

**OFFICE OF THE UNITED NATIONS
HIGH COMMISSIONER FOR HUMAN RIGHTS**

**REPORT ON THE SUB-REGIONAL WORKSHOP ON THE IMPLEMENTATION OF THE
CONCLUDING OBSERVATIONS OF THE
COMMITTEE ON THE RIGHTS OF THE CHILD**

**organized by the Office of the UN High Commissioner for Human Rights (OHCHR),
with the support of UNICEF, and hosted by
the Government of the Kingdom of Thailand**

Bangkok, 11 - 13 November 2004

1. The Office of the United Nations High Commissioner for Human Rights (OHCHR), with the support of United Nations Children’s Fund (UNICEF), organized the Sub-Regional Workshop on the Implementation of the Concluding Observations of the Committee on the Rights of the Child, (hereafter “the Committee”) from 11 to 13 November 2004 in Bangkok, Thailand. The Workshop was hosted by the Government of the Kingdom of Thailand and attended by participants from Cambodia, Indonesia, LAO PDR, Thailand and Vietnam as well as by representatives of United Nations entities and by four members of the Committee, Ms. Saisuree Chutikul, Mr. Jakob Egbert Doek, Ms. Yanghee Lee and Ms. Nevena Vuckovic-Sahovic. The event was addressed to government officials of the five State parties, representatives of the civil society including national experts, parliamentarians as well as to representatives of the national human rights institutions.
2. The Workshop was opened by Mr. Sora-at Klinpratoom, Minister of Social Development and Human Security of the Kingdom of Thailand, who welcomed the participants, thanked OHCHR for organizing the workshop in Thailand and informed on efforts made by the country to accelerate the implementation of the Convention on the Rights of the Child (hereafter “the Convention”). Ms. Wan-Hea Lee, Acting Regional Representative of OHCHR in Bangkok, stressed the importance of organizing events focusing on the implementation of concluding observations of human rights treaty bodies and underlined that one of the major focuses of OHCHR’s technical cooperation activities was national capacity-building supporting ratification and implementation of the treaties. Mr. Jaap Doek, chairman of the Committee, indicated that the sub-regional workshop responded to the need of helping national follow-up processes to implement the recommendations of the UN human rights treaty bodies, including the Committee. He also pointed out that the responsibility of implementing the Convention did not lay exclusively with governments, but was a process involving many other stakeholders, including NGOs, national human rights institutions, parliamentarians, media *et cetera*. Mr. Robert England, United Nations Resident Coordinator, expressed his thanks to the host Government and explained that, while the almost universal ratification of the Convention was certainly an important achievement, it did not necessarily mean its sufficient implementation. He also recalled the importance that UNDP attached to the promotion and protection of human rights in all development projects. Ms. Inese Zalitis, representative from UNICEF Thailand, underlined Thailand’s role as ‘open University’, as many workshops are held in Bangkok, and reiterated the full and concrete commitment of UNICEF to the implementation of the Convention. Mr. Mathias Bryneson of Plan International explained that his organization was active in 12 countries in Asia and indicated that children’s rights were a cornerstone of Plan’s work.
3. After the opening segment, a plenary meeting was held at which presentations were made, on the objectives of the workshop, the UN human rights system and the common themes of discussion. Thereafter, the workshop convened four working groups on particular themes: (a) Juvenile justice; (b) Independent monitoring mechanisms; (c) HIV/AIDS; and (d) Economic exploitation, including trafficking.
4. Each working group elected a rapporteur from among the participants and was facilitated respectively by the following members of the Committee: Ms. Vuckovic-Sahovic, Mr. Doek, Ms. Lee and Ms. Chutikul. Participants considered whether or not the various recommendations adopted by the Committee concerning the proposed themes had been implemented, and if not, why. An in-depth discussion was held on potential obstacles to implementation of the concluding observations and good practices. A discussion took place on different ways of implementing the concluding observations among the State parties. At the end of the day, rapporteurs of the working groups reported to the plenary on their groups’ discussion.
5. The second day of the Workshop began with a recapitulation of the work completed the previous day. Interventions in the plenary were also made by representatives of the regional offices of UNICEF, ILO and OHCHR on the activities of their organizations in the region relating to the four

