboration with the private sector and other relevant stakeholders in order to instil a culture of good governance (APSC goal A.2.2), contribute to regional integrations efforts (AEC goal D.5) and engage and benefit people in ASEAN countries (ASCC goal A, para.7). It should be noted that under the previous 2015 version of the ASCC Blueprint, “Promoting Corporate Social Responsibility (CSR)” was identified as a specific goal to achieve in order to ensure sustainable socio-economic development in ASEAN. In light of this provision, the ASEAN CSR Network (ACN) was established in 2011, with support from the ASEAN Foundation and the Japan-ASEAN Solidarity Fund. The organization has a mandate to support the advancement of CSR in the region. Currently, despite the growing interest in the area of CSR among business operators in ASEAN Member States, “the level of awareness and practices of CSR vary across countries and business sectors as well as between national and international operators”.

C. Civil society

In the context of duty bearers, civil society deserves special mention. The term includes NGOs, community groups, women’s groups, environmental movements, faith-based organizations, professional associations, trade unions, self-help groups, social movements, business associations and advocacy groups. All the above-mentioned CSOs play an important role in the implementation of the CRC and, subsequently, in the promotion of children’s rights worldwide. This crucial contribution has also been recognized by the ASEAN community in the framework of the objectives of its Plan of Action Against Trafficking in Persons, Especially Women and Children: “Recognize the important role of civil society organizations in each ASEAN Member State in providing assistance and empowerment to victims of trafficking in persons, helping them to seek redress and facilitating the care of and provision of appropriate services to victims, including close cooperation and coordination with law enforcement officials.”

In addition, the TOR of the ACWC, established in 2010, encompasses, inter alia, capacity building of relevant stakeholders, including CSOs, among its mandates and functions.

The crucial role of CSOs in the promotion and protection of children’s rights is undeniable and their presence in the ASEAN region is significant. However, the engagement of CSOs in ASEAN Member States varies from country to country because of States’ own peculiarities. Although CSOs have been active in providing support to governments for the implementation of projects, plans and policies related to key sectors of social development and welfare, they are still evolving in order to achieve bigger goals and increase their partnerships with States. A constructive engagement with the governments is a more effective way to advocate for children’s rights.

The three 2025 Blueprints recognize the essential contribution that civil society can make, through different perspectives and foci, to the process of enhancing ASEAN communities. In the AEC Blueprint, CSOs are included among the stakeholders that can contribute to regional integration efforts (goal D.5). It should be stressed that in this target, the contribution of CSOs in providing feedback on the impact of these efforts on ASEAN populations is specifically mentioned. Accordingly, NGOs and other organizations working for the rights of children may have the opportunity to engage more effectively with the ASEAN Member State governments for the implementation of child-responsive policies and laws.
Reference to CSOs is scarce in the 2025 ASCC Blueprint. In its first lines, while describing features and peculiarities of the community, the document highlights the importance of multi-sectoral and multi-stakeholder engagement, including with CSOs, to raise and sustain awareness of human rights issues (para. A.7). The involvement of more stakeholders may have positive impacts on children by leading to a stronger network of private and public entities aiming at the promotion of children’s rights.

The 2025 APSC Blueprint deals with CSOs in more specific terms: collaboration and cooperation with all the organizations included in the context of civil society is considered one of the means to promote principles of democracy (A.2.1); promote and protect human rights, fundamental freedoms and social justice (goal A.2.5); combat transnational crimes (B.3.1); and, lastly, promote and strengthen peace-oriented values (B.4.6).

Ideally, the envisaged close cooperation among CSOs, ASEAN and Member States should help in the shaping of new and positive trends in the protection of children within the region. However, within the ASEAN mechanisms (as mentioned in the previous chapter) consultation and engagement has so far been negligible.

D. External duty bearers

D.1 ASEAN’s bodies and commissions

Being a regional intergovernmental organization, and considering that all its Member States ratified the CRC, ASEAN is expected to work towards the realization of children’s rights within the region. Therefore, it might be said that ASEAN is an external and moral duty bearer in relation to children’s rights. “As the world becomes increasingly globalized, moral duty bearers at the international and transnational level may be increasingly expected to assume a greater responsibility in the promotion and protection of human rights.”

As already pointed out in the previous chapter, in the framework of ASEAN’s complex structure, issues relating to children primarily fall under the scope of the AMMSWD. Specific issues could also be addressed by the ASEAN Ministerial Meeting on Disaster Management, ASEAN Education Ministers Meeting, ASEAN Health Ministers Meeting, ASEAN Labour Ministers Meeting, ASEAN Ministerial Meeting on Women, and ASEAN Ministerial Meeting on Youth. Furthermore, a central role is played by the AMMSWD, to which the ACWC submits its annual report.

Although all ASEAN bodies should mainstream children’s rights into the framework of their work, as discussed in the previous chapter, two specific bodies deal with the protection and the promotion of children’s rights: the AICHR and the ACWC. Their establishment in 2009 and 2010, respectively, presented great promise for the protection and promotion of human rights and the rights of women and children in the region.

Considering the importance of these two bodies for the topic of this research, it is disappointing to note that they are mentioned just twice in the new set of ASEAN Blueprints. The work of the ACWC, the specialized body dealing with children’s rights, is specifically acknowledged in the APSC as the most effective way to enhance regional initiatives to promote and protect the rights of women and children as well as persons with disabilities (APSC goal B.3.). With regard to the AICHR, the ASCC Blueprint mentions it in several actions aimed at the achievement of goal A.2.5 (to “Promote and protect human rights, fundamental freedoms and social justice to ensure our peoples live with dignity, in peace, harmony and prosperity”).

Finally, specific ASEAN Community Councils are responsible for the implementation of all three Blueprints, sometimes with the support of the sectoral bodies in order to guarantee the highest attainable level of cooperation and cross-sectoral collaboration. Mainstreaming a child-sensitive approach into the activities of these councils may increase the effectiveness of the Blueprints in terms of children’s rights’ protection and promotion in the region.
CHAPTER 5

D.2 Other external duty bearers

Besides ASEAN, there are other external entities that may play a crucial role in protecting and fulfilling children’s rights in the region, other supranational and intergovernmental organizations, such as the United Nations and the World Tourism Organization and all the international non-governmental organizations (INGOs). These subjects, often described as moral duty bearers, don’t have any legal obligation in relation to child rights holders but do have the power to affect the lives of children.78

ASEAN’s relations with the United Nations system started in the early 1970s through initial cooperation with the United Nations Development Programme (UNDP). Since 2000, seven ASEAN-UN Summits have been held and a Memorandum of Understanding (MoU) between ASEAN and the United Nations was signed in order to establish a partnership encompassing the full range of cooperation in political, economic, and socio-cultural areas. At the last ASEAN-UN Summit, the development of a five-year Plan of Action (2016-2020) to implement the Joint Declaration on the Comprehensive Partnership between ASEAN and the United Nations was discussed. The plan will take into account the key elements of both the ASEAN 2025: Forging Ahead Together and the 2030 United Nations Agenda for Sustainable Development. Furthermore, over the years, the UN General Assembly adopted various Resolutions aimed at increasing contacts and enhancing cooperation with ASEAN.79

The cooperative engagements and commitments among Member States, ASEAN and the United Nations is envisaged specifically in some goals of the APSC Blueprint and more generally in the introduction of the ASCC Blueprint, in which it is affirmed that:

“Going beyond the current progress in the ASCC and the region in general, ASEAN’s experiences, aspirations and destiny will be closely intertwined and influenced by global developments and challenges. As the year 2015 draws to a close, the global community of nations through the United Nations is forging commitment with all its 193 member states to realize in the next fifteen years a comprehensive and far-reaching set of universal and transformative goals and targets for the 2030 Agenda for Sustainable Development.”80

The APSC Blueprint recognizes the need to enhance engagement with the United Nations in a number of its goals related to issues that may have huge impacts on the rights of children in ASEAN countries. Therefore, the involvement of United Nations bodies and agencies may benefit the desired child-focused implementation of the activities provided by the document. Some of the mentioned areas are promotion of tolerance and moderation to bridge differences, resolve disputes and counter violent extremism (goal A.3.2); strengthening of the ASEAN Regional Forum process (B.1.3); cooperation against terrorism (B.3.2.); cooperation on disaster management and emergency response (B.3.8); addressing transnational crimes and transboundary challenges (B.3.9); promotion of confidence-building measures and preventive diplomacy activities (B.4.1); and participation in United Nations peacekeeping operations and post-conflict peace-building efforts (B.4.5).

