

## Special Report

# Women and Children: The Human Rights Relationship

## Asia Regional Conference Executive Summary

Bangkok  
December 9 -10, 2007

## UNICEF

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UNICEF is mandated by the United Nations General Assembly to advocate for the protection of children's rights, to help meet their basic needs and to expand their opportunities to reach their full potential. UNICEF is guided by the Convention on the Rights of the Child and strives to establish children's rights as enduring ethical principles and international standards of behavior towards children.

UNICEF works in 190 countries through country programs and National Committees. For more information, please visit [www.unicef.org](http://www.unicef.org).

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Since 1974, the Wellesley Centers for Women has been a driving force, both behind the scenes and in the spotlight, promoting positive change for women and families. All work is grounded in the perspectives of women from diverse backgrounds. Our research and action projects lead to creative solutions and innovative policy alternatives to a range of pressing social concerns. The Wellesley Centers for Women is the single organization formed in 1995 by combining the Center for Research on Women (founded 1974) and the Stone Center for Developmental Studies (founded 1981) at Wellesley College.

WCW conducts scholarly research and develops sound training and evaluation programs that place women’s experiences at the center of its work. WCW focuses on three major areas:

- The status of women and girls and the advancement of their human rights both in the United States and around the globe;
- The education, care, and development of children and youth; and
- The emotional well-being of families and individuals.

Issues of diversity and equity are central across all the work as are the experiences and perspectives of women from a variety of backgrounds and cultures. Since 1974, WCW has influenced public policy and programs by ensuring that its work reaches policy makers, practitioners, educators and other agents of change. For more information, please visit: [www.wcwonline.org](http://www.wcwonline.org).

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UNICEF and Wellesley Centers for Women

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UNICEF and the Wellesley Centers for Women (WCW) convened an Asian regional conference, Women and Children: the Human Rights Relationship, on December 9th and 10th 2007 in Bangkok, Thailand. This conference was organized as part of UNICEF's efforts to advance the linkages between women's and children's rights. UNICEF's partnership with WCW proved to be very important in mobilizing and galvanizing leading advocates of women's and children's rights in the Asian region to come together to strategize on creative ways to strengthen the intersectionalities of women's and children's rights.

### **Purpose of the Asia Conference**

The overarching goal of the conference was to highlight the opportunities that the Convention on the Rights of the Child (CRC) and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) provide to promote the rights of women and children, and examine the practical implications and added value of considering the two Conventions together. The conference focused on practical and innovative ways to link the CRC and CEDAW in law and policy making in the region and cooperation between the CRC and CEDAW Committees. The conference aimed to develop strategic action by government and civil society stakeholders and other development partners, and strengthen the CEDAW and CRC Committees continued collaboration to build on the complementarities of the two rights frameworks.

The conference generated robust and dynamic conversations on the possibilities of linking the two rights agendas. The hope is that this report constitutes an agenda for action and contributes to the promotion of the rights of women and children within a human rights based relationship.

### **Participants**

This Asian Regional Conference brought together the Chairs of the CRC and the CEDAW Committee respectively, the Asian regional members of the CRC and CEDAW Committees, and women's and children's rights advocates in the region who have led reformist agendas in their countries as law and policymakers, institutional heads, scholars, lawyers, and activists.

### **Keynote Speakers**

Professor Savitri Goonesekere, former CEDAW member, was one of the first to pioneer a conceptual framework for linking the two rights agendas. In her keynote address she argued for the rights based approach to replace the protective and social welfare approach that has historically animated the vision of women's and children's rights. She stressed

that an analysis of the different nature of women's and children's human rights under the CRC and CEDAW would help frame these rights as both specific and interrelated, and advance partnerships in protecting the human rights of women and children.

The CRC Committee Chairperson, Professor Yanghee Lee, spoke at the celebratory dinner and provided in-depth insights into the ways in which the CRC Committee has used its various mechanisms, including Concluding Observations and General Comments and Days of Discussion, to advance the rights of the girl child, who is at the very intersection of women's and children's rights. She highlighted some of the Concluding Observations to States party reports which reference stereotypical attitudes towards women and girls, the equality of sexes, the role and responsibilities of women and girls in the family, sexual abuse and exploitation of girls, child marriage, the plight of girls in rural areas, and indigenous children.