themes of discussion. Thereafter, participants met again in four groups and discussed on: “The way forward: identification of common grounds for action”. Participants analyzed the existing mechanisms to follow up to the Committee’s concluding observations in the respective State parties, as well as their advantages and shortcomings. Discussion included the mechanisms’ effectiveness, obstacles preventing them from functioning and possibility for improvements. The groups also discussed the potential role of the United Nations, in particular OHCHR, in assisting State parties in the implementation of the Committee’s recommendations at national level. At the end of the day, rapporteurs reported to the plenary on their groups’ activity and presented some concrete recommendations agreed upon by the working groups’ participants.

6. On Saturday 13 November 2004, proceedings started with a recapitulation of the work accomplished the previous day. A presentation was delivered by the chairman of the Committee on the role of the Committee as facilitator for the implementation of the Convention and on the Optional Protocols to the Convention. Afterwards, Mr. Muntarbohrn, international expert, briefed the participants on good practices and measures to be taken by State parties to implement the Committee’s recommendations. Representatives of national non-governmental organizations (NGOs) and of national human rights institutions (NHRIs) explained thereafter their role in the reporting process and in the implementation of the Committee’s concluding observations. A panel discussion with members of the Committee followed. In the afternoon, before the closing ceremony of the workshop, the present report was discussed and agreed upon.

**CONCLUSIONS AND COMMON GROUNDS FOR ACTION OF THE WORKSHOP ON
FOLLOW-UP GIVEN TO THE IMPLEMENTATION OF THE CONCLUDING
OBSERVATIONS OF THE COMMITTEE ON THE RIGHTS OF THE CHILD**

Bangkok 11-13 November 2004

The Workshop's participants from the Governments of Cambodia, Indonesia, Lao PDR, Thailand and Vietnam, national human rights institutions, parliamentarians, non-governmental organizations, and United Nations entities participating in the Workshop on the Implementation of the Concluding Observations of the Committee on the Rights of the Child, held in Bangkok from 11 to 13 November 2004, agreed on the following conclusions and common grounds for action that represent important steps in enhancing the implementation of the most recent concluding observations adopted by the Committee on the Rights of the Child, and:

express their gratitude to the Government of the Kingdom of Thailand for hosting the Workshop, to the Office of the United Nations High Commissioner for Human Rights, for organizing the workshop, and to UNICEF for supporting this effort. We express particular gratitude to the expert members of the Committee who served as resource persons throughout the workshop;

reaffirm the indivisibility and universality of all human rights, as stipulated in the 1993 Vienna World Conference on Human Rights Declaration and Programme of Action;

recognize the importance of the Convention on the Rights of the Child for the promotion and protection of human rights, as evidenced by the near-universal ratification of the Convention and by the efforts made by all participating countries to submit reports for the Committee;

also recognize the value of the protection of child rights of the two Optional Protocols to the Convention on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography and encourage their ratification in the sub-region;

further recognize the efforts of the five States parties represented at the Workshop as well as other stakeholders, including NGOs, Parliamentarians and other National Human Rights Institutions, in undertaking measures and activities in various fields in order to follow-up the recommendations (concluding observations) made by the Committee on the Rights of the Child;

recall that the consideration by the Committee of the initial and periodic reports of States parties and the issuing of concluding observations thereon have proved to be a very useful way of following up the implementation by States parties of the obligations they have undertaken under the Convention;

recognize the importance of child participation, including in the reporting process to the Committee;

consider that the preparation by Governments of reports for the Committee and the subsequent issuing of recommendations should be viewed as an opportunity for the State party and civil society to evaluate the situation and improve the implementation of the Convention at the national level;

emphasize the value of the recommendations made by the Committee in its concluding observations and note that sincere efforts have been made at the national level to follow up the Committee's recommendations;

encourage the States participating in the Workshop to provide information in their next periodic reports to the Committee on the measures they have taken to give effect to the recommendations and suggestions made by the Committee in its concluding observations and evaluate the results obtained;

