

**South Asia Forum  
for Ending Violence Against Children  
&  
1<sup>st</sup> Ministerial Meeting**

**Islamabad, Pakistan  
24-26 July 2006**

## Act, Support and Protect

*Children and Young People's Statement at the First South Asia Forum  
for Ending Violence Against Children  
24-26 July 2006, Rawalpindi, Pakistan*

We the children and young people (seven girls and five boys) from Afghanistan, Bangladesh, Maldives, Nepal, Pakistan and Sri Lanka came together in Rawalpindi, Pakistan, for a two day regional consultation. In these two days (22 and 23 July), we discussed the issue of violence against children, focusing on physical and psychological punishment and early marriage and gave our suggestions on how to stop it.

Through our sharing and discussion, we found out why this violence takes place. Although violence exists among rich and poor children, we realised that poverty, unemployment and financial problems can increase violence. Some of the other causes of violence are lack of education and awareness, and different treatment of girls and boys. Our traditional and cultural practices, not having proper laws and not following the ones which are there, also lead to violence against children.

We realised the horrible effects that physical and psychological punishment and early marriage have on our development and growth. Children get physically and mentally hurt which can lead to depression and even death. Education is affected as the child can lose interest and can also drop out of school. Sometimes children also run away from home. This can result in child labour and criminal activities.

Early marriage also allows for easy spread of diseases and increase in population. Another important point is that children cannot provide proper care and take required responsibility for their babies.

During the past two days, we have come up with lots and lots of recommendations for governments, parents, communities and for many others including children. We have chosen to put forward the most important recommendations to you so that you can urgently act on them.

We recommend for creation of laws, changing them if necessary to ban physical and psychological punishment and early marriage in all countries. We also have to ensure that the laws are followed. We would like to make everyone aware of child rights and laws protecting children, because laws are not important if they are not known and followed by the people. We also believe that poverty can increase violence so governments should provide jobs and other income generating methods, which would decrease violence for some children.

Governments should ensure free, compulsory and quality education for children. More importantly, no child should be put through physical and psychological punishment at school. If this is done, we believe children will develop their skills and reach their maximum potential.

We children are the base of our nations and have an important role to play in development of the country. Such consultations are required because they help us to raise our voices to end violence against children. We once again request the governments to listen to our views seriously and act upon them.

**Please do not raise our hopes by making promises that may be difficult to fulfil.**

# Contents

List of Abbreviation	ii
1 Introduction	
1.1 Global Study on Violence Against Children	1
1.2 Regional Consultation	1
1.3 South Asia Forum for Ending Violence Against Children SACG Regional Secretariat	1
1.4 The First South Asia Forum for Ending Violence Against Children The Themes	2
1.5 Objectives of the First SAF	2
2. Highlights of the South Asia Forum for Ending Violence Against Children	4
2.1 Day 1	
2.1.1 Inaugural Session	5
2.1.2 Technical Meeting – PPP	6
2.1.3 Country Presentation Session I (PPP) Afghanistan Bangladesh Bhutan Nepal	7
2.1.4 Summing Up and Question and Answer Session	11
2.1.5 Country Presentation Session II (PPP) Maldives Pakistan Sri Lanka	11
2.1.6 Summing Up and Question and Answer Session	14
2.1.7 SAF Network	14
2.1.8 Children’s Presentation on Physical and Psychological Punishment	14
2.1.9 Summary of Country Presentations	16
2.1.10 Discussion Groups	17
2.2 Day 2	
2.2.1 Technical Meeting Early Marriage	18
2.2.2 Country Presentations Sessions I (EM) Afghanistan	19

	Bangladesh	
	Bhutan	
2.2.3	Summing Up and Question and Answer Session	21
2.2.4	Country Presentations Session II (EM)	22
	Maldives	
	Nepal	
	Pakistan	
	Sri Lanka	
2.2.5	Summing Up and Question and Answer Session	25
2.2.6	Children’s Session on Early Marriage	25
2.2.7	Summary of Country Presentations	26
2.2.8	Discussion Group Presentations	27
2.2.9	Networking Group	28
2.2.10	Drama – Early Marriage	28
2.3	Day 3	
2.3.1	Ministerial Meeting	29
2.3.2	Regional Statement on PPP	30
2.3.3	Regional Statement on EM	31
2.3.4	Open Discussion	32
2.4.5	Endorsement of TORs	32
2.4.6	TOR of the SAF Secretariat	33
2.4.7	TOR for Country Coordinators	33
2.4.8	TOR of SAF	34
2.4.9	Concluding Session	35
2.4.10	Closing Remarks by Country Delegations	35
	Afghanistan	
	Bangladesh	
	Bhutan	
	Maldives	
	Nepal	
	Pakistan	
	Sri Lanka	
2.4.11	Children’s Statement	38
2.4.12	South Asia’s Representation at the UN General Assembly	38
2.4.13	Address by the Chief Guest	38
3	Annexes	40
Annex 1	Agenda	41
Annex 2	PPP Expert’s Overview	46
Annex 3	Early Marriage Expert’s Overview	53
Annex 4	List of Country Coordinators	
Annex 5	List of Participants	

## List of Abbreviations

CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CRC	Convention on the Rights of the Child
ECPAT	End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes
EM/CM	Early Marriage/Child Marriage
IOM	International Organization for Migration (IOM)
NGOs	Non Governmental Organisation
NPA	National Plan of Action
PPP	Physical and Psychological Punishment
SAARC	South Asian Association for Regional Cooperation
SACG	South Asia Coordinating Group on Action Against Violence
TdH	Terre des Hommes
UNAIDS	Joint United Nations Programme on HIV/AIDS
UNCRC	United Nations Committee for the Rights of the Child
UNESCAP	United Nations Economic and Social Commission for Asia and the Pacific
UNFPA	United Nations Fund for Population
UNICEF	United Nations Children's Fund
UNIFEM	United Nations Development Fund for Women
UNOHCHR	United Nations Office of the High Commissioner for Human Rights
USAID	United States Agency for International Development
WHO	World Health Organisation

# **1. Introduction**

## **1.1 Global Study on Violence Against Children**

In 2001, based on the recommendations of the Committee on the Rights of the Child, the United Nations General Assembly called for a global study on violence against children. The UN Secretary-General, Kofi Annan, appointed Independent Expert Paulo Sergio Pinheiro to lead the study. Drawing together existing research and relevant information about the forms, causes and impact of violence against children and young people (up to 18 years), Paulo Sergio Pinheiro's report, when presented to the UN General Assembly in October 2006, will call for the prohibition of all forms of violence against children, both physical, psychological, and other forms of degrading punishment and treatment.

## **1.2 Regional Consultations**

Children and young people participated actively in the nine Regional Consultations which formed part of this study. One of the consultations was held in Islamabad in May 2005 where delegates comprising of ministers, senior government officials, SAARC Secretariat member, representatives from civil society, INGOs, UN agencies, the UN Study Secretariat, bilateral agencies, experts and resource persons, children and young people, the media and opinion formers from Afghanistan, Bangladesh, Bhutan, India, Maldives, Nepal, Pakistan and Sri Lanka came together<sup>1</sup>.

The consultation aimed at reviewing the situation of violence against children in the South Asia Region, including an analysis of the legal frameworks and good practises, and put forward a number of recommendations for action at regional level.

## **1.3 South Asia Forum for Ending Violence Against Children**

One of the major outcomes of the Regional Consultation was the formation of the "South Asia Forum for Ending Violence Against Children", comprising representatives from the governments of the eight regional countries. The South Asia Forum was tasked with monitoring governments' commitments and follow up actions regarding ending violence against children. The South Asia Coordinating Group on Action Against Violence (SACG) was requested to provide technical and financial support.

### **SACG**

The South Asia Coordinating Group on Action Against Violence (SACG) is an interagency body, comprised of nine UN agencies (ILO, UNAIDS, UNDP Regional HIV and Development Programme, UNESCAP, UNFPA, UNICEF, UNIFEM, UNOHCHR, and WHO) five international organisations (ECPAT, IOM, Plan International, Save the

---

<sup>1</sup> A report on the Regional Consultation on Violence Against Children in South Asia, Islamabad, Pakistan 19-21 May 2005 is available from UNICEF ROSA

Children, TdH), and USAID and SAARC Secretariat as observers. Established in March 2004, SACG started to fight against trafficking and sexual abuse and exploitation of women and children. Building on the spirit of the Regional Consultation on Violence Against Children, SACG agreed to focus its activities on the issues of the reduction or elimination of physical and psychological punishment and early marriage with trafficking as a third area of priority. SACG has been providing the South Asia Forum with evidence based information for advocacy on specific issues to end violence against children and women in South Asia, and will support the Forum to monitor and evaluate the progress of the South Asian countries towards its commitments.

### **Regional Secretariat**

The Regional Consultation also decided a Regional Secretariat should be formed for the South Asia Forum (SAF). The first holder of the Secretariat is Pakistan, host to the Regional Consultation. The Secretariat is to be rotated within the eight regional countries every two years.

## **1.4 The First South Asia Forum for Ending Violence Against Children**

With the Government of Pakistan holding the Secretariat of SAF, the first South Asia Forum was held in Rawalpindi, Pakistan on 24-26 July 2006.

### **The Themes**

Two themes were chosen for the first SAF which were:-

- Physical and psychological punishment in homes, schools, the community, the workplace and in institutions.
- Early marriage: marriage when one or both parties are children below the age of 18.

## **1.5 Objectives of the First SAF**

Four key objectives were set before the delegates at the first South Asia Forum. They were:

- To review the progress made by the Member States in the areas of physical and psychological punishment and early marriage, with trafficking in humans as a cross cutting theme.
- To identify a key number of actions for follow up at regional level.
- To agree and finalise the structural and operational mechanism of SAF, including networking and reporting tasks.

- To promote children's participation and listen to their voice on the issue of child marriage and physical and psychological punishment, as well as institutionalize their participation in the South Asia Forum.<sup>2</sup>

---

<sup>2</sup> Due to time constraint both the children and adults were unable to discuss the institutionalization of child participation in SAF and therefore this point was not brought up during the Forum.