### **Format of the Asia Conference**

The Conference was comprised of seven distinct panels:

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|---------|--|
| Panel 1 | Women and Children: the Human rights relationship – Setting the Agenda   |
| Panel 2 | Treaty Body Mechanisms in the United Nations: Addressing the Human Rights Relationship between Women and Children  |
| Panel 3 | Migration and its Related Consequences   |
| Panel 4 | Non- Discrimination and Elimination of Violence in Economic and Social Policies, Legislative Reform and Traditional Practices Affecting Women and Children |
| Panel 5 | Laws, Policies and Budgets: Advancing the Human Rights Relationship between Women and Children   |
| Panel 6 | Institutional Mechanisms: Strengthening the Connections  |
| Panel 7 | The Way Ahead: Civil Society Partnerships and Collaborations   |

### **Panel One: Women and Children: The Human Rights Relationship-Setting the Agenda**

This panel set out to examine the multiple ways in which the CEDAW and the CRC are interrelated, inter-dependant and mutually reinforcing. The goal of this panel discussion was to explore the synergistic relationship between the two rights agendas and the ways in which any ensuing tensions can be addressed through creative strategies that can strengthen the human rights relationship between women and children. The panel brought together leaders in the Asian region who have pioneered innovative laws and programs on behalf of children and women in their countries.

The two major recommendations from this panel were:

- a) **Implementation of Laws - Resource Allocation**

The importance of not only integrating child rights and gender perspectives into national legislation and policies, but reforming institutions and adopting adequate measures for resource allocation and budgeting to ensure the successful implementation of laws and sustainability of policies.

**b) Emphasizing Men's and Women's Caregiving Roles**

In the past, childcare and care-giving have often been construed to the detriment of women's access to employment, education, healthcare, and general well-being. Consequently, legislation must emphasize childcare as a parental right and mandate parental leave as well as educational programs. Policies that highlight men's care-giving roles are critical for countering perceptions that characterize women as sole caregivers of children and other family members. The state's obligation as well as corporate social responsibility to provide for quality child care must also be emphasized.

**Panel Two: Treaty Body Mechanisms in the United Nations: Addressing the Human Rights Relationship between Women and Children**

This panel addressed specific procedural ways in which the CEDAW and CRC Committees can mutually reinforce their goals. The Committee members discuss how they could use tools such as pre-sessional meetings, constructive dialogue, and Concluding Observations to highlight issues concerning the girl child and the implementation of children's rights in general. This panel afforded an opportunity for Committee members from the region to brainstorm ways in which the two treaty bodies could strengthen these linkages through existing mechanisms as well as innovative processes.

Most of all, this panel encouraged communication and collaboration between the CEDAW and CRC Committees and made a strong argument for an intersectional human rights analysis of women's and children's rights. The major recommendations from this panel included the following:

**a) General Recommendations to Promote Human Rights Relationships Between Women and Children**

General Comments are a critical tool for assisting governments in determining whether they are fulfilling their obligations under the CRC and CEDAW. The participants compiled a list of specific issues which both Committees could effectively target: this included reconciliation of work/family obligations, sexual exploitation of girls and women, child labor, and migration. Inequality in education, in particular, was viewed as a critical interface in which the CEDAW and CRC Committees could address discrimination that affects girls and children generally.

**b) Exchange of information Between the two Committees**

Opportunities must be created for members of the Committees to exchange information at a formal level to examine and discuss, among other things, overlapping substantive and procedural issues. One such opportunity to engage in cross-treaty dialogue and share

information is the Meeting of Chairpersons of the Treaty Bodies. The CRC Committee's Day of Discussions provides another space for collaboration.

Furthermore, the Chairpersons and members of the Committees present at the Conference expressed their support for the organization of a joint meeting for the near future, with the support of UNICEF.

### **Panel Three: Migration and its Related Consequences: the Impact on Women and Children**

The objective of the panel was to highlight the multiple consequences as well as the impact which the increasing feminization of migration has on women and their children, as well as related and interconnected areas, such as bonded labor and trafficking and their impact on women and children. This panel was divided into two primary areas of focus: the first discussed the many reasons that prompt female migration, and the second discussed solutions to the host of negative consequences spawned by the increasing feminization of migration.

The panelists highlighted the essential role of both the CEDAW and CRC Committees in protecting the rights of both women and children who are often at the crossroads of migration and trafficking. Cooperation between the two Committees was encouraged in order to successfully address the exploitation of women and children. The following three were major recommendations echoed by panelists and participants:

#### **a) Development of a Comprehensive Action Plan**

Governments (both sending and receiving countries) should collaborate with international organizations to establish comprehensive action plans protecting migrants, starting from point of departure, through transit and to the final destination. Such action plans should be based on strengthened relationships between government agencies and NGOs that would provide support for migrants and their families, through access to healthcare and education, and the creation of welfare policies to protect economic security. Further, these action plans must include budget allocations for repatriation and rehabilitation programming, particularly for those who have been illegally trafficked. States must be held primarily liable for the rehabilitation and repatriation of trafficked women and children.