Finally, an essential contribution to children’s rights’ promotion and child development is offered by the numerous INGOs working closely with ASEAN Member State governments to respond, in different ways, to the needs of children, although more often through service delivery than advocating for children’s rights. INGOs that focus on children’s rights are present in all the ASEAN Member States (with a strong presence in Cambodia), and “have been active in providing support and facilitating the implementation of projects on the key social sectors such as in health and education, with a smaller number working on capacity building and advocating for changes in laws and policies”.81

Reportedly, cooperation between non-governmental partners, including INGOs, is also necessary in the implementation of child-focused national plans in the region.82 However, INGOs are not mentioned in the three Blueprints, in either the old or the new versions. Even the more generic term “NGO”, which could include local non-governmental organizations as well as international ones, is barely used. More information about the relevance of NGOs for children’s rights in the framework of the ASEAN Blueprints can be found in the previous paragraphs in reference to CSOs’ engagement and activities.
5.3 Conclusion

This chapter has described the contributions of stakeholders, duty bearers and civil society towards the implementation of policies and plans that take into account the impact on children’s rights in the framework of the ASEAN community and its ASEAN Community Blueprints. Within ASEAN, States are not the only entities to have particular obligations and responsibilities to ensure children’s rights. In recent times, traditional moral duty bearers, such as families, local communities and civil society (see the APSC Blueprint more so than the ASCC Blueprint), have also been joined by the private sector (as particularly apparent in the AEC Blueprint and to a slightly lesser degree in the ASCC and APSC Blueprints). International organizations and the United Nations are also important external stakeholders as highlighted in the APSC Blueprint and more generally in the introduction to the ASCC Blueprint.

The importance of stakeholders in the context of the Post-2015 ASEAN Vision and the three 2025 Blueprints is visible, and the link between these subjects and the achievements of the established goals and targets is present in many ASEAN declarations/work plans. However, ensuring the accountability of duty bearers is an obvious way to help advance the equal rights of children in the ASEAN Community and the fulfilment of the goals of the 2025 Blueprints. As such, consultation, interaction, engagement, cooperation and collaboration with stakeholders are just a few potential approaches for improving and changing the current situation of the ASEAN Member States from a socio-cultural, political, security and economic point of view. All ASEAN bodies should mainstream children’s rights into their work, particularly with the support of the AICHR and ACWC.

Endnotes


2 Declaration of principle strengthening ASEAN collaboration on youth (1983); Resolution on the ASEAN Plan of Action on Children (1993); Declaration on the Commitment for Children in ASEAN (2001); Declaration Against Trafficking in Persons Particularly Women and Children (2004); Convention Against Trafficking in Persons, Especially Women and Children (2015).


4 CRC, Article 2 and following.


6 IHRP and Save the Children (2016), ibid, p. 91.


IHRP and Save the Children (2016), ibid, p. 20.


IHRP and Save the Children (2016), ibid, p. 39.


Ibid, 110.


Ibid, para. l.3.

Myanmar has just signed the protocol.


Convention denounced in 1990.


Personal communication with a government representative at the Regional Consultation 21-22 October 2015, Bangkok - The Young Persons (Employment) Act 1966 is being amended which is expected to raise the minimum age of employment from 14 to 15 years.


IHRP and Save the Children (2016), ibid, p. 105.


UNICEF (2016), *“Child protection in the digital age National responses to online child sexual abuse and exploitation in ASEAN Member States”,* 44.

Ibid., 72.

The first ASEAN Children’s Forum was held in Pampanga (Philippines) in October 2010; the second ASEAN Children’s Forum was held in Singapore in March 2012; the third ASEAN Children’s Forum was held in Bangkok (Thailand) in January 2014; the fourth ASEAN Children’s Forum was held Ha Noi (Viet Nam) in June 2016.


IHRP and Save the Children (2016), ibid, p. 6.


Ibid, General Principles.

IHRP and Save the Children (2016), ibid, p. 46.

Ibid, 65.

AEC Blueprint, Introduction, para. 6.
CHAPTER 5

What ASEAN integration could mean for children: Assessment of the ASEAN Community Blueprints and potential impacts on children

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CHAPTER 6: CONCLUSIONS AND RECOMMENDATIONS

“The meetings and discussions during the preparation process of the Blueprints did not touch much upon the possible impacts of strategies and plans to be included. ASEAN officers usually focused on the benefits and opportunities created by the communities. However, each AMS would be analysing and reflecting how different strategies and plans would have ramifications at national level. No conceptual discussions on the terms used but more clinical verifications. So, the choice of terminologies was extremely important and it took time for member states to agree on some terms or concepts. The good example would be people oriented and people centred. Some AMS were happy with people oriented but not people centred. Some were comfortable with the latter. The compromise was to use the two. Another example is about instrument on the protection of migrant workers. Since one or two countries were not comfortable with, it was not included in the Blueprint.”

“There are quite a number of studies conducted by the Economic Research Institute for ASEAN and East Asia or ERIA, a think tank based in ASEC itself and Habibie Centre – ASEAN Studies programmes. Some were used as a basis for the formulation of the Blueprints.”

The research team has reviewed various documents published and made available on the websites of the two institutions and found very few projects about impacts or possible impacts on ASEAN Communities. Between 2014 and 2015, ERIA conducted and published 42 research projects, 16 of which are energy related researches, 13 are related to deepening economic integration, and the rest are about narrowing development gaps and sustainable economic development. For example, these included mitigating supply-chain risks due to natural disasters; making industrial economies environmentally friendly; improving corporate management and change pathways, as well as implementing a social protection floor; and incorporating a perspective from the developing East Asia. As of April 2016, ERIA has produced and published 42 more research projects using the same themes. Interestingly, under “Deepening Economic Integration”, one of the projects was on “Framing the ASEAN Socio-Cultural Community Post 2015: Engendering Inclusiveness, Resiliency, Sustainability and Unity for One ASEAN Community”. The project was “a joint ERIA-ASEAN Secretariat (ASEC) ASCC Department project, with the end view of providing guidance to the ASCC bodies as they develop and agree on the action”. Under the project, “think pieces” were produced:

“Each think piece takes into consideration the ASEAN vision from the ASCC Blueprint and ASEAN regional agreements on the selected area of concern, and where feasible, suggests outcomes of the vision and regional agreement(s) and the possible indicators of such outcomes, and examines the evolution of the indicators of the outcomes of the ASEAN vision/regional agreement(s), where such indicators are available. The objective of such examination of the evolution of outcome indicators is to explore setting targets for end period, say by 2025 or 2030, drawing what is feasible from the literature, analytic work, and experiences of other regions, and discussions with concerned stakeholders like ASEAN officials.”
By comparing the report of the study by ERIA and the final ASCC Blueprint, we can see commonalities in concepts including resiliency, sustainability and inclusiveness. What was added in the ASCC Blueprint 2025 is the concept of dynamism, as well as engaging and benefiting the people. This is despite the fact that stakeholder consultation during the preparation process of the Blueprint(s) at the regional level were missing, as could be seen from what was quoted above, that “concerned stakeholders” refers to ASEAN officials. The lack of participation was admitted by ASEC officers as well. However, it was explained that consultations were done in some Member States. Nevertheless, this practice was not mandatory and depended very much on the openness of the respective governments. One observation could be made here. The studies, as well as ASEAN officials, see the connectedness between all Blueprints. "Many of the topics are framed to highlight the interconnection between the ASCC and the AEC Blueprint measures. This reflects an underlying presumption in the Blueprints that a truly well performing and successful AEC is underpinned and complemented by a well performing and successful ASCC, and vice versa". The previous Socio-Cultural Blueprint (2009-2015) was meant to mitigate the impacts of building of the economic community. Impacts on economic development and economic integration were studied widely, but none of them focused on the impacts of the AEC on any areas of human rights in general, or children's rights in particular.

This eACRIA of ASEAN integration seems to be the first to carefully look at and assess possible impacts of the ASEAN Communities specifically on children's rights. As analysed and revealed in previous chapters, ASEAN people and children in this case could benefit from ASEAN integration in many ways. There are however, certain risks to be taken into consideration. The detailed analysis of potential positive and negative impacts of the three communities on children and children's rights was highlighted in earlier chapters. It shows that some of the “characteristics and elements” of the three Blueprints contribute positively to the promotion and protection of child rights. However, many “characteristics and elements” carry with them both positive and negative ramifications, which there is a need to properly address and mitigate.

It is important to note that unlike the previous Blueprints, the current Blueprints do not provide detailed actions. In the Roadmap for an ASEAN Community 2009-2015, under each characteristic and element, some ‘concrete’ actions were identified. The ASEAN 2025: Forging Ahead Together (2016-2025) did not identify ‘actions’, but some have “strategic measures” (such as in the ASCC Blueprint). Terms such as ‘promote’, ‘encourage’, ‘ensure’, ‘enhance’, ‘support’, ‘implement effectively’, ‘strengthen’, ‘continue’, ‘develop’, and ‘provide’, among others, are used throughout the Blueprints, except some that are more prescriptive, such as “conduct activities” (although with no concrete activities identified). “The blueprints are more principled than action oriented. Plan of activities and actions to be taken are left with sectoral bodies.” The Blueprints also leave ASEAN Members States to determine how to promote, ensure, support, and implement the various elements included in each community. The actual implementation at national level is, therefore, subjected to national policies, legal frameworks, and resources, which include both financial and human resources.