## 2. Highlights of the South Asia Forum for Ending Violence Against Children

### 2.1

### Day 1

24 July 2006

#### 2.1.1 Inaugural Session

“Let us resolve to replace their tears with smiles,”

H.E. Ms Zobaid Jalal, Federal Minister for Social Welfare and Special Education, Pakistan

The inaugural session of the South Asia Forum was presided over by *H.E. Ms Zobaida Jalal, Federal Minister for Social Welfare and Special Education, Government of Pakistan.*

After the recitation from the Holy Quran, the objectives of the South Asia Forum were put before the delegates by the SAF Coordinator, *Mr Rahatullah Khan.* This was followed by remarks by *Ms Cecilia Lotse, Regional Director, UNICEF ROSA* and *Ms Chandni Joshi, Regional Director, UNIFEM South Asia Regional office.*

*Ms Lotse* stated that two obstacles to rapid progress in the pursuit of the Millennium Development Goals are the two themes being presented at SAF - physical and psychological punishment of children and early marriage. *Ms Lotse* expressed that once we understand children and their problems at an emotional and analytical level then we can mobilize for change. SAF, through gaining strength and momentum will be able to direct decisive decisions towards ending violence towards children in South Asia.

*Ms Chandni Joshi,* welcomed the delegates, particularly the children who she called valuable resource people who would be guiding the rest of the delegates, helping them to sort out the priorities and decide what was needed to be achieved in the meeting.

*Ms Joshi* explained a little more of why SAF was taking place which included that fact that the Study on Violence Against Children showed there were areas that needed to be addressed in the South Asia Region as well as best practices that can be shared among the regional countries. She went on to explain that as this was also the first occasion SAF had taken place, delegates were also there to look at how it could be institutionalised. “At the moment the UN is in the middle of reform and I can say that SACG one of the best examples of the UN, where nine UN organisations and five INGOs have come together and we have proved that working together and being together not just looks good

on paper but we can, in fact, forget territorial discourses when working for a good cause. We are not here just for human rights but for human dignity of the children who are the future of every country.” She then congratulated the Government of Pakistan and members of SAF and SACG.

The South Asia Forum was then officially opened by *H.E. Ms Zobaida Jalal* through her inauguration address. During her address Ms Jalal brought out the fact that the practices of early marriage and physical and psychological punishment are “prevalent in this region where the reinforcement of such customs and traditions are embedded in a patriarchal society where women have been marginalized and given a limited role in ‘formal’ society and its institutional legal systems.” She went on to say that “the un-Islamic and harmful traditional practises of Vani, Swara and Walwar are being widely reported in the media and by human rights organisations,” and pointed out the steps the Government of Pakistan is taking to ban all harmful traditional practices. H.E. Ms Jalal concluded by thanking ministers, foreign delegations and representatives from national and international organisations for attending the Forum which would lay the foundation for joint and coordinated steps towards ending violence against children, and act as a milestone for child rights and child protection in the region.

“Be generous, kind and noble to your children  
and make their manners good and beautiful.”  
“Treat the children under seven with tenderness  
and compassion, children from seven to fourteen years  
of age with care and concern and children older than  
fourteen years of age with trust and cooperation.”  
Holy Prophet Muhammad

### **2.1.2 Technical Meeting - Physical and Psychological Punishment**

*Mr Peter Newell*<sup>3</sup>, *Resource Person*, then presented an overview<sup>4</sup> of the regional perspective on physical and psychological punishment in the five settings of the home, school, workplace, institutions and the penal system. Mr Newell drew the attention of delegates by saying that as long as “children are seen as objects and property, it makes all other forms of abuse such as sexual abuse and trafficking more easy.” He compared the status of children by saying that nowadays it is unthinkable that the law of any country would condone violence against women or the elderly and yet many still have laws in place which allow for the physical and psychological punishment of children. Mr Newell brought out the fact that as most of us were hit as children, and have hit our own children, we have a difficulty in seeing this as a violation of a basic human right. Yet, once we start to talk to children and they tell us how much “it hurts inside”, then we can no longer be in denial, we can no longer justify any reason to hit children.

---

<sup>3</sup> Coordinator, *Global Initiatives, London*

<sup>4</sup> See Annex 2

Within the law, he went on to explain, there is a challenge for governments to send the right messages, and must be supported by local and regional leaders as well as the media. There still exists in many countries the common law of “reasonable chastisement” which has institutionalised corporal punishment. And because of this, law reform alone is not enough. Public education and research to measure progress must go hand in hand with law reforms. Educating parents, teachers and civil society will only work if accompanied by law reform and similarly law reform without awareness raising can achieve little. And finally, research needs to be carried out in order that states can measure their progress towards eliminating all corporate and cruel or degrading forms of punishment.

“(when) children are seen as objects and property, it makes all other forms of abuse such as sexual abuse and trafficking more easy,” Mr Peter Newell, Coordinator, Global Initiatives, London.

### **2.1.3 Country Presentations Session I (PPP)**

Each of the countries<sup>5</sup> in attendance were asked to present the updated situation within their own country on physical and psychological punishment detailing out any new policies/legislation/laws since the Regional Consultation; any achievements seen on this topic; budget allocated; implementing and monitoring systems put into place; gaps and challenges, and future actions. This session was chaired by *H.E. Ms Aishath Mohamed Didi, Minister for Gender and Family of the Ministry of Gender and Family, Government of Maldives.*

#### **Afghanistan**

*H.E. Mr Wasil Noor Mohmand, Deputy Minister of Social Affairs of the Ministry of Labour and Social Affairs, Martyred and Disabled of the Government of the Islamic Republic of Afghanistan* was first to address the delegates. H.E. Mr Mohmand declared that the violation of children was against the teachings of Islam, the national constitution of Afghanistan, the Human Rights Commission and international conventions. Despite difficulties in practising its mandate due to the current situation, the government of Afghanistan has accomplished several notable tasks to prevent physical and psychological violation of children. These include the establishment of an Implementation Task Force for national strategy for children at risk; establishment of a children’s human rights commission; the Ministry of Education has contacted over 100,000 concern officials stating the rights of children should not be violated; over 27,000 teachers have been trained to end violence against children and international organisations including UNICEF, UNDP, CRC, and Save the Children are working in collaboration with the Afghan Government to end violations of children.

---

<sup>5</sup> India was not in attendance.

### ***Highlights***

- Ulema-e-Kiram has been given the mission to tell the common people not to violate children's rights.
- The primary goal of the national strategy for children at risk is the creation of a nation where children can reach their full potential free from abuse, exploitation or violence enabling their full participation as citizens. Under this strategy more than 21 types of vulnerable groups of children are protected.

## **Bangladesh**

The delegation from Bangladesh were unable to attend Day 1 of the Forum because of flight delays due to bad weather. This is an outline of their presentation as submitted to the Secretariat:-

### ***Highlights***

- A child rights based programming approach has been adopted by the government.
- Ministry of Women and Children Affairs, along with partners, have initiated activities with children, children's organisations, parents, teachers and government officials to raise awareness and influence policies;
- Ministry of Education and Ministry of Primary and Mass Education have instructed teachers not to use physical or psychological punishment;
- Workshop and training courses have been organised for police personnel;
- A three-bench book for the police, magistrate and judges respectively has been prepared by the Government of Bangladesh with support from partners. The bench book is a reference tool on juvenile justice law and practice for magistrates, police and judges;
- In depth qualitative research work carried out under the Ministry of Women and Children Affairs with support from UNICEF and Save the Children Alliance to enhance the present understanding of child abuse from the perspective of children living in a variety of settings and circumstances;
- A roundtable discussion was held recently entitled "In Search of Justice for Children" organised by the Department of Social Services, along with Save the Children UK and the Daily Star where the creation of a child friendly environment through a change in attitude was stressed;
- Article 34 of the Children's Act 1974 specifically stipulates the penalty to be imposed for cruelty to children;
- The National Plan of Action for children, 2005-2010 has already been approved by the government, and
- Enactment of a "Children Ombudsman Act" is under active consideration to help establish child rights.

## **Bhutan**

*Dr Rinchen Chopel, Executive Director, National Commission for Women and Children, Royal Government of Bhutan* shared the culture of Bhutan with the delegates which, because of its matriarchal structure, has different challenges. Bhutan is building on its customs and culture and is focusing on women and children in its development, particularly as it will become a democratic country in 2007. Within the Constitution of Bhutan, currently being drafted, Article 9 (18) states: “The State shall endeavour to take all appropriate measures to ensure that the child is protected from all forms of discrimination and exploitation including trafficking, prostitution, abuse, violence, degrading treatment and economic exploitation.” Police officers and special units such as the Women and Child Unit are undergoing training, and awareness is being raised in civil society through the media. Capacity building is challenging and critical but the National Commission for Women and Children is setting up a major complaints mechanism which is available by telephone or internet. This is due to be operational in November 2006 with support from UNICEF, UNIFEM, UNFPA and others. A child friendly schools project is underway and corporal punishment has come into focus. Many parents are blaming teachers for the lack of discipline in schools where corporal punishment is banned, and the challenge is how to make parents aware of the reasoning behind this especially as mechanisms to promote non-violent discipline are yet to be developed. Gaps still exist as to which non violent discipline to enforce and as to how to monitor progress. As for the future, Dr Chopel suggested that continuous contact and communication to bring together experts and conduct training programmes would be a positive step.

### *New Policies/Legislation/Laws Since Regional Consultation*

- Review of existing legislation vis-à-vis physical and psychological punishment;
- Establishment of a Woman and Child Protection Unit;
- National Consultation on Women and Child Friendly Police Procedures;
- National Consultation on Women and Child Friendly Judicial Procedures;
- Briefing for Parliamentarians;
- Capacity building activities;
- Complaints and response mechanism;
- Study visit to centres of excellence in the region;
- “Know Your Law to Protect Your Rights” campaign by the Royal Court of Justice held in schools;
- Police officers, teachers, NGOs trained in child rights;
- Increased participation of children in organising national events, and
- Expanded media outlets and increasing online debates.