#### **b) Enforce International, Regional, and Bilateral Agreements**

Women's and children's rights advocates should continue to raise awareness on the lack of enforcement mechanisms that impede the effectiveness of international, regional and bilateral agreements. National governments must ensure that structural mechanisms can effectively protect migrant populations and enforce punishment for traffickers.

#### **c) Heighten Awareness of Children's Involvement in the Migrant Sector**

The impact on children of migration is manifold and must be addressed through more detailed reports on how they are influenced by recent migration trends such as marriage

migration. Risks of abandonment and the lack of full citizenship rights, access to education, healthcare, and social security must be examined closely in order to create beneficial solutions.

#### **Panel Four: Anti-Discrimination and the Elimination of Violence in Legislative and Policy Reform, and Cultural and Traditional Practices Affecting Women and Children**

This panel explored new developments in law reform affecting women and children in the region; areas of focus included: domestic violence, inheritance, citizenship, and reform of criminal procedure and family laws. With respect to legislation on domestic violence, the panelists emphasized the importance of including dynamic and broad definitions of terms such as “family” in new domestic violence laws to protect the rights of all persons living in the domestic abode. The panellists and participants stressed the need to find compromises and balance the interests between women’s and children’s rights in legislative reform processes in order to reconcile the rights and interests of both groups.

The panellists and participants made the following recommendations:

**a) Ensure Uniformity Across all Legislation**

It is imperative that existing legislation be made consistent with the introduction of new legislative reforms and regulations to minimize possibilities for misinterpretation or the violation of women’s and children’s rights. Anomalies and inconsistencies from ad hoc lawmaking must be avoided in order to render reforms effective. Combating domestic violence should also include strategies to address gender inequality, to ensure inheritance and property rights of women, address inequality in citizenship laws for the children and prohibit harmful traditional practices.

**b) Develop Support Systems for Implementation of Laws and Policies**

Once legislation has been approved by governing bodies, support systems and policies must be instituted to protect women’s and children’s rights. Support systems in the realm of domestic violence legislation, for instance, may include human rights education in schools, providing effective counselling and rehabilitation services, and developing gender sensitivity training for law enforcement and judges.

**c) Exchange Good Practices**

Women’s rights and children’s rights advocates should encourage exchange of good practices in relation to combating domestic violence. Successful legislative efforts in other countries are critical models for the development of nuanced legislation that appropriately balances the needs of women and children without marginalizing either. These initiatives should also encourage the building of networks to promote the rights of both women and children.

### **Panel Five: Law, Policies, and Budgets**

The panel discussed the challenges of integrating the CEDAW and the CRC into law and practice, and panelists agreed that it is not enough for states to ratify the CEDAW and CRC; these provisions must be translated into law and supported with policy guidelines and budgets. The weight of political will must also be placed behind the implementation of the laws, particularly given existing interpretations of legal systems such as Shari'a law.

Moreover, they emphasized the need for the withdrawal of reservations to the two treaties and the ratification of the Optional Protocol to the CEDAW, which provides individual parties the mechanisms to hold the state accountable to non-compliance with treaty obligations.

Two major recommendations of the panel were:

**a) Use the Concluding Observations of the CEDAW & CRC Committees to Integrate Human Rights Principles into Law**

The values of the CEDAW and CRC and the two treaty bodies' Concluding Observations to each State party report should be used to minimize the gap between international human rights norms and national laws. Furthermore, the Concluding Observations should be used by NGOs to hold States accountable, through the production of shadow reports and by enforcing Concluding Observations' suggestions. This should also promote partnerships between women's rights and children's advocacy groups.

**b) Ensure Adequate Budget Allocations**

Corresponding budgets for new legislative policies must be mandated and allocated in order to ensure the success of legislative acts. Such allocations would allow for gender sensitivity training for law enforcement officials, rehabilitation and counseling services for those who have been trafficked or are survivors of violence.

### **Panel Six: Institutional Mechanisms: Strengthening the Connections**

This panel discussed the role of institutions including government ministries and agencies, human rights commissions, courts, tribunals, and other mechanisms in guaranteeing the human rights of women and children.