reaffirm the importance of experience sharing among States parties, especially within a region, on implementation and monitoring of the Convention and the Committee's recommendations;

welcome the work of the Office of the United Nations High Commissioner for Human Rights in the promotion and protection of human rights, and in particular its activities in the South-East Asia region;

acknowledge the catalytic role played by UNICEF and the activities of other United Nations entities through the United Nations Country Teams and invite these entities to continue and strengthen their work with respect to human rights, and in particular child rights and child protection;

recognize the great importance of the UN Secretary-General Study on violence against children and stress the importance of the support that States and other stakeholders can provide for the success of this process before and after the completion of the Study;

Conclusions and common grounds for further action

During the Workshop in-depth discussions took place in the four working groups focusing on the following topics selected from the respective concluding observations (recommendations) of the five participating countries: juvenile justice, independent monitoring, HIV/AIDS and economic exploitation, including trafficking.

Out of these productive and constructive discussions, participants to the workshop came to conclusions and suggestions both of a general nature and regarding the specific topics. The first cluster of conclusions and suggestions is compiled under the heading "General measures of implementation". The others are presented under the theme specific heading.

Participants want to present these conclusions and suggestions to their respective Governments. They expressed the hope that these conclusions will assist governments and also, where appropriate, the UN agencies as well as NGOs and other stakeholders in their actions to fully implement the concluding observations of the Committee on the Rights of the Child.

PARTICIPANTS SUPPORT THE FOLLOWING CONCLUSIONS:

A. General measures of implementation

1. recommendations of the United Nations Committee on the Rights of the Child (contained in the "concluding observations") should be rapidly brought to the attention of the Head of State and the Cabinet (or equivalent body) as well as to the Parliament in order to allow for appropriate action for follow-up;
2. there is a need for an ongoing process of law reform and review in order to ensure that domestic legislation is fully compatible with the Convention on the Rights of the Child and other relevant international instruments;

3. there is a crucial need to establish or strengthen existing mechanisms within States parties for the effective coordination of all activities for the implementation of the Convention among ministries/departments, central and local bodies and other relevant stakeholders, such as NGOs and UN entities. These coordinating bodies should be provided with appropriate authority, be placed at an adequate high political level (e.g. Ministerial or Cabinet level) and adequate resources. Representatives of the Prime Minister's Cabinet (or equivalent), Ministries of Planning and Budget/Finance. Coordination should be actively involved in this coordination process;
4. States parties need to ensure effective implementation of policies, strategies, plan of actions and other policy-making decisions by States parties through, among others, high level political will and proper allocation of resources to their maximum extent and giving overall priority to child rights; and to monitor them periodically in view of improving their impact on target beneficiaries;
5. data collection and development of indicators are crucial for an effective implementation process and need to be supported and improved. Data should cover all children under 18 and all areas of the Convention. It should be systemically disaggregated by age, sex, ethnic origin etc.;
6. it is fundamental to create a culture in which the implementation of and the respect for the human rights of children is an integral part of daily life. Among other possible actions, the following should in particular be undertaken:
 - i. adopt a multidisciplinary approach to address all issues relating to the rights of the child, including the four addressed in the Workshop, in order to ensure a holistic approach to the development of the child that takes into account its psychological, physical, cognitive, social and other dimensions;
 - ii. continue and enhance all training efforts of professional groups working with and for children, including judges, prosecutors, lawyers, law enforcement personnel, medical personnel, care givers, social workers, etc. Appropriate rights-based training materials, inspired on existing ones, should be developed and made accessible in the main languages of concerned countries;
 - iii. in light of articles 12-17 of the Convention, promote and respect the participatory rights of children;
 - iv. increase dissemination efforts covering the entire country of the Convention, State parties reports and related recommendations of the Committee (just after their adoption). This often requires that these documents need to be translated in appropriate languages;

B. Juvenile justice

Specific system for juvenile justice

1. continue, and if possible strengthen, the measures for the establishment and enforcement of laws, procedures, authorities and institutions that are specific for all persons below 18 alleged as, accused of, or recognized as having infringed penal law, in light of article 40.3 of the Convention;
2. ensure that such specific system covers and is accessible to all children in the entire territory and jurisdiction of the State party;