## Nepal

*Mr Deepak Raj Sapkota, Executive Director of the Child Welfare Board, Nepal* highlighted a number of steps taken in Nepal since the Regional Consultation to forward the abolition of violence against children, as highlighted below.

Among the gaps and challenges Mr Sapkota identified were the worsening socio-economic situation in the country partly due to the armed conflict and its effects and a need for re-engineering and re-arranging infrastructures for achieving gender/child-responsiveness. Implementation and monitoring remains an ongoing challenge as too is that of psychological punishment, which, like in many countries, is not recognized as an issue. As far as budget was concerned, there is no specific budget allocation but development partners are contributing through various projects to achieve on going policies, programmes and activities related to ending violence against children.

### *New Policies/Legislation/Laws Since Regional Consultation*

- Supreme Court's verdict prohibiting child physical and psychological punishment in all five settings;
- Child labour prohibition and regulation act and its regulation;
- National Action Plan / periodic plans;
- Code of Conduct developed prohibiting child punishment in schools;
- Basic minimum standards for institutions;
- Juvenile justice procedures approved by Supreme Court and being presented to the Council of Ministers;
- Ten pilot juvenile benches with CCTV have been established;
- Child friendly VDCs in seven VDCs and one Municipality (pilots);
- Domestic Violence Act drafted;
- Zero tolerance at work place policy introduced;
- Children's Act amendment in process;
- National child protection policy being developed;
- Comprehensive minimum standards for care of children in need of special protection (special reference to institutional care) being developed;
- Child Participation Guidelines being developed;
- Child Clubs - more than 6,000 established;
- Paralegal Committees, 238 Village Child Protection Committees, Child Protection Committees and many other safety nets at grass-root level;
- Upgrading the quality of 24 social workers as a **PSW** in juvenile justice institutional settings;
- Upgrading the skills of 24 psychologists in relation to juvenile justice;
- Nominating at least 10 juvenile officers, and
- Teaching and learning with dignity, **SIP** / positive discipline programmes run by Ministry of Education and Sport and others.

## 2.1.4 Summing Up and Question and Answer Session

Following the presentations<sup>6</sup> from Afghanistan, Bhutan and Nepal, a question and answer session raised several points for clarification as well as sharing experiences. One of the questions asked to the Nepal team was with regards to their Village Child Protection Committees, which have recently begun in Nepal and are being implemented by Village Development Committees. The Chairperson congratulated Nepal on the large number of child clubs operating and commented a lesson could be learnt from this approach. A question was also raised regarding the new constitution being drafted in Bhutan which included participation of all districts.

"The need for discipline becomes less if children are involved in their own learning," on the subject of child friendly schools, H.E. Ms Aishath Mohamed Didi, Minister for Gender and Family of the Ministry of Gender and Family, Government of Maldives.

## 2.1.5 Country Presentations Session II (PPP)

The second session of country presentations was chaired by *H.E. Mr Wasil Noor Muhmand, Deputy Minister of Social Affairs, Ministry of Labour and Social Affairs, Martyred and Disabled, Government of the Islamic Republic of Afghanistan.*

### Maldives

*Mr Shiyath Hashim of the Society for Health Education, Maldives* told those gathered that corporal punishment was prohibited in the Maldives and that a skills based programme is aiming to empower children. In addition, new legislation has created school counsellor posts and disciplinary committees in both schools and the Ministry of Education to give guidance and advice on the broader theme of effective communication which includes discipline programmes, establishing rapport and relationships between school management, parents and students etc. In the community setting, there has been a mandatory reporting of violence against children set out in Law 9/91. Family conferencing has been introduced as an alternative for addressing juvenile crimes and there has been increased provision for child rights training for all involved professionals.

The largest gaps and challenges for the Maldives still remain the geographical distribution and size of school (many schools for example have less than 100 students), and the fact there is a lack of trained local teachers. With 70% of the teachers in the Maldives being expatriates there is additional cultural gaps. As a result of these two ongoing challenges, there is an under-reporting of cases of physical and psychological violence as well as a lack of guidelines and protocols. However, the Maldives is ready to

---

<sup>6</sup> Due to flooding at the airport, the delegation from Bangladesh was unable to join the proceedings on the first day however a brief presentation was made by Mr Haider Yaqub from Plan Bangladesh on the situation of child domestic workers in Bangladesh.

meet these challenges in the future through creating strong community initiatives; advocacy and awareness programmes; providing child rights training to involved professionals; strengthening supervision and monitoring mechanisms, and creating a multi-sectoral approach in combating violence against children.

### *Introduction of New Policies/Legislation/Laws Since Regional Consultancy*

#### *Home and Family*

- Corporal punishment prohibited;
- Continuous awareness and advocacy raising;
- Poverty reduction programmes to support family;
- Easing of housing situation, and
- Introduction of life skills programmes to empower children.

#### *Schools*

- Education Act;
- Anti-bullying policy;
- Health promoting school initiative;
- Life skills programme;
- Almost all community schools have become government schools;
- Child-friendly approach introduced;
- A multi-sectoral EFA (education for all) National Committee has been established;
- Universalizing secondary education by the year 2010, and
- A pilot project is underway to introduce a vocational stream in schools.

#### *Community*

- Structures such as the Units for the Rights of the Children URC, and the Children's court have designed programmes to respond to the status of children, and
- Mandatory reporting of violence against children have been set out in the Law 9/91.

## **Pakistan**

*Mr Muhammad Hassan Mangi, Director, National Commission for Child Welfare and Development NCCWD, Ministry of Social Welfare and Special Education, Government of Pakistan* began by explaining that physical and psychological punishment is deeply rooted in society's belief that punishment is an effective and acceptable disciplining method. In fact, to the extent that most people in Pakistan are in denial over the traumatic nature of this type of discipline, thus making it difficult to measure as it remains unreported. The Pakistan Penal Code of 1860, Section 89 empowers parents, teachers and other guardians to use corporal punishment as a means to discipline and correct behaviour of children. However, the punishment must be "moderate and reasonable" and not inflict serious injuries. Similarly in the Punjab Children Ordinance (Section 19) and the Sindh Children Act (Section 48) "punishment by the guardian for the good of the child is not necessarily deemed to be an offence unless it results in serious injury."



To address these problems the National Commission for Child Welfare and Development has prepared a National Plan of Action (NPA) for children through a consultative process with all stakeholders including children. The Federal Cabinet has approved the NPA which focuses on policy and strategic interventions for addressing key child protection issues by establishing networks and mechanisms at various levels. Provisional governments have banned corporal punishment in schools and child friendly schools have been established. A draft Bill on Child Protection has been drawn up which prohibits corporal punishment, harmful traditional practices, exploitation, sexual abuse and discrimination and gives children a right to voice their opinion. Mr Mangi pointed out that while governments have a lot of money at their disposal, they are often under financial embargos with regards to travel. "...are we again in danger of considering children as somehow less human than others?"

#### *Future Actions*

- Introduction of Child Protection Law;
- Implementation of NPA for children;
- Awareness raising campaigns involving children's groups, print and electronic media and NGOs;
- Expansion of child protection bureaus / centres, and
- Teachers / parents capacity building programmes.

## **Sri Lanka**

*Mr DMS Abeygunawardena, Commissioner of Probation and Child Care Services, Sri Lanka* stated that physical abuse was the type most commonly seen in Sri Lanka and while it did not belong to one particular ethnic group, it was seen mostly within families faced with internal conflict and of low social and economic backgrounds. Mr Abeygunawardena brought out an interesting point - if a child is suffering from lack of normal growth is this considered physical abuse? The economic condition of the family must be taken into consideration. Psychological punishment could be a result of not meeting the child's basic needs as well as the more usually thought of areas such as rejection, criticism, etc.

#### *Preventive Measures*

- Awareness of the problem of abuse as an important social issue;
- Establishment the Child Rights monitoring committees;
- National Child Protection Authority;
- Child Development Ministry, and
- Rehabilitation and treatment programmes.

### ***Future Developments***

- Effective enforcement of the law;
- Promoting awareness;
- Child friendly approach, and
- Strengthening the alternative care systems.

### **2.1.6 Summing Up and Question and Answer Session**

The Chair reiterated the key points that came out of the presentations: a good strategy in each country is important; the establishment of more workshops for training educational departments and families is required; capacity building is needed within each country; village based implementation of strategies would have a further reaching affect, and capacity building is vital.

There then followed a question and answer session where delegates were able to share pertinent information with their counterparts about programmes, steps taken and successes in their respective countries. Maldives were asked to explain more about the National Committee and life skills programme, which is running with input from UNFPA.

### **2.1.7 SAF Network**

One of the tasks before the Forum was to strengthen the network between the countries as well as between the individual countries and the SAF Secretariat. A country representative to act as the focal person with the Secretariat was asked to be appointed. This was done. See page 33 for full details of the role of the country representatives as well Annex 4 for a list of their names.

### **2.1.8 Children’s Presentation on Physical and Psychological Punishment**

Twelve children from around the region attended their own Children’s Forum during the two days prior to SAF. During their Forum they discussed the same two themes of physical and psychological punishment and early marriage. During SAF they were given the opportunity to participate as full members and to put forward their feelings and findings on the two subjects. The first topic physical and psychological punishment was presented, on behalf of all the children by *Ali* from *Pakistan*. The children listed out the reasons they had seen or experienced for receiving punishment, such as not finishing homework, parents lacking awareness related to child rights and feelings, poverty, making small mistakes, unhappy parents etc. The children highlighted the fact that they felt psychological punishment more deeply than physical punishment as once the physical punishment had been given, they felt that they had paid for their “wrong doing”. Whereas, with psychological punishment, the payment was never fully made. The

impacts of psychological punishment included such things as feelings of isolation, lack of confidence, feelings of revenge, irritation and, in extreme cases, suicide.

The children then went on to list out what governments, NGOs, parents and teachers can do to help stop violence against children. They suggested governments should bring in laws to stop corporal punishment and should introduce child rights into the school curriculum at an early age. Parents, it was suggested, should respect children's rights and listen to children. Positive methods of discipline that were suggested by the children included giving advice and using a method of teaching by example.