One of the challenges here is how to properly monitor and evaluate the implementation of the Blueprints. Each Blueprint is expected to be implemented by relevant ASEAN Sectoral Bodies under the APSC, AEC, and ASCC, and, as already mentioned, the implementation is to be done at both national and regional levels. For the APSC, “the blueprint prescribes the review and evaluation to be conducted in 2017, 2019, 2021 and 2023 by the. The midterm and end-of-term review will be undertaken in 2020 and 2025 by the APSC Council assisted by ASCCO”11. The AEC Blueprint “shall be reviewed periodically as decided by the AECC, but not more than every three years, unless otherwise agreed. Midterm and end term evaluations covering the periods 2016-2020 and 2021-2025 will be conducted to monitor progress and evaluate outcomes/impacts, including achievements and challenges from the implementation of AEC blueprint”.12
The ASCC Blueprint has prescribed that

“the sectoral bodies under the ASCC shall be responsible for operationalising the strategic measures relevant to their mandate by translating them into specific action lines or programmes, projects and activities as part of their respective sectoral work plans. For strategic measures that are cross-cutting and require collaboration with sectoral bodies from the APSC and AEC Pillars. The ASCC Council is responsible for overseeing the implementation of the ASCC Blueprint 2025 and with the support of the Senior Officials Committee for the ASCC (SOCA) and the sectoral bodies, is the principal body responsible for coordinating matters that require cross-sectoral and cross-pillar collaboration.”

The ASCC Blueprint provides the most detailed prescription of how the Blueprint could be implemented, monitored, evaluated and reviewed. It encourages ASEAN organs and bodies, as well as stakeholders, to work together. Only one of the Blueprints explicitly uses the term ‘impacts’. 

“A Mid-Term Evaluation, covering the period of 2016-2020, and an End-of-Term Evaluation, covering the period of 2021-2025, will be conducted to monitor progress and evaluate outcomes/impacts of the achievement of the objectives of the ASCC Blueprint 2025. Other appropriate approaches and methodologies, such as the systematic collection of data, qualitative and quantitative evaluations, policy analyses, development of indicators, polls and impact studies, are encouraged to assess the impact of policies/programmes/projects arising from this blueprint that may be done at regional and sectoral levels.”

The Blueprint adds that, “[i]n support of the SMART approach, indicative result/outcome-based indicators should be developed to measure impacts of the implementation of strategic measures. And, as part of the M&E [monitoring and evaluation] system, the ASCC shall also establish a compliance monitoring system for the implementation of all ASEAN Declarations relevant to the ASCC Pillar.” Possibilities for organizations such as UNICEF and other stakeholders to participate in the process of implementation, monitoring, evaluation and review of the ASCC Blueprint exist in greater number than in the other two Blueprints.

Another point that could be capitalized upon by UNICEF and other stakeholders is to link SDGs to the ASEAN community. The SDGs, adopted by the United Nations on 25 September 2015, have 17 goals and 169 targets covering three dimensions: sustainable development; the economy; and society and the environment. These dimensions are based on “5 Ps – People, Planet, Prosperity, Peace and Partnership”. At least 17 targets explicitly address children and girls, and some with very specific time frames to be met, such as:

“1.2) By 2030, reduce at least by half the proportion of men, women and children of all ages living in poverty in all its dimensions according to national definitions; 6.2) By 2030, achieve access to adequate and equitable sanitation and hygiene for all and end open defecation, paying special attention to the needs of women and girls and those in vulnerable situations; 8.7) Take immediate and effective measures to eradicate forced labour, end modern slavery and human trafficking and secure the prohibition and elimination of the worst forms of child labour, including recruitment and use of child soldiers, and by 2025 end child labour in all its forms; 16.2) End abuse, exploitation, trafficking and all forms of violence against and torture of children; [and] 16.9) By 2030, provide legal identity for all, including birth registration, etc.”
In examining goals and targets as set out by the SDGs, we could conclude that they are more or less in line with the Blueprints. This is especially the case with the ASCC Blueprint, which, interestingly, had included in its characteristics and elements a large number of targets articulating the SDGs, as at the time the Blueprints were prepared, the SDGs were not adopted yet.

The possibility for the SDGs to be used to support the implementation of ASEAN Vision 2025 is high, as most, if not all work plans for each community were shaped in reference to SDGs. Moreover, from all interviews conducted, especially with officers, they seemed to be more familiar with the SDGs than the with ASEAN Blueprints. Many, if not most of them, have not read the Blueprints in full. The complementarities between the ASEAN 2025 Blueprints and SDGs, which are considered as the United Nations’ Blueprint, are recognized. The past ASEAN Blueprints incorporated the MDGs, so both the ASEAN Vision 2025 and SDGs have 2015 as the starting date, and as there is a clear convergence between the objectives of sustainable development and that of ASEAN’s mandate. ASEAN could prioritize SDGs as part of their post-2015 integration. It is also important for ASEAN to ensure institutional coordination among existing frameworks. Capitalizing on the SDGs would be strategic, including increasing engagement with and meaningful involvement of all stakeholders, including non-state actors (CSOs, the private sector and academics). This could be done by creating a ‘coalition of willing’ participants on a specific issue to be addressed.

Clearly, the “SDGs do not work in isolation – health (SDG 3) is impacted by food and nutrition, sanitation, education, and increasingly climate change; the sustainability of cities (SDG 11) is an amalgamation of several of the other goals such as food (SDG 2), education (SDG 4), water (SDG 6), energy (SDG 7), and infrastructure (SDG 9); and so on.” In similar fashion, there is close collaboration between the ASEAN Vision and Blueprints. It is therefore crucial for ASEAN to see the links between the different goals and objectives in the Blueprints.

In addition, countries are now working towards achieving the SDGs by identifying which goals are the most relevant to them and have set their own targets accordingly. An example is Lao PDR, which has set its own priorities and targets, as well as added an additional goal to the SDGs – Goal 18 – reducing the impact of unexploded ordinances (UXOs). It is interesting to note here that while Lao PDR has the “SDGs in the context of the Lao PDR paper, Lao PDR does not have a separate paper on the ASEAN Vision as it has developed papers on a community/sectoral basis. To achieve both national and regional goals, each Member State will have to work collectively with others to find the best leverage to produce collective changes.

It is important to note that the ASEAN Community Blueprints do not provide any specific timeframe or target year (except for the duration of the Blueprints from 2016-2025); most of the targets set for 2030 by the SDGs could be used to push ASEAN and its Member States to align their strategies and actions to be taken within the timeframes for different targets set by the SDGs. The targets of the SDGs could serve as a basis for the preparation of action plans and activities for the Blueprints. This is strategically sound as all Member States have adopted and seem to be committed to the SDGs, and are now advocating for their implementation. It is also crucial that targets in the SDGs are used to mitigate the risks or negative impacts of the Blueprints as analysed in Chapters 2 and 3. It is extremely important for United Nations agencies to ensure that ASEAN officers, officers of Member States and stakeholders are familiar with both the SDGs and Blueprints. Capacity building on the links and complementarity between the SDGs and Blueprints is essential.

There have been critiques that each ASEAN Community Blueprint was prepared separately and is being implemented in isolation. The way each Blueprint was designed seems to reinforce such critique. However, for the first time, human rights considerations are cross-cutting and will be mainstreamed across the three communities. In addition, as already mentioned, the implementation of the ASCC Blueprint has to be undertaken in a cross-sectoral and cross-pillar collaborative manner. Moreover, since all ASEAN Member States have already ratified the CRC, it is, therefore, strategic to thematically address negative impacts identified in this study. ASEAN and other stakeholders may take into consideration thematic analyses made in previous chapters, combined with the thematic targets of the SDGs, to move forward.
In one of the interviews conducted with an officer of ASEC, it was reiterated that the Blueprints now provide for more “robust mechanisms” for implementation and review. However, this claim was not clearly seen in the Blueprints, as bodies assigned to implement, monitor, assess, evaluate and review are all government organs. Nevertheless, the fact that the concepts of ‘people-oriented’ and ‘people-centred’ have been adopted in all three communities may contribute to more open space for stakeholders, including independent institutions such as think tanks, to engage with ASEAN and Member States in those processes.

It is also crucial to engage with national officers dealing with different communities, providing them a platform for exchange and discussions. For example, it is strongly recommended to bring in organs and bodies including officers responsible for the implementation of the AEC, as well as private-sector actors who play very important roles in actualizing the AEC Blueprint.

In all, it is about building confidence, providing platforms for exchange, influencing and designing plans and activities on thematic bases (both at national and regional levels), as well as engaging in all processes of planning, implementing and evaluating. Identifying champions in different mechanisms and institutions would contribute to facilitating closer engagement.

**Recommendations**

ASEAN Member States have made an important commitment to ASEAN integration through the adoption of the three updated ASEAN Community Blueprints, with a timeline set for new goals at 2025. This study has shown that the impact of the ASEAN Community Blueprints on children has the potential to be significant. However, as the Blueprints have largely failed to make explicit references to children and youth as a specific majority group that needs special and urgent attention, then the results may be both positive and negative.