Participants acknowledged that institutional mechanisms, including government ministries, play a major role in creating synergistic models that connect the rights needs of all stakeholders, including women and children. Without strong institutional mechanisms, implementation of policies and guidelines will remain a problem. They agreed that while national human rights organizations are pivotal to the advancement of women's and children's rights, these organizations must also be located at provincial and local levels.

Major recommendations of this panel included:

**a) Strengthen Multi-sector, multi-agency Collaboration on Issues Pertaining to Women and Children**

Relationships and collaboration between a multiplicity of sectors and agencies on different levels are critical to the success of efforts to harness human rights for children and women. These relationships should be cultivated between and with: national human rights organizations and national civil society groups, and international agencies (e.g. UNICEF, UNFPA, UNDP, and UNFEM), academic institutions for their specialized research and the media. Such relationships will ascertain adequate resource allocation and enhance capacity building, particularly with stronger government involvement and therefore, greater political backing.

**b) Use the Universal Periodic Review (of the Human Rights Council)**

The Universal Periodic Reviews (UPR) should be used as an opportunity to raise awareness on the human rights relationship between women and children and hold all States accountable for women's and children's rights.

**c) Establishing ASEAN Human Rights Commissions (Association of Southeast Asian Nations)<sup>1</sup>**

The Commissions would comprise two representatives from each ASEAN member country, one for women and the other for children. Terms of Reference (TOR) should be drafted for these Commissions and submitted to the ASEAN Secretariat, in order to encourage greater accountability of member states for protecting the rights of women and children.

**Panel Seven: Civil Society Partnerships and Collaborations: the Way Forward**

This panel sought to examine the ways in which NGOs working on women's and children's rights in Southeast Asia could work more closely together and with the CRC and CEDAW Committees. Forward-looking strategies would depend to a large extent on collaborative efforts by civil society groups and within and across intergovernmental and multilateral agencies. Panelists examined successful instances of civil society partnerships with governmental and international agencies in embodying the principles of the CEDAW and the CRC. Partnerships with academic institutions, international NGOs, agencies such as UNIFEM, ILO, UNDP, UNFPA, UNESCO, UNICEF, and the WHO have been critical to advance gender equality.

The panelists and participants emphasized that engagement with civil society organizations, the CEDAW and CRC, and their corresponding treaty bodies as particularly critical. In this vein, the major recommendations were as follows:

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<sup>1</sup> Established in 1965 in Bangkok (Members: Brunei Darussalam, Cambodia, Indonesia, Lao, Malaysia, Myanmar, Phillipines, Singapore, Thailand, and Vietnam).

**a) Partnerships at Multiple Levels of Intervention between Civil society and Treaty bodies**

While engagement between civil society organizations, national organizations, and treaty bodies is pivotal, this engagement must take place at three levels: domestic, regional, and international. Domestic involvement should be understood as not only national, but local and provincial as well, in order to encourage the broadest participation possible. Strong relationships between regional, domestic, and international civil society organizations drawn from both women's and children's rights constituencies and dynamic engagements with the treaty bodies and U.N. special procedures are critical to ensure State accountability and to monitor the domestic application of human rights.

**b) Participation of Civil Societies in Treaty Bodies' Reporting Process**

Civil society organizations must collaborate in reporting to the CEDAW and CRC Committees. These organizations should participate in constructive dialogues during the preparation of the country reports and submit alternative reports when country reports are being reviewed. These two forms of concrete engagement and partnership between civil societies and the CEDAW and CRC will encourage State accountability as duty-bearers.

**Closing remarks**

The conference closed with the concluding remarks from Shanthi Dairiam, a CEDAW Committee member. She argued that while agencies are specialized and will carry out specialized functions, agencies must have the awareness and capacity to support and promote holistic approaches to the rights of women and children. It is also important to strengthen legal and constitutional frameworks for women's and children's right to equality, and to advance women's political participation, good governance, and strong laws and supporting mechanisms for the implementation of all relevant treaties, particularly the CRC and CEDAW. All programs and services for children and women must be based on the normative framework of CRC and CEDAW and the obligations under these treaties must be interpreted as broadly as possible.

**Conclusions**

In conclusion there was consensus among participants that the intersections of the CRC and CEDAW Committee Concluding Observations of Asian State Party reports provides an expansive, multi-faceted and holistic framework of action to address law reform, programmatic and budgetary initiatives and institutional reform. Most of all, the multiple alliances and partnerships formed between the human rights institutions, government agencies, non-governmental organizations at local, national, regional and international levels and international agencies are key to advancing women's and children's rights in a human rights relationship.