*Impact of physical punishment*

- Tension;
- School drop outs;
- Trauma;
- Death;
- Loss of interest in education;
- Blindness;
- Mental disorders, and
- Using drugs / alcohol

*Impact of psychological punishment*

- Isolation, no friends;
- Lack of self confidence affects development;
- Suicide;
- Running away;
- Criminal tendencies;
- Stubbornness or rudeness;
- Revenge;
- Affects mental development and child's talent;
- Irritation, and
- Loss of memory.

"We have given a list of recommendations - please make these recommendations in every country to help make children's futures bright," Children's Delegation.

### ***Children's Recommendations - What Governments Must Do***

- Governments must ban physical and psychological punishment.
- Governments should create a separate authority for monitoring implementation of existing and new laws and review existing laws.
- Governments should include child rights in the school curriculum from a young age. They should raise awareness of physical and psychological punishment through the media, rallies etc.
- Governments should create child friendly complaint centres for children. They should listen to complaints from children and act upon them. These centres should also give children information on child rights.
- Governments should provide financial support to child rights clubs.
- Organise international/regional meetings every year on how to stop child violations and how to act upon the solutions.
- Governments should support and encourage child rights clubs and youth parliaments.
- Governments should gather information about the types of violence from all parts of the country and region.
- Governments should help NGOs to prevent physical and psychological punishment in consultation with children.

### **2.1.9 Summary of Country Presentations**

*Mr Peter Newell* was asked to summarize the country presentations with the aim of drawing a short check list of basic actions needed to eliminate violent punishment of children. Mr Newell commented, “(There has been presented) an exciting range of actions aiming at eliminating violent (physical and psychological) punishment. From awareness of what is happening in other regions in the context of the UN Secretary General’s Study on Violence Against Children (I) can say that more appears to be happening in this region than in most. The presentations (we have seen this morning) indicate an openness and lack of denial; an acknowledgement of the scale and extent of violent punishment and the importance of the issue for children; acknowledge the wide degree of social acceptance of violent punishment and indicate a desire for regional collaboration and mutual support through the South Asia Forum.”

Developing legal frameworks through perhaps amending or renewing constitutions to outlaw physical and psychological punishment will send a clear message to parents, teachers, religious leaders and others. All countries have signed the CRC, now is the

time to act. Changing mindsets and sharing good practices is important both nationally and regionally, common methodologies must be brought together and there should be systematic cooperation at regional levels. Regarding budget allocations, it is difficult to identify what budgets are being spent on children but this is essential to see whether countries are implementing resources for children and children's rights.

Mr Newell then went on to list six actions he felt as possible actions members of SAF could take which are: commitments from governments; identification of responsibility within government departments; clear legal framework; public education; research, and budget allocations. Finally, he pointed out that from the international perspective it is very important that the region make known to others its commitments and actions, and set an example and encourage others. He suggested an opportunity to do just that will arise this autumn at the UN General Assembly in New York when Paulo Pinheiro presents his report and a children's rights resolution is drafted with a substantial section on violence against children.

### **2.1.10 Discussion Groups**

The delegates were then asked to divide themselves into three groups to look at the three topics which they identified as vital areas, with finance and children's participation as cross cutting themes. The outcomes from these three groups would then be combined into one list of actions to be endorsed by regional ministers on the final day of the Forum.

*Legislation* – implementation of laws and policies - was the theme for Group 1. With each country having different laws it was thought to be useful to look at best practices, share information, and identify gaps in existing national laws. Overall, the Group decided a timeframe was required to review current laws, regional or technical guidance was needed to help countries share success stories and a regional banning of corporate punishment by law.

*Capacity building* among stakeholders through best practices and technical assistance – was the topic for Group 2. This group decided capacity building was a must in all five settings (home, school, community, work place and institutions). Specific areas for capacity building were named as working with men and boys, and increasing life skills. How to raise awareness among civil society was discussed and it was thought a longer term strategy was better than making, for example, an awareness day. It was also thought that if SAF can lobby at the SAARC Summit it would prove to be effective.

*Systematic reporting and monitoring* was looked at by Group 3 in the three broader areas of mechanisms: how and where, what, and methodology. It was felt it may be more cost and time effective to look at preventive measures rather than just looking at how to stop causes. Overall it was felt legislation must be in place in order to stamp out physical and psychological violence against children, however, SAF can play a proactive role by looking at best practices and help build up monitoring at both national and regional level.

## 2.2

### Day 2

25 July 2006

#### 2.2.1 Early Marriage

##### **Technical Meeting – Early Marriage With Child Trafficking as the Cross Cutting Theme**

*Ms Shanthi Dairam*<sup>7</sup>, *Resource Person*, was the technical expert of the day who briefed the delegates on the situation relating to the practice of early marriages in South Asia. Ms Dairam informed the delegates that early marriage is an extreme form of discrimination against the girl child from the perspective of the definition provided in Article 1 of the Convention of the Elimination of All Forms of Discrimination Against Women (CEDAW). While marriage does take place among boy children, larger number of young girls are married because they are often married to older men. The effects of marriage on young girls are more serious in terms of their biological reproductive function and because of the different gender expectation. Early marriage for the girl means not just harm, but an invasion of rights. Social exclusion, trauma, injury and sexually transmitted disease can often take place, as can exploitation and sexual abuse. Complications are more likely during pregnancy and birth purely because of the mothers young age. Early marriage has also been associated with women trafficking; young girls are more vulnerable as parents often wash their hands of daughters to the first boy that comes along, without considering his age, character, qualifications or motives. Traffickers use fake marriages as an organised ploy to procure girls, tricking both them and their parents.

One of the problems highlighted was in assessing the prevalence of early marriages, many of which are unregistered and unofficial. Very often the birth of the bride and/or groom has also not been registered. The other major hurdles include culture and social norms, poverty, lack of education and absence of life opportunities. These hurdles continue to persist today despite the CEDAW Convention, CRC, international standards and the laws in many countries. Where minimum ages for marriage exist they are often not enforced. Countries such as India have started a process of registering marriages and births but in remote areas these laws are constantly flaunted. In India and Sri Lanka there exist both the civil law and personal law which means children under 18 can and do marry. In addition Shariah Law defines puberty – menstruation for girls and facial hair for boys – as the age at which children can marry. Again girls suffer more as in general they reach puberty before boys. A realistic plan of action is needed such as child protection officers to monitor early marriages, peer group empowerment, complaint mechanisms, birth and marriage registration; tightening up of laws, and the doing away of un-Islamic practices such as Vani and Swara and the Hindu practice of Devadasi. The

---

<sup>7</sup> CEDAW Committee Member

resource person concluded by saying it was the obligation of the State to protect children and governments must be proactive in taking steps to help women and children obtain their rights to life, education, access to resources, health, and freedom from inhuman, abusive experiences, in fact the right to be a full member of society and fulfil herself.

### **2.2.2 Country Presentations Session I (Early Marriage)**

Again the representatives of the seven countries present were asked to provide country presentations on early marriage with particular reference to changes, improvements, gaps and challenges since the Convention in May 2005. The Session was chaired by *Ms Cecilia Lotse, Regional Director, UNICEF ROSA*.

#### **Afghanistan**

The presentation on early marriage from Afghanistan was made by *Ahmad Fardin Akbari, Counsellor, Embassy of Afghanistan*.

Mr Akbari said it is the fundamental right of each individual to marry when set within legal and social regulations and accepted by both the bride and groom. Any marriage which neglects these two elements would be considered as illegal in all Islamic countries in the region. The constitution of Afghanistan states that the legal age for marriage is 18 for boys and 16 for girls. Yet, forced marriage does take place under duress and without the full and informed consent or free will of both parties. Some victims are tricked into going to other countries through inducement, fear, abduction, coercion or trickery. Forced and early marriages in Afghanistan are carried out because of the effects of two decades of war, poverty, unemployment and lack of education and public awareness. In order to prevent such marriages, the Government of Afghanistan has issued concrete orders to the Ministry of Labour and Judiciary to control forced and early marriages. There is a national strategy for children at risk developed by the Ministry of Labour and Social Affairs and Disabled to raise awareness on rights violation and harm including health consequences for young girls arising from forced and early marriages.

Continuing, Mr Akbari pointed out that with regards to early and forced marriages and child kidnapping and trafficking, the Ministry is undertaking to keep a careful survey on the areas where children have been kidnapped; has established transition locations for deported children; returned deported children to their homes; developed action plans to prevent further trafficking; held CRC workshops sponsored by UNICEF amongst others; held CRC training courses for mullahs, Takayas and local influential people and training courses for auditing and supervising staff; is developing a birth registration process, and is developing young adult and adult legislation.

#### ***Highlights***

- According to UNICEF, in 2003 285,640 girls were married between the ages of 15-19 in Afghanistan.
- In the past two years 315 children have been returned from Saudi Arabia to Kabul.

- In 2002 Afghanistan topped the list regarding trafficked children, now Afghanistan is off the black list.

## **Bangladesh**

*Mr Md Abdul Jalil Mian, Deputy Secretary, Ministry of Women and Children Affairs, Government of Pakistan* suggested in his presentation that early marriage be called “child marriage” as that is actually what it is. In Bangladesh the legal age for marriage is set at 21 for boys and 18 for girls as per the Child Marriage Restraint Act 1929. According to this Act early marriage is punishable by law. He went on to bring out points that are common to most South Asia countries – the fact early marriage takes place because of gender discrimination; as an economic strategy of the family; because of the dowry system; to prevent premarital sex, and to maximize births as the infant mortality rate is high, (despite the fact young bodies will not be ready for childbearing and are subject to complications, maternal or natal mortality).

Mr Mian explained “Kishori Abhijan”, an Empowerment of Adolescents project run jointly with UNICEF Bangladesh. This project empowers youths through life skills and livelihood training enabling them to become involved in social actions. Working on three levels the project reaches out to unmarried adolescent girls, boys and adolescent girls’ immediate family, and the community, stakeholders and NGO staff at national level. He felt it not possible to take girls in isolation, they must be seen in the context of their family and community if campaigning against early marriage is going to be successful. Mr Mian showed that it is also important for children to be visible in budgets and at the moment there is no child budgetary impact assessment. To sum up, even with stringent laws in place, early marriages will only end if there is social awareness at all levels and ongoing monitoring programmes.