Targeted interventions and actions are urgently needed to ensure that ASEAN Member States do better in promoting and protecting the rights of children. The ASEAN mechanisms and Member States have to realize that all branches of government, pertinent national authorities and states’ agents implicit in the three Blueprints have a role to play in responding to children’s issues and concerns as raised in this report.

While the three ASEAN Blueprints are meant to be mutually reinforcing, the way that they have been developed suggests otherwise, which could increase inequalities and vulnerabilities among and within ASEAN Member States. This is a particular concern for the more vulnerable groups of society, which include children. Better integration of the Blueprints, more specific mentions of children, and a clear reference to the role of the Member States as primary duty bearers in relation to the promotion and protection of children’s rights would enable a greater emphasis on comprehensive preventative and responsive services for children that span all three ASEAN communities.

The ASEAN Community Blueprints 2025 frequently highlight ASEAN’s commitment to being ‘people-oriented’ and ‘people-centred’. However, this is not well reflected within the region’s most marginalized and vulnerable groups, as the human rights principles of universality and indivisibility are not clearly articulated in the Blueprints. For example, the Blueprints do not acknowledge undocumented workers, stateless persons, internally displaced persons, refugees and the LGBTQI community as they pertain to children. Furthermore, ASEAN’s principles of non-interference and of consensus can result in a veto by one Member State, which can have especially devastating consequences in the systematic violations of human rights for particularly vulnerable groups (e.g., in areas of conflict both internally and cross-border). ASEAN should re-visit these values and principles to ensure that all ASEAN policies and plans have specific mention of these groups in their goals and activities. In particular, the AICHR and ACWC should be less hindered by the principles of non-interference and consensus and given stronger protection functions. This could then result in a greater emphasis on comprehensive and preventative protection and response services for children.
Specific recommendations to improve children's rights within the framework of ASEAN integration and the three Blueprints are given below as per the key categories of duty bearers.

**ASEAN as a regional body**

- ASEAN mechanisms should influence Member States to accede and ratify all international human rights instruments, including the UN Optional Protocol to the Convention on the Rights of the Child on a communications procedure, and withdraw all reservations and revise national laws where necessary;

- The ASEAN Community Blueprints have limited goals or actions specifically related to children, with particularly vulnerable groups facing barriers to the full enjoyment of their rights. To address this, children’s rights indicators should be developed for the ASEAN Integration Scorecards so that these obstacles can be better identified and addressed;

- Mainstream a child-sensitive approach into the activities of the ASEAN Community Councils to increase the effectiveness of the Blueprints in terms of children’s rights’ protection and promotion in the region. Being responsible for the implementation of the three Blueprints, these councils have the possibility to include child-focused indicators in relation to the achievement of relevant goals and targets. Moreover, ASEAN Community Councils should effectively perform their mandate with the support of some ASEAN sectoral bodies, such as the AICHR and ACWC. This cross-sectoral collaboration and cooperation may help in guaranteeing the enhancement of regional initiatives to promote and protect the rights of the child;

- Improve institutional coordination among various ASEAN institutions and bodies in order to effectively mainstream human rights as cross-cutting principles in ASEAN;

- Improve cooperation among CSOs, ASEAN and Member States to shape new and positive trends in the protection of children within the region. Collaboration and cooperation among these entities are considered in the Blueprints as one of the most effective means to promote democracy, social justice and peace-oriented values. Concerted actions should, therefore, be implemented at all levels and closed-end funds should be created and maintained to subsidize joint projects. Mechanisms for civil-society consultation and participation at all levels within ASEAN should be institutionalized. Essential to this is access to information to support the meaningful participation of civil society in regional community building;

- In light of the influence that global developments and challenges have on the implementation of ASEAN integration, and considering the commitments of Member States to the 2030 United Nations Agenda for Sustainable Development, the three Community Blueprints should combine human development with economic and human rights. ASEAN should therefore enhance the engagement and promote the involvement of the United Nations, international organizations, CSOs, other relevant bodies and the private sector in the implementation of the activities provided by the Blueprints;

- Establish an independent monitoring body (with the support of ASEAN Special Rapporteurs with the capacity to conduct country visits) to assess conflicting priorities, tensions and concerns found within the varied ASEAN integration goals. Such a mechanism should be allowed to receive, investigate and respond to complaints on human rights issues and violations;

- Ensure that children and youth are systematically consulted during processes of decision-making at the ASEAN regional level;

- Establish a regional data collection system/ASEAN Observatory that provides better disaggregated data on children, and establish measurable indicators in each of the ASEAN Community Blueprints that recognize the specificities of children;

- Incorporate an ASEAN Research Agenda into the ASEAN Blueprints (through broad partnerships with research collaborators) on children’s rights themes as well as ASEAN socio-cultural norms, structural drivers and institutional policies that influence children’s rights either positively or negatively;
• In specific relation to the APSC Blueprint, at the regional level, ASEAN should organize adequate and child-focused training and capacity building activities for relevant stakeholders in order to provide them with the technical skills needed for the realization of the rights of children. For example, the trainings on cyber-security and cybercrimes for law enforcement officials, envisaged in the APSC Blueprint as an effective way to strengthen cooperation in combating cyber-crimes, would be enriched by a children’s rights’ perspective to diminish the risks arising from newly emerging technological threats and challenges;

• The AEC Blueprint 2025 should make specific reference to compliance with the Human Rights and Business Principles, and Children’s Rights and Business Principles;

• AICHR or ACWC should develop specific guidelines to ensure that violations of the human rights of children (e.g., corporal punishment, child marriage) are not justified or legitimized in the name of tradition, culture, religion, governance systems or so called ‘Asian values’;

• UNICEF, ILO and UNESCO all have MoUs with ASEAN. Work plans need to be developed that reflect the multi-sectoral needs of children, and are owned, coordinated and monitored by ASEAN bodies;

• Within the framework of the ASCC Blueprint 2025, there needs to be a specific call for common anti-discrimination laws and the eradication of cultural or traditional norms and practices, including those that stigmatize the LGBTQI community;

• The Regional Plan of Action on Violence Against Children should be better integrated into the ASCC Blueprint to ensure that robust legal frameworks are developed nationally. The ACWC should be supported to put in place preventive measures, such as regional guidelines and regional campaigns, to end violence against children;

• Undertake a regional study to better understand the costs of violence against children and child neglect on economic growth, national security and poverty reduction, across each ASEAN Blueprint;

• Develop the ASEAN Institute for Peace and Reconciliation (AIPR) to include specific goals/actions to enable the establishment of a comprehensive conflict resolution mechanism that takes into account early warning mechanisms, various reconciliation strategies, post-conflict processes and the establishment of a regional peacekeeping force.

ASEAN Member States

• As national governments are responsible for promoting and protecting the rights of children, Member States should strengthen legal frameworks and enforcement mechanisms, national policies and implementation plans in relation to children. This would include repealing laws which conflict with universal human rights standards and the development of specific juvenile justice laws. All ASEAN Member States should harmonize definitions and ages of children within all national laws, and many States need to introduce legislation that tackles discrimination and abuse of vulnerable groups of children such as LGBTQI, ethnic or religious minorities, foreign migrants, children with disabilities, etc. Furthermore, legal reform is also required in all ASEAN Member States to increase resources and to facilitate better coordination across law enforcement agencies;

• States should promote the constructive engagement of CSOs as an added means to implement child-responsive policies and laws, and increase transparency and accountability. The contribution of CSOs in providing feedback on the impact of regional integration efforts on ASEAN’s children should be taken into greater account by the ASEAN Governments;

• ASEAN Member States should cooperate to eliminate inequalities within and among their territories. ASEAN should ensure full and equal understanding of children’s rights in the region, taking into account the universality perspective instead of emphasizing just the parts of international human rights instruments that are more in line with traditional ‘Asian values’;
ASEAN Member States should put aside their ethnic, religious, cultural and political differences in order to not jeopardize regional cooperation and achieve the copious number of goals provided in the Blueprints, which are dependent on concerted actions of all the Member States;

All ASEAN Member States should establish specialized coordination bodies for children and national action plans on children, as often highlighted by the CRC Committee in their concluding comments on State reports;

The ASEAN Community Blueprints should be translated into local national languages;

While promoting economic integration, the AEC Blueprint 2025 needs to be cognizant of the negative effects of economic development plans, trade agreements, privatization and the commodification of services, etc. As such, Member States should carry out children's rights impact assessments on all policies and investments related to economic growth, in particular in areas related to tourism, health care, information technology as well as the primary extractive industries;

As the AEC Blueprint 2025 is committed to equitable and inclusive growth to reduce poverty, ASEAN Member States should increase vocational training, employment and entrepreneurship opportunities, and safe migration channels for children of working age, youth and women. The free flow of workers should also include unskilled labour;

To take better advantage of the AEC 2025, States should increase the provision of basic secondary education and promote entrepreneurship and employability among youth by providing skills training;

Presuming that the ASCC Blueprint 2025 recognizes children and youth as a specific majority, then Member States need to include special provisions for free basic education and healthcare for all (including tackling child malnutrition, prevention and treatment of HIV and mother-to-child transmission, and improving sexual and reproductive health);