Prevention

3. reinforce prevention strategies and measures, especially with regard to vulnerable children, such as those living in poverty, dropping out of school, without family care or living in a violent environment;

Child-sensitive procedures

4. implement, whenever appropriate, measures for dealing with such persons below 18 without resorting to judicial proceedings (such as “diversion” or “mediation”), in the best interests of the child and providing that human rights and legal safeguards are fully respected, in light of article 40.3.b;
5. ensure due process and fair trial to all persons below 18 as required under articles 37 and 40 of the Convention, especially with regard to the provision of quality legal assistance of children accused of, or recognized as having infringed penal law;
6. take all measures to increase the minimum age for criminal responsibility when it is set too low, and to increase it as high as possible;
7. ensure that deprivation of liberty of persons below 18 is only a measure of last resort and for the shortest appropriate period of time; that when deprived of liberty they are separated from detained adults and detained in decent conditions, benefiting, inter alia, from access to proper nutrition, health, education and other social services;
8. finance and support community-based programmes and services to assist children in conflict with the law and their reintegration in society;
9. seek, whenever appropriate, international cooperation in the form of technical assistance and advice from, among others, OHCHR, UNICEF and UNODC;

C. Independent monitoring mechanisms

1. establish a clear and effective system for a periodic and ongoing system of evaluation and assessment of the impact of laws, procedures, policies and programmes implemented for the promotion and realization of child rights. Ensure that children and youth groups, NGOs, professional groups and other relevant entities are involved in this internal or self-monitoring system. Results and outcomes of these evaluations and assessments should be used to adjust and further improve the existing legislation, procedures, policies and programmes in order to take further adequate actions;
2. existing bodies for this self-monitoring process, like national councils or commissions for (the protection of) children should be strengthened to perform their role, inter alia, by regular training or other forms of capacity building and by the provision of adequate human and financial resources;
3. the existing National Human Rights Institutions should be further developed and supported by the necessary training and the provision of adequate human and financial resources;

4. they should be mandated to cover all child rights issues and have distinctive resources for to perform their specific duties;
5. in the countries which have not yet established an independent monitoring system, steps should be undertaken to consider establishing such independent bodies (or ombudsperson or commissioner) taking full account of the Committee's General Comments No.2 on the role of independent national monitoring institutions in the promotion and protection of children's rights;
6. this independent monitoring body/mechanism should be easily accessible for children in order to allow them to seek information and advice, or to file a complaint about violation of their human rights. In that regard, it is recommended to establish networks of free telephone help-lines, with qualified inter-disciplinary staff, to explore and use the possibilities of Internet, and to consider the creation of local branches or the appointment of local contact/resource persons, particularly in more remote areas of a country;
7. children and youth groups, NGOs, professional groups and other relevant individuals or groups should be actively involved in the work of National Human Rights Institutions or similar independent monitoring mechanism;
8. the Office of the UN High Commissioner for Human Rights (OHCHR) should be invited to provide technical advice to establish national human rights institutions (NHRI) in relevant countries. Further, OHCHR is requested to organize a regional workshop on the work of NHRI with regard to the promotion and protection of child rights involving the Asia-Pacific Forum and other relevant partners in order to share good practices;

D. HIV/AIDS

Legislation

1. there is a need to establish, if not already existing, laws specific to HIV/AIDS, protecting children affected and infected by HIV/AIDS, criminalizing sexual abuses and exploitation of children - boys as well as girls - providing children affected or infected by HIV/AIDS access to health care and to counseling services. The National Commissions have a role in drafting such legislation and parliaments in ensuring quick adoption and appropriate implementation of the legislation;

Awareness raising

2. being children and adolescents particularly vulnerable to HIV/AIDS in the region, prevention awareness-raising campaigns specifically targeting them should be undertaken;
3. non-formal education and involvement of traditional and religious leaders in such campaigns are crucial;
4. information relating to HIV/AIDS and child rights should be disseminated in local languages and in children-friendly format;
5. young drug users should also be targeted by awareness raising campaigns;