### ***Legal and Policy Framework***

- Education Ministry: Provision of free education for girls up to higher secondary level together with training and food for education programmes.
- Health and Family Welfare Ministry: A public awareness programme with the slogan “No marriage for girls before 20”.
- Law and Local Government Ministry: Enactment of new Birth & Death Registration Act 2004, in force since 3 July, 2006;
- Newly formed ‘Gram Sarkars’ are given responsibility to prevent early marriage at grass roots level;
- Ministry of Women and Children Affairs: Formulated national plan of action based on the Convention.
- The Government of Bangladesh has prepared a Poverty Reduction Strategy Paper (PRSP) which includes children’s concerns and rights, and
- National Plan of Action for Children has been integrated into the PRSP and the Millennium Development Goals.



## **Bhutan**

*Dr Rinchen Chopel, Executive Director, National Commission for Women and Children, Bhutan* started his presentation by explaining that in the matriarchal society of Bhutan there was not yet a social issue regarding early marriage. With no boy preference and no stigma attached to divorce or children born out of wedlock, the marriageable age has, nevertheless, been fixed at 18 for both sexes in accordance to the CRC. No marriage certificate will be issued for marriages under 18, although it is still happening as is clear from antenatal records in the hospitals. Public and private, intentional and unintentional sexual discrimination is prohibited. There does still exist, however, a prejudice regarding inherited property – but to the woman's favour.

With regard to trafficking, there is no data available in Bhutan, however, children have been reported missing and this is raising concerns, particularly since there is a large open border with India. There is an upcoming National Consultation on Child Sexual Abuse which will help to disseminate information on this and trafficking issues.

### ***Future Actions***

- National Plan of Action for Gender;
- Dedicated effort to generate disaggregated data in 10th Five Year Plan;
- Agenda of the upcoming National Consultation on Child Sexual Abuse;
- Review and analyze the NHP Census data;
- Analyze the data of the RCJ and the RBP, and
- Lobby parliamentarians at upcoming meetings.

### **2.2.3 Summing Up and Question and Answer Session**

After the presentations from Afghanistan, Bangladesh and Bhutan the Chairperson summed up stressing how important it was, if the opportunity arose, such as in the case of Bhutan, to include provisions for equality and equity in the constitution of a country. There followed a question and answer session. The Bhutanese team were asked whether arranged marriages were the norm in their country, to which they replied they were not. A question was raised of the Resource Person on whether there was any evidence to link child marriages with trafficking. She replied there is a lack of actual data but often if a family receives a high cash amount for their daughter, it can be as high as US\$5,000, then this is a guise for syndicates who pose as spouses and take the child to a brothel. It is thus essential to bring men into the process by working with families and communities to end early marriage. In Tunisia, for example, where they have an Islamic legal system, polygamy has effectively been banned by making it extremely difficult to do.

"'Women have the right to freely enter into marriage', is interoperated as the right to decide who, when and if to marry. In other words, women have the right not to marry," CEDAW

#### **2.2.4 Country Presentations Session II (Early Marriage)**

The second session of country presentations was chaired by *Mr Md Abdul Jalil Mian, Deputy Secretary, Ministry of Women and Children Affairs, Government of Bangladesh.*

##### **Maldives**

The presentation on the situation of early marriage in the Maldives was made by *Ms Mazeena Jameel, Director, Ministry of Gender and Family, Government of the Republic of Maldives.* Over the past 10 years there has been no record of children under 15 being married in the Maldives, however, with the increase in Islamic extremist elements there has been a move away from mainstream thinking and the number of marriages under 18 is increasing. When these are love marriages it is difficult to say what is in the best interests of the girl; a balance must be struck between the rights of children and the rights of the parents. Parents are naturally concerned when girls become involved in a relationship so may put restrictions on behaviour. The Child and Family Protection Authority will look at a case before saying whether a marriage can take place or not. Should it be in the best interests of the girl, such as if there is a pregnancy, it may be possible to get married younger than 18. The Regional Consultation, the Child and Family Protection Authority has been established and mandated to develop the regulatory framework for child protection. Its role is to develop policies, standards and procedures; monitor, evaluate and inspect social service provisions; establish standards and mechanisms for delivering decentralized protection services, and coordinate multi-sectoral networking.

Gaps, challenges and future actions include reviewing gaps in the law with the view to harmonizing one with another; decentralizing social protection services to overcome the geographical challenges; strengthen multi-sectoral collaboration on child protection and amending the law on the Protection of the Rights of the Child.

##### *Introduction of New Policies/Legislations/Laws Since Regional Consultation*

- Establishment of the Child and Family Protection Authority, mandated to develop a regulatory framework for child protection;
- Developed policies, standards, procedures and guidelines for services;
- Monitoring, evaluation and inspection of social service provisions;
- Established standards and mechanisms for delivering decentralized protection services, and
- Coordination of multi-sectoral networking.

## **Nepal**

*Mr Ritu Bhandari, Under Secretary, Ministry of Women, Children and Social Welfare, Government of Nepal* reported several areas which had seen improvement since the Regional Consultation as mentioned below.

With regards to gaps and challenges, effective monitoring and law enforcement is still required as is mainstreaming gender issues to crush superstition that encourages early marriage. The open border increases the risk of trafficking of girls tricked into early marriage and that is something that is being looked at through better cooperation between the government and NGOs and massive awareness and advocacy programmes.

### *Achievements Since Regional Consultation*

- Due to the monoist system, trends to look for Supreme Court directives has increased;
- Recent Supreme Court Verdict, 13 July 2006 (against discrimination by sex and minimum age of marriage);
- Amendment in Marriage Registration Act - draft prepared (20 yrs for both);
- Draft amendment in various discriminatory provisions of 32 laws;
- Massive school enrolment programme;
- Trend for marriage registration has increased;
- Child Club (Paralegal Committees, Village Child Protection Committees and various safety nets to stop early marriage);
- Helpline / counselling services;
- Paralegal training / aid (Women Commission, Bar Association and NGOs);
- Free legal aid provided;
- Decrease in early marriages;
- Mass advocacy and awareness;
- Youth and newly married couples focused programme;
- Adolescent – Choose Your Future Programme;
- Gender responsive reproductive health initiatives;
- Sex education in curriculum / community, and
- High media reporting.

## **Pakistan**

The presentation for Pakistan was made by *Mr Muhammad Hassan Mangi, Director, National Commission for Child Welfare and Development*, who suggested a holistic approach must be adopted to combat early marriage. Within the four provinces of Pakistan there are large variations in the number of early marriages (15-19 years), with variations again between urban and rural areas. The Ministry of Social Welfare and Special Education has prepared a draft Bill on Child Protection based on the recommendations of the Committee on the Rights of the Child and Regional Consultation for Ending Violence Against Children. This bill raises the age of marriage to 18 years in

line with the CRC. This will bring it into conflict with Shariah Law but Mr Mangi pointed out there are teachings within the Quran itself that will help persuaded religious leaders. Children themselves have developed an action plan on early marriage through a children's network and clubs where children are campaigning for awareness on child rights and protection issues including early marriage.

As far as budgets are concerned, child protection issues have been given due consideration in the overall social protection strategy of the government for which government has allocated substantial funds. The National Plan of Action for children has been allocated funds and the Government of the Punjab has separately allocated substantial funds for child protection.

### ***National Child Protection Bill***

*The Bill proposes:-*

- Punishment for marrying a child: Whoever contracts a marriage with a female child under eighteen years of age, shall be punished with simple imprisonment which may extend to two years, or with a fine which may extend to one hundred thousand rupees, or both.
- Punishment for solemnizing a child marriage :  
Whoever performs, conducts or directs any child marriage shall be punished with simple imprisonment which may extend to two years, or with a fine which may extend to one hundred thousand rupees, or both.

### **Sri Lanka**

The final presentation on early marriage was given by *Mr DMS Abeygunawardena, Commissioner of Probation and Child Care Services, Sri Lanka*. Sri Lanka has laws on the minimum age of marriage, 18 years. However, under Muslim law, the age of puberty is the age marriage can take place. Early marriage is socially acceptable and as the numbers of young mothers increases the same cannot be said about legal action against the fathers. The reasons for early marriage are similar to those in other regional countries, mothers moving to other countries to work, social acceptance, sexual behaviour of youths, economic problems and because abortion among under 18s is high. However, the problem of early marriage is not big for two reasons:- most children stay in the free schooling system, and for those between 16-18 consent can be given to marry.

*Prevention Programmes*

- Ministry of Women Empowerment established;
- National Women's Council;
- Women's Bureau;
- Registration General Department, and
- Domestic Violence Bill.

### *Areas to be developed*

- Improve reproductive health and sex education for children, and
- Provide education infrastructure facilities in rural sectors.

### 2.2.5 Summing Up and Question and Answer Session

A question was put to the Maldives representatives relating to the rights of parents in the Maldives where there is discrimination against mothers. For example, only fathers can take their children overseas. The representative from the Maldives mentioned hypocrisy between the sexes and stressed this is true in every culture and society and must be worked with. In Maldives such cases are viewed on a case to case basis. The point about religious laws being misinterpreted was brought up and the suggestion was put forward to look at the more progressive interpretations of Islamic law used in some countries, and follow those with the acceptance and approval of the community.

### 2.2.6 Children's Session on Early Marriage

Once again the children came together in a joint presentation given by *Matiullah* from *Afghanistan*, *Atia* from *Bangladesh* and *Nanda* from *Nepal* on their thoughts and feelings regarding early marriage and their suggestions as to how things can change for the better. They looked first at the causes which included, social protection of girls during times of conflicts and emergencies, being exchanged as compensation, and as a way of keeping good relations between families. Looking at the effects of early marriage, the children sited that young parents cannot take responsibility for their children and the cycle will begin again. There is also the greater possibility of a second wife joining the household.

At family level the children suggested customs should be changed, parents educated, counselling by teachers and peers for children, gender equality and registering of births. In schools they suggested reproductive health be taught and at community level elected representatives, men and religious leaders have to take an active part to stop the practice of early marriage. The children went on to suggest that at national level the governments should work to improve and monitor laws, create income for parents, work with NGOs and develop life skills based curriculum and workshops for children. And children should also take responsibility for their own futures through knowing about their rights, discussing their problems with peers, presenting their ideas to authority and training other children on their rights.