ASEAN Member States should increase public investment in social spending and basic services that impact children (particularly the most vulnerable), such as universal healthcare, education, and water and sanitation, ensuring that basic services are adequate, accessible and good quality;

ASEAN Member States should ensure access to education and provide free and quality primary education. Children's right to education should not be sacrificed in the name of economic and security interests when it comes to budget allocation;

In relation to the access to healthcare services, envisaged in the ASCC Blueprint, ASEAN Member States should make sure that this is affordable, reliable and high quality. An efficient healthcare system may reduce the rate of neonatal and child mortality, while having a potentially beneficial effect on the productivity of the entire population;

In line with the principles in the ASCC Blueprint 2025, ASEAN Member States should introduce targeted social welfare systems and social protection systems, particularly for the most vulnerable children and groups;

In line with the goals of the ASCC Blueprint, ASEAN Member States should guarantee that any person who works in direct contact with children is well trained and aware of the negative or positive impacts that his/her actions may have on children. Teachers and other educational professionals should attend on-going trainings and specific workshops on inclusive education, children's rights, equal access to education and schooling, and appropriate teaching methods not based on common traditional practices – e.g., corporal punishment;

ASEAN Member States should promote quality care and support in relation to emerging hazards and socio-economic threats, taking into account the differences between traditional social problems and new forms of economic risk and threats.
Civil society organizations, international organizations and the United Nations

- Advocate for renewed and sustained commitments to children’s rights in ASEAN mechanisms, and call for strengthened cooperation and accountability of ASEAN Member States to take full advantage of the opportunities presented in the ASEAN Community Blueprints;

- Promote, facilitate and support regional debate and dialogue on children’s rights with appropriate ASEAN mechanisms and bodies, such as the ACWC, AICHR, SOMSWD and ACF;

- The SDGs have resulted in a dynamic set of targets and indicators that should serve as an essential basis for the preparation of action plans and activities for the Blueprints. ASEAN bodies and Member States would benefit from capacity building and familiarization with the SDG targets and the pertinent links and complements to the Blueprints;

- UNICEF, ILO and UNESCO all have MoUs with ASEAN. Work plans need to be developed which reflect the multi-sectoral needs of children and are owned by the ASEAN bodies and institutionalized within United Nations regional and country offices;

- Facilitate regional sharing of good practices and promote regional guidelines that enable dialogue and learning within ASEAN on the four core principles of the CRC;

- Build capacity of local civil society organizations to assess and monitor the potential and realized impacts of the ASEAN Community Blueprints and advocate at the regional and national levels;

- In light of the integrated nature of the three ASEAN Blueprints, civil society should expand engagement with other groups of stakeholders that go beyond the usual children’s rights actors;

- Call for the promotion of better CSR by, for example, advocating for adherence to the Human Rights and Business Principles, and Children’s Rights and Business Principles, the adoption of corporate policies and codes of conduct by the private sector, or by building the capacity of private-sector partners to better recognize and respond to risks and violations of child rights;

- As one of the agreements in the ASEAN-UNICEF SDG symposium, the recommendations of this study should be widely disseminated and duly considered by the relevant ASEAN bodies in their policies, plans and programmes.

- Call for the creation of a regional peace-monitoring team that can be used to monitor armed conflicts in the region and the plight of children.

The private sector

- CSR is mentioned in all three Blueprints in relation to promotion of good governance (APSC), contribution to regional integrations efforts (AEC), and engagement and benefit of the ASEAN people (ASCC). It was also mentioned in the previous ASCC Blueprint as a way to ensure sustainable socio-economic development in ASEAN. However, in the context of children, it is still generally perceived as charitable work and not yet taken as an accountability mechanism regarding children’s rights. Regulatory mechanisms are required that guide economic governance, transparency and corporate social responsibility/accountability;
• Collaboration is needed among private-sector companies (such as the primary industries, tourism and services sector, ICT and infrastructure, etc.) and law enforcement agencies to prevent the use of their businesses and products for child exploitation and abuse;

• Adopt and implement codes of conduct to ensure labour rights and protection for working children, migrant labour and those working in the informal sector, such as domestic workers, which generally include large proportions of children;

• Protect all working children (including undocumented migrants) from hazardous and exploitative work as per international standards;

• The fostering of quality tourism, alongside infrastructure development, as envisaged in the AEC Blueprint, should not be carried out without specific rules regulating the travel and tourism sector in order to avoid the risk of abuse and exploitation of children in a region, which is well-known to be among the top destinations for travelling child sex offenders;

• While the ASCC Blueprint recognizes the promotion of access to ICTs as a way to empower people and innovate the ASEAN region, their impact on children’s rights should not be underestimated. ICT providers urgently need to develop their social accountability and awareness in relation to children’s rights, especially in relation to the cyber-threats, dangers that underage users may experience and the subsequent risk of harm;

• ICTs providers should use the technological means at their disposal to innovate and facilitate children’s participation in political discussions and decision-making processes at national and regional levels.
Endnotes

1 Interview with ASEC officer, 25 January 2017.
2 Interview with ASEC officers, 24 January 2017.
4 Ibid.
5 Ibid.
6 Interview with ASEC officers on 24-25 January 2017.
7 Ibid.
8 Prakash, Anita (2015), ibid.
9 Such as: i. Establish an ASEAN human rights body through the completion of its Terms of Reference (ToR) by 2009 and encourage cooperation between it and existing human rights mechanisms, as well as with other relevant international organizations; ii. Complete a stock-take of existing human rights mechanisms and equivalent bodies, including sectoral bodies promoting the rights of women and children by 2009; … In the “Roadmap for an ASEAN Community 2009-2015”, p.8, http://www.meti.go.jp/policy/trade_policy/least_asia/id/ASEANblueprint.pdf.
11 Department of ASEAN Affairs, Ministry of Foreign Affairs of the Kingdom of Thailand, 2016, “The ASEAN 2025: Forging Ahead Together”, p. 117.
15 Ibid.
16 Sustainable Development Goals
17 Ibid.
18 Targets No.1.2/2.2/3.2/4.1/4.2/4.5/4.7/5.1/5.2/5.3/5.6/6.2/8.7/10.2/16.2/ and 16.9, Ibid.
19 Interview with a Thai official.
22 Interview with Lao academic, 1 March 2017.
ANNEX I: LIST OF INTERVIEWEES AND PARTICIPANTS IN FOCUS GROUP DISCUSSIONS

Lao PDR:

- Mr. Laut Lee, Manager, the Living Lands Farm
- Mr. Houmphanh Chanthavong, Luang Prabang Provincial Coordinator, Lao National Unexploded Ordnance Programme (UXO LAO)
- Ms. Ashley Emmerton, Friends Visitor Center, under Friends Without A Border
- Observation visits to the Night Market in Luang Prabang between 28 February to 1 March 2017
- Discussions during the Conference on SDGs and Lao PDR, 29 February 2017

Malaysia:

- H.E. Mr. Edmund Bon Tai Soon, Representative of Malaysia to the ASEAN Intergovernmental Commission on Human Rights (AICHR)
- Prof. Noor Aziah Mohd Awal, Representative of Malaysia to the ASEAN Commission on the Promotion and Protection of the Rights of Women and Children (ACWC)
- Dato Param Cumaraswamy, distinguished Malaysian lawyer and former Special Rapporteur of the Commission on Human Rights on the Independence of Judges and Lawyers, Co-Chair of the Working Group for an ASEAN Human Rights Mechanism
- Mr. Jerald Joseph, Commissioner of the Human Rights Commission of Malaysia (SUHAKAM) and a Board Member and Advisor of the Anti-racism and Non-Discrimination Programme of Pusat Komunikasi Masyarakat Sdn Bhd (Pusat KOMAS)
- Dato’ Steven CM Wong, Deputy Chief Executive of the Institute of Strategic and International Studies (ISIS) Malaysia and head of the economics division of the Institute
- Mr. Phenny Kakama, Chief of Child Protection, UNICEF Malaysia and his team

Myanmar:

- H.E. Amb. Hla Myint, Representative of Myanmar to the ASEAN Intergovernmental Commission on Human Rights (AICHR)
- H.E. Ms. Rupar Mya, Director, Department of Social Welfare, the Ministry of Social Welfare, Relief and Resettlement of Myanmar. She served as the Myanmar Representative to the ASEAN Commission on the Promotion and Protection of the Rights of Women and Children (ACWC)
- Ms. Teona Aslanishvili, UNICEF Myanmar
- Mr. Aaron Greenberg, UNICEF Myanmar
- Ms. Khin Thiri Win, UNICEF Myanmar
- Mr. Than Hlaing Oo (Gabriel), Myanmar Responsible Tourism Institute (MRTI)
- Ms. Khin Moet Moet Myint, Myanmar Responsible Tourism Institute (MRTI)
- Mr. Thet Naing Oo, Myanmar Responsible Tourism Institute (MRTI)
- Mr. Naw Wai Hnin Kyaw, Myanmar Responsible Tourism Institute (MRTI)
- Ms. Nicole Haeusler, Myanmar Responsible Tourism Institute (MRTI)
- Mr. Ko Nyunt, Myanmar Responsible Tourism Institute (MRTI)
ANNEX I