6. communities, care takers, teachers, medical personnel, and parents should also receive appropriate information, in particular in order to prevent stigmatization of children affected or infected by HIV/AIDS;

Prevention of HIV/AIDS

7. while prevention is mainly achieved by education and awareness-raising, other important and efficient prevention measures should be undertaken in a systematic and sustained manner to include:
 - i. the provision of free, confidential and easily-accessible testing, especially for pregnant women and young people upon getting married;
 - ii. free distribution of anti-retroviral medication to pregnant women to prevent the transmission of the HIV/AIDS from mother to children;

International cooperation could be sought for the distribution of expensive, large scale, treatments;

8. systematic blood screening using appropriate and safe technique should be ensured in order to guarantee absolute security of blood bank;
9. the provision of free and safe needles to young drug users should be considered, as it has proven to be an efficient measure in some countries;
10. access to free condoms, in a youth sensitive manner and with appropriate information, should be ensured;

Treatment of HIV/AIDS

11. confidential counseling, support and psycho-social programmes should be made available to HIV positive children;
12. treatments provided are to be sustainable, comprehensive and continuous;

E. Economic exploitation, including trafficking

Cross-cutting issues

1. the provisions of the Convention on the Rights of the Child (articles 32, 34 and 35) should be adequately disseminated in order to raise awareness and sensitise all stakeholders, including employers, families and children e.g. through the introduction of human rights education, awareness campaigns and trainings;
2. specific National Plans of Action, programmes or policies should be set up in order to combat child-labour, sexual exploitation and trafficking; if these instruments already exist, they should be adequately and effectively implemented;

Child labour

3. measures are strongly needed to recognize and ensure the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development;
4. as a preventive measure, the age of compulsory education must correspond to the minimum age of employment; no differences should exist between *de jure* and *de facto* minimum age of employment, in light of relevant international standards;
5. in light of ILO Convention No.138 concerning Minimum Age for Admission to Employment a minimum age or minimum ages for admission to employment have to be established, as well as appropriate regulation of the hours and conditions of employment in order to protect children between 15 and 18; in this regard, given the difficulties encountered by some countries for the identification of the age of the child-worker, appropriate systems of birth registration should be set up;
6. drop-out rate in school should be reduced and alternative systems of education should be available for children who do not attend school;
7. family of child-workers should be provided with adequate support and training, including parenting and life skill education;
8. the issue of street children has to be seriously tackled with adequate measures; special attention should be paid at the needs of street children without parental care;

Sexual exploitation

9. children must be protected from all forms of sexual exploitation . Measures to take should include the prevention, criminalization and prosecutions of the following activities indicated in article 34 of the Convention on the Rights of the Child:
 - i. inducement or coercion of a child to engage in any unlawful sexual activity;
 - ii. exploitation of children in prostitution and other unlawful sexual practices;
 - iii. exploitation of children in pornographic performances and materials;
10. all concerned parties should work towards the eradication of these practices, which is recognized to be an especially difficult endeavour because of the huge profit resulting from them and often involving influential people at different levels. Furthermore, in light of the Convention's Optional Protocol on sale of children, child prostitution and child pornography and the a legal definition of pornographic activities should be established at national level;
11. children involved in these activities should be treated and perceived only as victims, and must receive appropriate protection as well as psychological and other support;

Trafficking

12. appropriate actions to prevent the abduction of, the sale of or traffic in children for any purpose or in any form and to protect children against all other forms of exploitation are urgently needed. Measures should include, for example:
 - i. the adoption of appropriate legislation, including criminal law provisions, and its enforcement to ensure effective protection of children against abduction, sale of children and trafficking;
 - ii. the setting up of coordinating and monitoring mechanisms dealing with those issues;
13. concluding bilateral, regional or multilateral agreements is highly desirable to prevent the sale and abduction of and trafficking in children, including in the areas of sharing of information and data, international cooperation between judicial authorities and law-enforcement officials, repatriation, recovery and reintegration.

Bangkok, 13 November 2004