“(early marriage) becomes a practice as it is habitually seen and mothers who got married early will marry their children early ... they cannot take responsibility for their own children and cannot control them except through punishment...,” Children's Delegation.

## 2.2.7 Summary of Country Presentations

*Ms Shanthi Dairam* summed up by saying that despite differences countries have two things in common: a strong resistance to setting a minimum age for marriage and an ongoing struggle to harmonize what is said in international law versus culture, religion and practice in the country. The application of international standard is a challenge and we need to look at the ground realities as well. How can we do this? Often people do not know about laws and their rights. Collusion between parents and authorities often gives more control to parents who already exert control over who their children will marry and when. We have agreed we cannot change things overnight but we need to look at the process through which we can bring about change through monitoring, capacity building, training, awareness campaigns and changes in social attitudes and the law. We need to look at the law in practical terms. What can the law do to protect women and children? We learnt from the children that they can do a lot for themselves so this attitude needs to be nurtured. If both children and adults are more aware of their rights and the negative effects early marriage can have on the reproductive and mental health of girls then slowly things will improve. We also need to be prepared for changes, for example in Sri Lanka displaced parents in refugee camps tend to marry girl children off earlier out of fear. So we need to be prepared and able to cope with changes and emergencies.

In relation to trafficking, the cross cutting theme in this discussion, the Chair suggested that as many countries have porous borders delegates might like to look at how to monitor and control borders and share information to help avoid girls being trafficked. This is a possible area for regional cooperation as early marriages is one of the factors in trafficking.

Consensus took place among the delegates to change the name from “early marriage” to “child marriage” in the context of SAF as the majority of those present stressed that that is in fact what takes place.

The presentations were then summed up and it was suggested that the discussion groups look at the same headings that were looked at under physical and psychological punishment, namely, legislation, capacity building strategies and monitoring. It was suggested a key issue was targeting parents and the community through mass communication.

## 2.2.8 Discussion Group Presentations

The presentations from the three discussions groups was chaired by *Ms Chandni Joshi*, *Regional Programme Director, UNIFEM*.

*Legislations* - was looked at by Group 1 which consisted of four of the children, namely, *Ali Raza (Pakistan)*, *Shakti Sharan Nagarkoti (Nepal)*, *Nanda BC (Nepal)* and *Manizeh Bano (Afghanistan)*, along with *Ms Sohani Rajbhandary*, chaperon. This group brought out the following points: family courts must be established; punishment for taking part in

an early marriage must be equivalent to that of kidnapping; standards used in laws protecting women should be used as a baseline for those for early marriage; there should be regional agreement on 18 as the age for marriage; budgets must be allocated to child clubs, family courts, awareness campaigns etc in order that these things become successful, and law enforcement agencies should be sensitized as to how to handle matters with sensitivity.

*Capacity building* with the target groups being parents, teachers, children, religious leaders, the media, politicians, law enforcement agencies, NGOs and CBOs along with travel agents with respect to trafficking, was looked at by Group 2. The discussion group members said they would give priority to governments and law enforcement then to parents, teachers and children. There were differences of opinion among group members from different countries, thus they felt each country will need to look at its own situation and build capacity accordingly. One of the participants raised a concern about monitoring of borders, and stated the first focus should be on the family as many children complain that they are sexually abused at home, with physical and psychological damage being done, but if they cross the border (into the sex industry) they at least get paid for the abuse.

*Indicators and mechanisms for monitoring* - the indicator being to define the minimum age for marriage as 18 - was looked at by the final group, Group 3. The mechanism included compulsory registration; a central information system; a clear mechanism for reporting and action against early marriage, and prior reporting of marriages to local government bodies. It was thought there needs to be a clear reporting mechanism, religious groups must be trained and their awareness raised, and registration of marriages must be made easier.

## **2.2.9 Networking Group**

The networking group reported back that they were still working on the agenda items consisting of the TOR for SAF, the TOR for the Country Coordinators Network and the TOR of the SAF Secretariat and that these would be completed in time for presentation the following day.

## **2.2.10 Drama – Early Marriage**

The final programme of the day was a short drama production on early marriage and its affects on family life as prepared and acted by the regional children who were attending the Children's Forum.

## 2.3

### Day 3

26 July 2006

#### 2.3.1 Ministerial Meeting

After a recital from the Holy Quran, *H.E. Ms Zobaida Jalal, Federal Minister for Social Welfare and Special Education, Government of Pakistan* welcomed the Ministers and distinguished guests to the inauguration of the first Ministerial Meeting of the South Asia Forum.

*Mr Muhammad Hassan Mangi, Director, National Commission for Child Welfare and Development (NCCCWD)* introduced the Country Coordinators for the SAF Networking Group.



### 2.3.2 Regional Statement on Physical and Psychological Punishment

The Discussion Groups put forward a presentation on physical and psychological punishment that was the result of the group work carried out the previous day. It concentrated on the areas of legislation/law reforms; information/communication; capacity building; monitoring and evaluation, and budgets and time frame, within each of the five settings which they divided into three, namely, school and institutions, work place, homes and communities.

#### *Legal Frame Work*

- Legal provisions: review and analysis of existing laws/ regulations/ policies;
- Effective enforcement of law – mechanism, system, resources;
- Child friendly mechanism to receive and address complaints about violence against children, and
- Zero tolerance in all five settings.

#### *Information /Communication*

- Sharing Best Practices;
- Research (specific research on psychological punishment);
- Documentation and dissemination;
- Nationals and Regional Status Paper;
- Awareness raising programmes to the legislators, policy makers, government officials (CRC, CEDAW etc);

#### *Advocacy / Awareness*

- Targeted advocacy / awareness strategies;
- Media as a key stakeholder, and
- Child participation at all levels ie child clubs, child club networks, child parliaments.

#### *Capacity Building*

- Identify the areas of capacity building;
- Develop appropriate material and curriculum;
- Different levels capacity, and
- Infrastructures and upgrading the skills.

#### *Monitoring / Evaluation*

- Monitoring mechanism at national level (all administrative levels), qualitative and quantitative;
- Separate monitoring system for different settings;
- Monitoring of: legal provisions, policies, programmes, resources and their utilization;
- Government civil society, children, parents, communities;
- Inclusion of PPP in existing MIS systems of each countries, and
- PPP monitoring should be added to the TOR of existing watchdog institutions.

#### *Budget / Time Frame*

- Governments should allocate budgets for above mentioned activities;
- Development partners also should contribute, and
- Regional countries should develop clear cut time frames.

### 2.3.3 Regional Statement on Early Marriage

The Discussion Groups put forward a presentation on child marriage that was the result of the group work carried out the previous day. It concentrated on the areas of legislation/law reforms, capacity building and monitoring. One of the major recommendations was that a regional uniform legal age for marriage be set at 18 years.

#### *Legislation/Law Reforms*

- Establish family courts;
- Punishment by law should be equivalent to the law on kidnapping;
- All laws should have CEDAW as a standard base line;
- Sensitization to all law enforcement agencies on sensitive handling of cases;
- Legal awareness to all communities;
- Regional agreement to a uniform legal age of minimum 18 years for marriage;
- Legal awareness in communities;
- Media awareness for highlighting legal cases, and
- Regional cooperation for monitoring and guarding borders.

#### *Budget Allocations for*

- Family courts;
- Children's clubs, and
- Awareness campaigns.

#### *Capacity Building*

##### *Government/law enforcement agency officials*

- Social mobilisation, awareness programmes, advocacy, IEC materials, discussions and conferences.

##### *Teachers*

- Awareness programmes, advocacy, IEC materials, include in the curriculum, professional development programmes, teacher resources, textbooks and teacher training.

##### *NGOs / CBOs*

- Social mobilisation, awareness programmes, advocacy, community gathering, and IEC material.

##### *Religious Leaders*

- Social mobilisation, awareness programmes, advocacy, community gathering, IEC material, and conferences.

##### *Parents*

- Social mobilisation, awareness programmes, advocacy, community gathering, and IEC material.

##### *Children*

- Awareness programmes, advocacy, IEC materials, and school curriculum.

##### *Indicator*

- Minimum age of marriage defined as 18.

##### *Monitoring*

- Mechanism for monitoring;
- Compulsory registration of marriage;
- Birth registration certificate annexed to the marriage certificate;
- Central Information System to maintain a database of marriages;
- Actions against early marriages, and
- Prior reporting of marriage to local government.

### **2.3.4 Open Discussion**

Discussion followed regarding the practicality of both presentations. It was noted that all countries have their own initiatives currently going on which should be shared between the SAF countries. Dr Gado Tshering from Bhutan pointed out the children were very clear on what they want in terms of support from governments and organisations but within the two presentations made by the adult delegates, there is no clear suggestion as to how to implement and address these needs. It was suggested that in the upcoming SAARC Forum perhaps SAF could make a presentation of these recommendations through the Pakistan Ministry of Social Welfare & Special Education.

### **2.4.5 Endorsement of TORs**

Mr Mangi then briefed the Ministers on the terms of reference for the SAF Secretariat, the Country Coordinators for SAF Networking and on the South Asia Forum itself. Discussion followed, as outlined below, and the TORs were revised based on these discussion.

*SAF/SAARC linkages* – were brought up by the Minister from Bhutan and it was suggested by both Bhutan and the Maldives that as SAARC is where the ministers meet it would be good to take SAF's recommendations there to present to them. It was suggested by H.E. Ms Zobaida Jalal that links with SAARC can be established through the respective foreign offices of the regional countries. Linkages with SAARC secretariat would be essential for effective implementation of SAF and must be done through foreign offices with the aim of getting representation at a high level.

Regarding linkages in general, Ms Naveeda Khawaja, UNFPA mentioned that there are many forums in South Asia and it is important to benefit from shared lessons and SAF needs to review what these forums are doing to make sure the same work is not repeated. SAF cannot act in isolation.