What ASEAN integration could mean for children: Assessment of the ASEAN Community Blueprints and potential impacts on children

Philippines:
- Meeting with MPs of the House of Representatives
- Mr. Aian Caringal, Director-in-charge of the Socio-Cultural Community Pillar, Office of ASEAN Affairs of the Department of Foreign Affairs
- Meeting with four Commissioners of the Philippines National Human Rights Commission

Thailand:
- Mr. Narong Pholla-iad, Deputy Governor of Ranong Province
- Pol. Lt. Col. Neti Khonboon, Deputy Superintendent of Immigration Division 6, Ranong Immigration
- Mr. Montri Bunnag Superintendent of Ranong Correctional Center
- Ms. Matika Khatkamin, Social Worker, Ranong Shelter for Children and Women
- Ms. Siriporn Maennoonrat Social Worker (Professional Level), Ranong Welfare Protection Center for Victims of Trafficking in Person
- Ms. Panita Ithihkul, Ranong Social Development and Human Security Office
- Ms. Patcharee Sangwanwongse, Ranong Social Development and Human Security Office
- Dr. Seree Nonthasoot, Representative of Thailand to the ASEAN Intergovernmental Commission on Human Rights (AICHR)
- Ms. Wimolrat Ratchukool, Director of ASEAN Sub-Division, Foreign Affairs Division, Office of the Permanent Secretary, Ministry of Social Development and Human Security (MSDHS) (by telephone)
- Mr. Chatchai Bangchaud, Director of Strategic Security Southern Provinces and Ethnic Cultures Bureau (SSE), National Security Council of Thailand
- Ms. Parinya (Ann) Boonridrthetaikul, Secretariat of Coalition for the Rights of Refugees and Stateless Persons, Coordinator of Thai CSO Coalition for the Universal Periodic Review (October 2015 – August 17)

ASEAN Secretariat:
- Ms. Julia Puspadewi Tijaja, Director, ASEAN Integration Monitoring Directorate, ASEAN Secretariat
- Ms. Rodora Turalde Babaran, Director, Human Development Directorate, ASEAN Secretariat
- Mr. Pratap Parameswaran, Director, Political and Security Directorate, ASEAN Secretariat

Some interviewees preferred to remain anonymous, therefore, they are not listed here. Quotations appearing in the report are not attributed to any particular interviewees.
ANNEX II: ASEAN MEMBER STATES’ NATIONAL PLANS, POLICIES AND BODIES RELATED TO CHILDREN

Brunei:

National policies and plans

- Health Promotion Blueprint 2011-2015;
- National Education System for the Twenty-first Century (SPN21) and Strategic Plan 2012-2017;
- Plan of Action on the Family Institution and Women;

National coordinating body

- The National Council on Social Issues under the Ministry of Culture, Youth and Sports, which coordinates children’s issues at the inter-ministerial level, established in 2008.

Cambodia:

National policies and plans


National coordinating body


Indonesia:

National Policies and Plans

- Ministry of National Education Regulation No. 2 of 2010 concerning the National Education Strategic Plan for 2010-2014, IDN-2010-R-91459, adopted 27 January 2010;
- The Realization of Activities for the Reduction of Child Labour to Support Hopeful Family Program of 2012 (Decree of the Minister of Manpower and Transmigration No. 7/2012), IDN-2012-R-95242, adopted on 12 January 2012, entered into force 31 December 2012;


National coordinating body

• Presidential Decree No. 476 of 1993 Regarding the National Commission on Human Rights, IDN-1993-R-84432, adopted 21 December 1993;

• Presidential Decree No. 455 of 1993 Regarding the National Commission on Human Rights, IDN-1993-R-84433, adopted 7 December 1993;


Malaysia:

National coordinating body


Myanmar:

National coordinating body


Philippines:

National policies and plans

• Executive Order No. 310 authorising the adoption and implementation of the Philippine National Strategic Framework for plan development for children, 2000-2025, PHL-2000-M-60617, adopted 3 November 2000;


National coordinating body

• Executive Order creating the Office of the Presidential Adviser for Children's Affairs (No. 294), PHL-2000-R-59388, adopted 26 August 2008;

ANNEX II

Viet Nam:

National policies and plans

- Decision No. 500-TTg on the elaboration of the strategy for education and training development in Vietnam up to the year 2020, VNM-1997-R-47679, adopted 8 July 1997, entered into force 22 August 1997;
- Decision N. 1555/QD-TTg approving the National Action Programme for Children for the 2012-2020 period, VNM-2012-M-94464, adopted 17 October 2012;
- Decision No. 630/QD-TTg of May 29, 2012, approving the vocational training development strategy for the 2011-2020 period, VNM-2012-M-91572, adopted 29 May 2012;
- Decision No. 267/QD-TTg approving the National Program on Child Protection in the 2011-2015 Period, VNM-2011-M-91604, adopted 22 February 2011;
- Decision No. 239/QD-TTg of February 09, 2010, approving the scheme on universal pre-school education for children aged five years in the 2010-2015 period, VNM-2009-M-84422, adopted 9 February 2010;
- Decision No. 07/2008/QD-TTg approving the national target program on education and training up to 2010, VNM-2008-M-80838, adopted 10 January 2008;
- Decision No. 19/2004/QD-TTg ratifying the 2004-2010 program on prevention of, and solution to, the situation of street children, sexually abused children and children subjected to heavy labour or working under noxious and hazardous conditions, VNM-2004-M-94646, adopted 12 February 2004;
ANNEX III: MAIN NATIONAL LAWS ON CHILD RIGHTS IN ASEAN MEMBER STATES

Main national laws on child rights: Brunei Darussalam

<table>
<thead>
<tr>
<th>Brunei Darussalam</th>
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<tbody>
<tr>
<td><strong>Access to justice</strong>*</td>
<td>N/A</td>
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<tr>
<td><strong>Adoption, foster and institutional care</strong></td>
<td></td>
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<tr>
<td>• Child Care Centres Order¹</td>
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<tr>
<td><strong>Child Labour</strong></td>
<td></td>
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<tr>
<td>• Labour Restriction on Employment of Children²</td>
<td></td>
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<tr>
<td>• Women and Girls Protection Rules³</td>
<td></td>
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<tr>
<td><strong>Child protection</strong>⁴</td>
<td></td>
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<tr>
<td>• 2008 Children and Young Persons Amendment Order⁴</td>
<td></td>
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<tr>
<td>• Children and Young Persons Act, 2006⁵</td>
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<tr>
<td><strong>Child and youth participation</strong></td>
<td>N/A</td>
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<tr>
<td><strong>Child sexual abuse/child sexual exploitation materials, and online child sexual exploitation</strong></td>
<td>N/A</td>
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<tr>
<td><strong>Education and awareness-raising</strong></td>
<td></td>
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<tr>
<td>• Compulsory Religious Education Act⁶</td>
<td></td>
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<tr>
<td>• 2007 Compulsory Education Order⁷</td>
<td></td>
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<tr>
<td>• 2006 Compulsory Education Act⁸</td>
<td></td>
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<td>• Education (Amendment) Order⁹</td>
<td></td>
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<tr>
<td>• 2003 Education Act¹⁰</td>
<td></td>
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<tr>
<td><strong>International cooperation</strong></td>
<td>N/A</td>
</tr>
<tr>
<td><strong>Trafficking in children</strong></td>
<td></td>
</tr>
<tr>
<td>• 2004 Trafficking and Smuggling of Persons Order¹¹</td>
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</tr>
</tbody>
</table>

* i.e., including child-sensitive procedures, right to an effective remedy and access to compensation, etc.

** i.e., including child protection against among others abuse, violence and exploitation.

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### Main national laws on child rights: Cambodia

| Access to justice* | • Law on Use of Court Screen and Courtroom TV-Linked Testimony from Child/Vulnerable Victims or Witnesses1 |
| Adoption, foster and institutional care | • Law on Inter-Country Adoption2 |
| Child Labour | • 2008 Law on Categories of Occupation and Light Work Permitted for Children Aged from 12 to 151 |
| | • 2007 Law on Work in Sea Fishing3 |
| | • 2004 Law on the Prohibition of Hazardous Child Labour6 |
| | • 1998 Law on Derogation of Prohibition of Children from Performing Night Work6 |
| Child protection** | • Law on the Prevention of Domestic Violence and the Protection of Victims7 |
| Child and youth participation | N/A |
| Child sexual abuse/child sexual exploitation materials, and online child sexual exploitation | N/A |
| Education and awareness-raising | • Law on Education8 |
| International cooperation | N/A |
| Trafficking in children | • Law on the Suppression of Human Trafficking and Sexual Exploitation9 |
| | • Agreement between Cambodia and Vietnam on Bilateral Cooperation for Eliminating Trafficking in Women and Children and Assisting Victims of Trafficking10 |
| | • Memorandum of Understanding on Cooperation Against Trafficking in Persons in the Greater Mekong Sub-region13 |
| | • Memorandum of Understanding Between the Government of the Kingdom of Thailand and the Government of the Kingdom of Cambodia on Bilateral Cooperation for Eliminating Trafficking in Children and Women and Assisting Victims of Trafficking12 |

* i.e., including child-sensitive procedures, right to an effective remedy and access to compensation, etc.

** i.e., including child protection against among others abuse, violence and exploitation.

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1 Kingdom of Cambodia (2008), Prakas No. 6208 on the Use of Court Screen and Courtroom TV-Linked Testimony from Child/Vulnerable Victims or Witnesses, KHM-2008-R-93362, adopted 10 June 2008.
2 Kingdom of Cambodia (2009), The Law on Inter-Country Adoption, adopted in December 2009.
12 Kingdom of Cambodia (2003), Memorandum of Understanding Between the Government of the Kingdom of Thailand and the Government of the Kingdom of Cambodia on Bilateral Cooperation for Eliminating Trafficking in Children and Women and Assisting Victims of Trafficking, INT-2003-IA-70625, adopted 31 May 2003.
## Main national laws on child rights: Indonesia

<table>
<thead>
<tr>
<th>Indonesia</th>
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</thead>
</table>
| **Access to justice*** | • 2012 Law on the Child Criminal Justice System
• 2006 Law on Witness and Victim Protection
• 2006 Government Regulation on the Implementation of Cooperation in the Rehabilitation of Victims of Domestic Violence
• 2002 Compensation, Restitution and Rehabilitation for Victims of Serious Human Rights Violations
• 2002 Government Regulation on procedures for protecting victims and witnesses in violation against human rights |
| **Adoption, foster and institutional care** | N/A |
| **Child Labour** | • 2004 Decree on Protection of Children undertaking jobs to develop talent and interest
• 2003 Minister of Manpower and Transmigration Decree concerning Jobs that Jeopardize the Health, Safety and Morals of Children
• 2003 Law concerning Manpower
• 2003 Law concerning the Protection of Children
• 2000 Law on the Ratification of the ILO Worst Forms of Child Labour Convention |
| **Child protection*** | • 2016 Government Regulations Amending Law on the second amendment to the Child Protection
• 2014 Law Amending Law on Child Protection
• 2006 Law on Witness and Victim Protection
• 2006 Government Regulation on the Implementation of Cooperation in the Rehabilitation of Victims of Domestic Violence
• 2004 Law on the Elimination of Domestic Violence
• 2002 Law on Child Protection |
| **Child and youth participation** | N/A |
| **Child sexual abuse/child sexual exploitation materials, and online child sexual exploitation** | N/A |
| **Education and awareness-raising** | • 2011 Decree of the Ministry of Health concerning the Training Centre for the Prevention and Control of Narcotics, Psychotropic, Additives, HIV and AIDS
• 2005 Regulation concerning the National Standard of Education
• 2003 Law on the National Education System |
| **International cooperation** | N/A |
| **Trafficking in children** | • 2007 Law Against Trafficking in Persons |

* i.e., including child-sensitive procedures, right to an effective remedy and access to compensation, etc.
** i.e., including child protection against among others abuse, violence and exploitation.
Main national laws on child rights: Indonesia (continued)


### Main national laws on child rights: Lao PDR

<table>
<thead>
<tr>
<th>Category</th>
<th>Law</th>
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<tr>
<td>Access to justice*</td>
<td>• Juvenile Criminal Procedure Law&lt;sup&gt;1&lt;/sup&gt;</td>
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<tr>
<td>Adoption, foster and institutional care</td>
<td>• 2014 Adoption of Children Decree&lt;sup&gt;2&lt;/sup&gt;</td>
</tr>
<tr>
<td>Child Labour</td>
<td>N/A</td>
</tr>
<tr>
<td>Child protection**</td>
<td>• 2014 Law on Resistance and Prevention of violence Against Women and Children&lt;sup&gt;3&lt;/sup&gt;</td>
</tr>
<tr>
<td></td>
<td>• 2007 Law on the Protection of the Rights and Interests of Children&lt;sup&gt;4&lt;/sup&gt;</td>
</tr>
<tr>
<td>Child and youth participation</td>
<td>• 2013 Lao People's Revolutionary Youth Union Law&lt;sup&gt;5&lt;/sup&gt;</td>
</tr>
<tr>
<td>Child sexual abuse/child sexual exploitation materials, and online child sexual exploitation</td>
<td>N/A</td>
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<tr>
<td>Education and awareness-raising</td>
<td>• 2015 Education Law&lt;sup&gt;6&lt;/sup&gt;</td>
</tr>
<tr>
<td>International cooperation</td>
<td>N/A</td>
</tr>
<tr>
<td>Trafficking in children</td>
<td>• Memorandum of Understanding on Cooperation Against trafficking in Persons in the Greater Mekong Sub-region&lt;sup&gt;7&lt;/sup&gt;</td>
</tr>
</tbody>
</table>

* i.e., including child-sensitive procedures, right to an effective remedy and access to compensation, etc.
** i.e., including child protection against among others abuse, violence and exploitation.

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5. Lao People’s Democratic Republic (2013), Lao People’s Revolutionary Youth Union Law (No. 06/2013), LAO-2013-L-95118.
## Main national laws on child rights: Malaysia

<table>
<thead>
<tr>
<th>Malaysia</th>
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<tbody>
<tr>
<td>Access to justice*</td>
<td>N/A</td>
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<tr>
<td>Adoption, foster and institutional care</td>
<td>N/A</td>
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<tr>
<td><strong>Child Labour</strong></td>
<td></td>
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<tr>
<td>• 2010 Children And Young Persons Employment Amendment Act¹</td>
<td></td>
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<tr>
<td>• 2000 Federal Territory of Labuan Extension of Children and Young Persons Employment Act Order²</td>
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<tr>
<td>• 1966 Children and Young Persons Employment Act³</td>
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<tr>
<td><strong>Child protection</strong></td>
<td></td>
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<tr>
<td>• 2001 Child Act⁴</td>
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<tr>
<td><strong>Child and youth participation</strong></td>
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<tr>
<td>N/A</td>
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<td><strong>Child sexual abuse/child sexual exploitation materials, and online child sexual exploitation</strong></td>
<td>N/A</td>
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<tr>
<td><strong>Education and awareness-raising</strong></td>
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<tr>
<td>• 1996 Education Act⁵</td>
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<tr>
<td><strong>International cooperation</strong></td>
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<td>N/A</td>
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<td><strong>Trafficking in children</strong></td>
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* i.e., including child-sensitive procedures, right to an effective remedy and access to compensation, etc.

** i.e., including child protection against among others abuse, violence and exploitation.

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### Main national laws on child rights: Myanmar

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<tr>
<th>Myanmar</th>
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<tbody>
<tr>
<td>Access to justice*</td>
<td>N/A</td>
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<tr>
<td>Adoption, foster and institutional care</td>
<td>N/A</td>
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<tr>
<td>Child Labour</td>
<td>N/A</td>
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<tr>
<td>Child protection**</td>
<td>The Child Law&lt;sup&gt;1&lt;/sup&gt;</td>
</tr>
<tr>
<td>Child and youth participation</td>
<td>N/A</td>
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<tr>
<td>Child sexual abuse/child sexual exploitation materials, and online child sexual exploitation</td>
<td>N/A</td>
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<tr>
<td>Education and awareness-raising</td>
<td>2015 National Education Amendment Law&lt;sup&gt;2&lt;/sup&gt;</td>
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<tr>
<td></td>
<td>2014 National Education Law&lt;sup&gt;3&lt;/sup&gt;</td>
</tr>
<tr>
<td>International cooperation</td>
<td>N/A</td>
</tr>
<tr>
<td>Trafficking in children</td>
<td>Memorandum of Understanding on Cooperation Against Trafficking in Persons in the Greater Mekong Sub-region&lt;sup&gt;4&lt;/sup&gt;</td>
</tr>
</tbody>
</table>

* i.e., including child-sensitive procedures, right to an effective remedy and access to compensation, etc.