It was also mentioned that SAARC's charter does not specifically cover children and perhaps SAF could make some recommendations and action plans to address this.

*Funding* – with regarding to funding, the majority of the country representatives stated their governments had little budget for travel and meetings. In addition the SAF Secretariat requires funds in order to operate. Several of the country coordinators suggested the UN could help provide future funding. Ms Chandni Joshi, UNIFEM, suggested a basket fund could be set up to help with the running of the secretariat and travel. Countries could contribute to the pool as Plan International is doing..

*Meetings* - there was discussion on the frequency of meetings, thematic and ministerial. It was felt that as far as keeping in touch, that can be done to a large extent by email, thus reducing meetings costs. It was decided, that based on the experience of this Forum, the technical group should meet at least three days ahead of the ministers in order to achieve a consensus and a substantial proposal to put before the ministers in order not to take up

the ministers' valuable time. It was suggested the Country Coordinators meet shortly, and it was decided that this should be after six months, but the final decision would be for the Secretariat to make. It was also decided and endorsed that the ministerial meetings would take place annually.

The Terms of Reference for the SAF Secretariat, Country Coordinators, and SAF were agreed and endorsed by the Ministers.

## **2.4.6 Terms of Reference of the SAF Secretariat**

### **Tasks to be undertaken**

- Facilitate convening of six monthly thematic meetings;
- Draft working paper/agenda/report for the regional annual ministerial and biannual thematic technical meetings;
- Facilitate regional ministerial and thematic technical meetings to monitor the progress of the activities of the Forum in collaboration with South Asia Coordinating Group on Action against Violence;
- Draft minutes of the meetings and disseminate once approved among the Members of the South Asia Forum and South Asia Coordinating Group on Action against Violence;
- Coordinate with other institutions working against violence in South Asia to develop active linkages and prepare/publish a regional directory on these institutions in the region;
- Dissemination of information and decisions among South Asia Forum Members.
- Coordinate activities as per approved South Asia Forum work plan;
- Facilitate quarterly review meetings on the functioning of the forum and its improvements;
- Report on violence against children to various regional forums through their respective country focal person, and
- Coordinate innovative programmes with other member countries.

## **2.4.7 Terms of Reference for Country Coordinators for SAF Networking**

- Each country shall nominate a country coordinator who will act as focal point in communication with the SAF Secretariat;
- The country coordinator should be a senior government official responsible for child protection from a relevant ministry;
- The country coordinator is nominated for a minimum of two years, and
- In the event of the country coordinator being unable to act as the country coordinator, the respective ministry will nominate a new coordinator and notifying the SAF secretariat of the change.

## **Responsibilities of the Country Coordinator**

- Coordinate national level initiatives on violence against children in her/his respective country.
- Collaborate with local NGOs and INGOs on addressing violence against children
- Obtain and maintain consolidated data on violence against children at national level.
- Communicate with the SAF Secretariat on coordinating, planning and monitoring national initiatives on violence against children.
- Timely dissemination of information to relevant ministries, NGOs and INGO and when received from the SAF Secretariat, and
- Share good practices on violence against children in her/his respective country with other SAF member countries, through the SAF Secretariat.

## **2.4.8 Terms of Reference of South Asia Forum (SAF) for Ending Violence Against Children**

### **Vision**

SAF is a regional body for ending all forms of violence against children. As per UN, CRC, CEDAW and other related instruments, all children of ages between 0-18 are included.

### **Objectives /Scope**

- To support and promote joint action in raising awareness and understanding of violence against children in the region;
- Recommend to national, regional and global level bodies such as UN organisations, INGOs and other partners their support and assistance on issues concerning violence against children;
- To share and disseminate information, good practices and lessons learnt among the SAARC member countries;
- To undertake collaborative research;
- To collaborate on training and capacity building;
- To initiate innovative programmes and projects;
- Advocate at national, provincial, state, district and other levels as per the country structures;
- To increase awareness at the national and regional level on the consequences and affects of violence against children;
- Develop indicators to assess the progress to end all forms of violence against children;
- To establish linkages with SAARC Secretariat, and
- To ensure meaningful and active participation of children at all levels.

## **Composition**

Focal ministry /authority of respective governments, preferably autonomous bodies under the government. Ministry can co-opt line agencies/ministries (can vary from country /context) Maximum of four which can have the following composition:-

- Representative from the concerned government agency;
- Representatives from civil society, INGOs working for violence against children, and
- Child representatives (a boy and a girl).

## **Institutional Setup**

A rotating Secretariat every two years.

**Personnel:** Dedicated professional.  
TORs to be developed and circulated for approval.

**Meetings:** Thematic technical meetings twice a year.  
Annual Ministerial Meeting following the technical meeting for decisions and follow up.

South Asia Forum (SAF) requests the South Asia Coordinating Group on Action Against Violence (SACG) to nominate one focal person in each country to coordinate and support the Country Coordinator to facilitate and ensure better coordination among the stakeholders/ focal ministry.

## **2.4.9 Concluding Session**

After the recitation from the Holy Quran *H.E. Ms Zobaid Jalal, Federal Minister for Social Welfare and Special Education, Government of Pakistan* gave thanks to the Ministers and dignities and welcomed them to the Concluding Session. H.E. Ms Jalal began by saying how the South Asia Forum was an indication of the commitment the regional governments felt towards children. “Such dedication and commitment at the higher lever will have the ultimate effect of procuring a congenial environment wherein children can grow up to their fullest potential.” After briefing the Chief Guest on the background to SAF, Mrs Jalal explained how over the past two days experts and country representatives had highlighted issues and put forward recommendations. H.E. Ms Jalal emphasised to her ministerial colleagues, that it is their responsibility to honour the recommendations on the two different themes because the recommendations themselves evolved through a consensus and to honour them is a duty and obligation towards children.

## **2.4.10 Closing Remarks by Country Delegations**

After the final remarks by H.E. Ms Zobaid Jalal, the Heads of the Country Delegations were requested to make their closing remarks.

## **Afghanistan**

*H.E. Mr Wasil Noor Muhmand, Deputy Minister for Social Affairs, Ministry of Labour and Social Affairs, Martyred and Disabled, Government of the Islamic Republic of Afghanistan* extended the heartfelt gratitude of the President and people of the Islamic Republic of Afghanistan to those present. H.E. Mr Muhmand summed up the roots of child trafficking, child violation and forced and early marriages and put forward suggestions as to how to increase child rights and reduce abuse, including the fact that the Minister of Labour and Social Affairs in Afghanistan is willing to sign a protocol among neighbouring countries in order to work together to further control the kidnapping and trafficking of children. He closed by saying his delegation agrees in principal with the recommendations put forward at the Forum and is ready to walk with others toward the ultimate destination of ending violence against children.

## **Bangladesh**

*Mr Md Abdul Jalil Mian, Deputy Secretary, Ministry of Women and Children Affairs, Government of Bangladesh*, began by stressing what struck him most about this Forum was the active participation of the children, with a drama production that broke his heart. On the technical issues, physical and psychological punishment and early marriage, he thought the working groups make good suggestions through indepth quality work. With the National Plan of Action for Children 2005-2010 already approved, the Government of Bangladesh is fully committed to improve the status of children at national and global level.

## **Bhutan**

*Dr Gado Tshering, Chairperson, National Commission for Women and Children, Royal Government of Bhutan*, told the audience that he felt SAF has come a long way in a short period of time. He felt that when the children got on the podium and made an appeal to act, not just to talk, that it was very special. He suggested that if we are not too late to help the children of the region, we are not exactly early and we must pour in resources to do something for the children. The political will of the SAARC member countries is important for without political will we cannot go forward. He continued that, H.E. Ms Zobaid Jalal is driving forward to suggest the Ministerial Meeting of SAF take place annually rather than every two years – this is a landmark by ministers for the cause of children. “The future of a nation lies in the hands of the nation itself and children are the ultimate future of a country”.

## **Maldives**

*H.E. Ms Aishath Mohamed Didi, Minister for Gender and Family, Ministry of Gender and Family, Government of Maldives*, talked to the children when she said they showed the delegates how innovative they were as their work was better planned and presented than those of the adults present. The delegates were able to see creativity and frankness through the eyes of children. H.E. Ms Didi brought up the fact that Islam is sometimes

used as an excuse not to protect children, and yet she stressed that if one looks more deeply then Islam is a religion which protects both women and children. Many of the delegates are from Islamic countries and are working in the name of the same religion but under different guidelines, and unless everyone works together violence against children cannot end. H.E. Ms Didi then brought up the fact that hidden issues such as sexual abuse had not been discussed in depth and in some communities these are still hush hush. But these also must be tackled openly. “On the subject of budgets, we request international agencies to hold our hands over the work we have started here at SAF, at least until the roots are strong.” To conclude, she said the children have asked four things and for the children of the Maldives at least she can make the commitment that she will begin the process of fulfilling these wishes.

## **Nepal**

*H.E. Ms Urmila Aryal, Minister of State for Women, Children and Social Welfare, Government of Nepal* stressed the many challenges that women and children face in life through poverty, ignorance, poor planning etc. Children are vulnerable to various indignities and trafficking remains a problem in Nepal but if everyone works together then everyone will benefit. As women are the caretakers of children it is imperative that they also are included in work with children and children themselves should be included in all implementing and framing of processes that will affect their lives. Children need to learn that they are entitled to rights and this can be done through an integrated curriculum. Human resources are a country’s most valuable resource and we all need to work together to protect children who are the most valuable resource. The Government of Nepal is fully committed to those recommendations put forward at the Forum for the protection and betterment of children.

## **Sri Lanka**

*Mr DMS Abeygunawardena, Commissioner of Probation and Child Care Services, Sri Lanka* began by saying children are an important asset for every country and those attending SAF were here to replace children’s tears with smiles. He concluded we all have our own cultures and ethics and must recognise our own strengths and weaknesses in relation to how we can help children. “The technical groups have identified some responsibilities that SAF must respond to and it is important to communicate effectively amongst the group to meet these responsibilities. In Sri Lanka we have enough laws against physical and psychological punishment and early marriages but there are gaps within the enforcement and monitoring of these laws. If we can overcome these gaps then we will be successful.”