** i.e., including child protection against among others abuse, violence and exploitation.

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Main national laws on child rights: Philippines

<table>
<thead>
<tr>
<th>Philippines</th>
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</table>
| **Access to justice**<sup>*</sup> | • 2006 Juvenile Justice and Welfare Act<sup>1</sup>  
• 2005 Act establishing a comprehensive juvenile justice and welfare system, creating the juvenile justice and welfare council<sup>2</sup> |
| **Adoption, foster and institutional care** | • 2012 Foster Care Act<sup>3</sup> |
| **Child Labour** | • Youth Entrepreneurship Act<sup>4</sup>  
• Special Program for Employment of Students<sup>5</sup>  
• Department Order on hazardous work and activities to persons below 18 years of age<sup>6</sup>  
• Act prohibiting the employment of children below 15 years of age in public and private undertakings<sup>7</sup>  
• The Special Program for Employment of Students Act<sup>8</sup>  
• 1973 List of Hazardous Occupations to Young Workers<sup>9</sup> |
| **Child protection**<sup>**</sup> | • 2004 Act Defining Violence Against Women and Their Children, Providing For Protective Measures For Victims, Prescribing Penalties Therefore, and For Other Purposes<sup>10</sup>  
• Special Protection of Children Against Child Abuse, Exploitation and Discrimination Amendment Act<sup>11</sup>  
• Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act<sup>12</sup>  
• Barangay-Level Total Development and Protection of Children Act<sup>13</sup>  
• Executive Order authorising the Ministry of Social Services and Development to take protective custody of child prostitutes and sexually exploited children, and for other purposes<sup>14</sup> |
| **Child and youth participation** | • 1977 Youth in Nation Building Act<sup>15</sup> |
| **Child sexual abuse/child sexual exploitation materials, and online child sexual exploitation** | • 2009 Anti-Child Pornography Act<sup>16</sup> |
| **Education and awareness-raising** | • Kindergarten Education Act<sup>17</sup> |
| **International cooperation** | N/A |
| **Trafficking in children** | • 2012 Expanded Anti-Trafficking in Persons Act<sup>18</sup> |

<sup>*</sup> i.e., including child-sensitive procedures, right to an effective remedy and access to compensation, etc.

<sup>**</sup> i.e., including child protection against among others abuse, violence and exploitation.
Main national laws on child rights: Philippines (continued)

2. The Republic of the Philippines (2005), Act No. 9344 of 2005, establishing a comprehensive juvenile justice and welfare system, creating the juvenile justice and welfare council under the department of justice, appropriating funds therefore and for other purposes.
5. The Republic of the Philippines (2009), An Act strengthening and expanding the coverage of the special program for employment of students, amending for the purpose provisions of R.A. No. 7323, otherwise known as the Special Program for Employment of Students (R.A. 9947), PHL-2009-L-83670, adopted 1 April 2009.
6. The Republic of the Philippines (2015), Department Order No. 04 on hazardous work and activities to persons below 18 years of age, PHL-1999-R-67443, adopted 21 September 1999.
## Main national laws on child rights: Singapore

<table>
<thead>
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<th>Category</th>
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<tr>
<td>Access to justice*</td>
<td>• 2001 Children and Young Persons Community Service Orders Regulation¹</td>
</tr>
<tr>
<td></td>
<td>• 2001 Children and Young Persons Weekend Detention Regulations²</td>
</tr>
<tr>
<td>Adoption, foster and institutional care</td>
<td>• 1988 Child Care Centres Act³</td>
</tr>
<tr>
<td>Child Labour</td>
<td>• 1977 Employment of Children and Young Persons Amendment Regulations⁴</td>
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<td></td>
<td>• 1976 Employment Children and Young Persons Regulations⁵</td>
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<tr>
<td>Child protection**</td>
<td>• 1993 Children and Young Persons Act⁶</td>
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<tr>
<td>Child and youth participation</td>
<td>N/A</td>
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<tr>
<td>Child sexual abuse/child sexual exploitation</td>
<td>N/A</td>
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<tr>
<td>Education and awareness-raising</td>
<td>• 2009 Private Education Act⁷</td>
</tr>
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<td></td>
<td>• 2003 Education Schools Regulations⁸</td>
</tr>
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<td></td>
<td>• Education Act⁹</td>
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<tr>
<td>International cooperation</td>
<td>N/A</td>
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<tr>
<td>Trafficking in children</td>
<td>N/A</td>
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</tbody>
</table>

* i.e., including child-sensitive procedures, right to an effective remedy and access to compensation, etc.
** i.e., including child protection against among others abuse, violence and exploitation.

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⁹ Republic of Singapore (1957), Education Act (Cap. 87), SGP-1957-L-83837.
# Main national laws on child rights: Thailand

<table>
<thead>
<tr>
<th>Thailan</th>
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| **Access to justice** | • 2016 Juvenile and Family Court and Juvenile and Family Case Procedure No. 51
• 2016 Juvenile and Family Court and Juvenile and Family Case Procedure No. 47
• 2015 Juvenile and Family Court and Juvenile and Family Case Procedure No. 27
• 2010 Juvenile and Family Court and Juvenile and Family Case Procedure Act6
• 1999 Criminal Procedure Code Amendment Act6 |
| **Adoption, foster and institutional care** | • Ministerial Regulation No. 97
• 1979 Child Adoption Act7 |
| **Child Labour** | • Ministerial Regulation No. 68
• Notification of the Ministry of Interior Regarding Description of Work and Working Place for Young Persons8
• Notification of the Ministry of Interior Regarding Labour Protection10
• Notification of the Ministry of Interior regarding working safety in respect to environmental condition11
• Announcement of the Ministry of the Interior respecting the employment of children of 12 and under 15 years of age12 |
| **Child protection** | • 2007 Act Relating to the National Child and Youth Development Promotion
• 2003 Child Protection Act13 |
| **Child and youth participation** | N/A |
| **Child sexual abuse/child sexual exploitation materials, and online child sexual exploitation** | N/A |
| **Education and awareness-raising** | • 2008 Promotion of Non-Formal and Informal Education Act14
• Private School Act15
• 1999 National Education Act16 |
| **International cooperation** | • Act on the Civil Aspects of International Cooperation relating to the Violation of the Right in Controlling and Looking After the Abducted Child17 |
| **Trafficking in children** | • Memorandum of Understanding on Cooperation Against Trafficking in Persons in the Greater Mekong Sub-region19
• Memorandum of Understanding Between the Government of the Kingdom of Thailand and the Government of the Kingdom of Cambodia on Bilateral Cooperation for Eliminating Trafficking in Children and Women and Assisting Victims of Trafficking19
• 1997 Measures in the Prevention and Suppression of Trafficking in Women and Children Act20 |

* i.e., including child-sensitive procedures, right to an effective remedy and access to compensation, etc.

** i.e., including child protection against among others abuse, violence and exploitation.
### Main national laws on child rights: Thailand (continued)

### Main national laws on child rights: Viet Nam

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<tr>
<td><strong>Access to justice</strong>*</td>
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<tr>
<td></td>
<td>• 2003 Decree prescribing and guiding in detail the application of education camps¹</td>
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<tr>
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<td>• Decree providing for the application of commune/ward/township-based education measures to children in conflict with the law²</td>
</tr>
<tr>
<td><strong>Adoption, foster and institutional care</strong></td>
<td>N/A</td>
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<tr>
<td><strong>Child Labour</strong></td>
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<tr>
<td></td>
<td>• 2013 Circular promulgating the list of light tasks permitted for persons under 15 years old³</td>
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<td>• 2013 Circular promulgating the list of jobs and workplaces prohibited to young workers⁴</td>
</tr>
<tr>
<td></td>
<td>• 1998 Directive on the strengthening of the task of protecting children, preventing and tackling the problem of street children and child labour abuse⁵</td>
</tr>
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<td>• Decision on the Organization of and Policy Towards Young Volunteers⁶</td>
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<tr>
<td><strong>Child protection</strong></td>
<td></td>
</tr>
<tr>
<td></td>
<td>• 2016 Law on Children⁷</td>
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<td>• 2011 Decree regulating the sanction of administrative violation on protection, care for and education of children⁸</td>
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<td>• 2011 Decree detailing and guiding a number of articles of the law on child protection, care and education⁹</td>
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<td>• 2010 Circular specifying the process for intervening in and supporting children suffering from violence or sexual molestation¹⁰</td>
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<td>• 2008 Circular Guiding the management and use of children relief funds¹¹</td>
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<td>• 2006 Decree defining the sanction of administrative violations on population and children¹²</td>
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<td>• 2005 Order on the promulgation of the law on child protection, care and education¹³</td>
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<td>• Instructions of the Prime Minister to implement the Law on Child Protection¹⁴</td>
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<td>• 1998 Directive on the strengthening of the task of protecting children, preventing and tackling the problem of street children and child labour abuse¹⁵</td>
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<tr>
<td><strong>Child and youth participation</strong></td>
<td>N/A</td>
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<tr>
<td><strong>Child sexual abuse/child sexual exploitation materials, and online child sexual exploitation</strong></td>
<td>N/A</td>
</tr>
<tr>
<td><strong>Education and awareness-raising</strong></td>
<td></td>
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<td></td>
<td>• 2005 Law on Education¹⁶</td>
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<tr>
<td><strong>International cooperation</strong></td>
<td>N/A</td>
</tr>
<tr>
<td><strong>Trafficking in children</strong></td>
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<td>• 2007 Decision promulgating the Regulation on reception of, and community reintegration support for, trafficked women and children home from foreign countries¹⁷</td>
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<td></td>
<td>• Agreement between Cambodia and Vietnam on Bilateral Cooperation for Eliminating Trafficking in Women and Children and Assisting Victims of Trafficking¹⁸</td>
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<td>• Memorandum of Understanding on Cooperation Against Trafficking in Persons in the Greater Mekong Sub-region¹⁹</td>
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</table>

* i.e., including child-sensitive procedures, right to an effective remedy and access to compensation, etc.
** i.e., including child protection against among others abuse, violence and exploitation.
Main national laws on child rights: Viet Nam (continued)