### **2.4.11 Children’s Statement<sup>8</sup>**

*Abdul Yameen* from the Maldives read out the Children’s Statement which they compiled as a result of their discussions during their two day Forum. In this statement they

---

<sup>8</sup> Full text on page (i)



addressed the issue of physical and psychological punishment and early marriage and stated that they would like to increase civil society's awareness of laws for without people knowing about the laws, laws are ineffectual. "We have to ensure laws are followed and that everyone is aware of child rights. We also believe poverty increases the possibility of violence so we suggest governments provide jobs and other income generating methods. Governments should also provide free compulsory schooling for children. More importantly no child should have to go through physical or psychological punishment at school. If this is done, then children will develop their skills and reach their maximum potential."

"We once again request the governments to listen to our views seriously and act upon them," Children's Delegation.

#### **2.4.12 South Asia's Representation at the UN General Assembly**

Two children were selected from the Children's Forum to represent children of South Asia at the UN General Assembly to be held in New York in November 2006. They will participate in the launch of the Global Study on Violence Against Children which will be presented by Professor Paulo Sergio Pinheiro at the Assembly. The children are Shakti Saran Nagarkoti from Nepal and Hawwa Sana from the Maldives.

#### **2.4.13 Address by the Chief Guest**

*Mr Chaudhry Amir Hussain, Speaker of the National Assembly of Pakistan* began his address by remarking that he was delighted to see the glittering faces of children and had been reminded by SAF of the responsibility to ensure children do not suffer from violence.

Addressing the children, Mr Hussain said "I am well aware of the problems being faced by you. You are the leaders of our future, and we will exhaust all our energies, resources and the legal imperatives to give you the best possible start in life... We will meet our obligations towards the Convention on the Rights of the Child, not only as governments, but also as individuals. We will critically look at our strategies and programmes for your betterment and will continuously evolve strategies and actions that guarantees enrichment of your evolving practices to fullest potential." Addressing the general audience, Mr Hussain again said, "... I assure you of making maximum efforts for ensuring survival, development, protection and participation of children through making debates in the parliament ... the National Assembly will stand side by side with children to protect them and all practices, programmes and laws will be reviewed and revised in the best interest of children. We are committed to national and international obligations along with SAARC Conventions for the welfare and development of children."

Mr Hussain went on to thank the Government of Pakistan and all those involved in SAF and requested them to work for cross border cooperation for the betterment of children's lives.

"When the children came on the podium and appealed, 'do something for us, don't just talk, please see our future is bright'... they said 'please, please, please', and I think to us as parents it is very special," Dr Gado Tshering, Chairperson, NCWC, Royal Bhutan Government.

## 3 Annexes

# ANNEX 1 - Agenda

**Monday, 24 July, 2006**

## **Programme**

- |               |  |
|---------------|--|
| 08:30 – 08:50 | Arrival and Registration   |
| 08:50 - 09:00 | Guest to be seated   |
| 09:00         | Arrival of the Chief Guest   |
| 09:00 – 09:05 | Recitation from the Holy Quran   |
| 09:05 – 09:15 | Objectives of the Meeting: SAF Coordinator, Mr. Rahatullah Khan  |
| 09:15 – 09:20 | Remarks by Ms. Cecilia Lotse, Regional Director, UNICEF ROSA   |
| 09:20 – 09:25 | Remarks by Ms. Chandni Joshi, Regional Director, UNIFEM (Nepal)  |
| 09:25 – 09:45 | Inaugural address by H. E. Ms Zobaida Jalal, Federal Minister for Social Welfare & Special Education, Government of Pakistan |
| 09:45 - 10:15 | Refreshments   |

## **Technical Meeting**

- |             |   |
|-------------|---|
| 10:15-10:35 | Overview of the Regional Perspective on Physical and Psychological Punishment by Mr. Peter Newell, Resource Person                |
| 10:35-11:35 | Country Presentations and Discussions on Physical and Psychological Punishment in all Five Settings (15 minutes per presentation) |

Facilitation: Ms. Bandana Rana

Afghanistan  
Bangladesh  
Bhutan  
India

- |              |   |
|--------------|---|
| 11:35-12:05  | Question Answer Session   |
| 12:05-13:05  | Country Presentations and discussions (Cont.)<br>Maldives<br>Nepal<br>Pakistan<br>Sri Lanka |
| 13:05-13:30  | Question Answer Session   |
| 13:30- 14:30 | <b>Lunch Break</b>  |
| 14:30- 14:45 | Identification of Country Representatives for SAF networking                                |
| 14:45- 15:00 | Presentation of Children's view on PPP including their actions                              |
| 15:00-15:10  | Summary of country presentation by Peter Newel  |
| 15:10-15:30  | Plenary Discussion  |
| 15:30- 16:30 | Group Work  |
| 16:30- 17:00 | Presentation by Groups  |
| 17:00-17:10  | Wrap up by the facilitator  |

(Evening meeting of the Network representatives, as drafting committee)

## **Tuesday, 25 July, 2006**

- |            |  |
|------------|--|
| 9:00- 9:20 | Overview of the Regional Perspective on Early Marriages by<br>Shanthi Dairam, Resource Person                |
| 9:20-10:20 | Country Presentations and Discussions on Early Marriage with<br>Child Trafficking as the Cross Cutting Theme |

Facilitation: Bandana Rana

Afghanistan  
Bangladesh  
Bhutan  
India<sup>o</sup>

---

<sup>o</sup> India did not participate.

10:20-10:50	Question Answer Sessions
10: 50- 11:05	<b>Tea/Coffee Break</b>
11:05-12:05	Country Presentations and discussions (Cont.) Maldives Nepal Pakistan Sri Lanka
12:05-12:35	Question Answer Session
12:35- 13:00	Presentation of Children's View on Early Marriages Including Their Actions
13:00- 14:00	<b>Lunch Break</b>
14:00-14:10	Summary of Country Presentation by Shanthi Diaram
14:10-14:30	Plenary Discussion
14:30- 15:30	Group Work
15:30-16:00	Presentation by Groups
16:00-16:10	Wrap up by the Facilitator
16:10- 16:30	<b>Tea/Coffee Break</b>
16:30-17:30	Finalization of the structural and operational mechanism of SAF including the TORs of the SAF, SAF Secretariat, Network etc to be presented to Ministers for endorsement.
19:30	<b>Dinner hosted by the Ministry of Social Welfare and Special Education at Lok Virsa Museum</b>

## **Ministerial Meeting of South Asia Forum for Ending Violence Against Children**

**26 July, 2006**

09:00 - 09:05            Recitation from the Holy Quran

09:05 - 09:20            Welcome by H.E Zobaida Jalal, Minister for Social Welfare and  
Special Education, Government of Pakistan.

09:20 - 12:30

- Agenda Item No 1:    Presentation of TORs of SAF, Country  
Representative Networking and SAF Secretariat
- Agenda Item No 2:    Presentation of the Regional Statement on the Two  
Themes Along with the Children's Statement
- Agenda Item No 3:    Endorsement of the Decisions.
- Agenda Item No 4:    Decision on time schedule, theme, and  
venue for the next SAF meeting

### **Concluding Session**

12:30 – 12:35            Recitation from the Holy Quran

12:35 – 12:40            Welcome remarks by H.E. Ms Zobaida Jalal,  
Federal Minister for Social Welfare & Special Education,  
Government of Pakistan

12:40 – 13:15            Remarks by the heads of Country Delegations (Five minutes each)

- Afghanistan
- Bangladesh
- Bhutan
- India<sup>o</sup>
- Maldives
- Nepal
- Pakistan
- Sri Lanka

13:15 – 13:20            Remarks by Children’s Representatives

13:20 – 13:27            Skit by Children on the theme of corporal punishment and early  
marriages by Roots School, Islamabad.

13:27 – 13:37

Remarks by Ms Chandni Joshi, Regional Programme  
Director UNIFEM on behalf of South Asia Coordinating Group on  
Action Against Violence (SACG)

13:37

Address by the Chief Guest Mr Chaudhry Amir Hussain, Speaker  
of the National Assembly of Pakistan



# ANNEX 2 - Physical and Psychological Punishment's Overview

## Legal Status of Corporal Punishment of Children

STATE	Prohibited in the home	Prohibited in schools	Prohibited in penal system		Prohibited in alternative care settings
			As sentence	As disciplinary measure	
Afghanistan	NO <sup>9</sup>	NO <sup>10</sup>	YES	NO <sup>11</sup>	NO <sup>12</sup>
Bangladesh	NO	NO <sup>13</sup>	NO	NO	NO
Bhutan	NO	NO	???	NO	NO
India	NO	SOME <sup>14</sup>	YES	NO <sup>15</sup>	NO <sup>16</sup>
Maldives	NO	YES	NO	NO	SOME <sup>17</sup>
Nepal	NO <sup>18</sup>	NO <sup>19</sup>	SOME <sup>20</sup>	NO <sup>21</sup>	NO <sup>22</sup>
Pakistan	NO <sup>23</sup>	SOME <sup>24</sup>	SOME <sup>25</sup>	NO <sup>26</sup>	NO <sup>27</sup>
Sri Lanka	NO	NO <sup>28</sup>	YES	NO <sup>29</sup>	NO

### KEY:

	Corporal punishment prohibited
	Partial prohibition and/or government committed to reform/legislation in process
	Not prohibited and no indication of reform

Please note: This information has been compiled from many sources, including reports to and by the United Nations human rights treaty bodies.

<sup>9</sup> But in 2005, Ministry of Justice announced commitment to ending all forms of violence against children

<sup>10</sup> But Ministry of Education announced in June 2006 that “the use of any form of violent behaviour and beating and humiliation of children is strictly prohibited”; this is yet to be confirmed in legislation

<sup>11</sup> Prohibited by policy and practice in the Children’s Rehabilitation Centre and as at September 2005 Regulations for the Children’s Rehabilitation Centre were under discussion

<sup>12</sup> But in 2005, Ministry of Justice announced commitment to ending all forms of violence against children

<sup>13</sup> Ministerial directives advise against use

<sup>14</sup> National Policy on Education recommends prohibition; prohibited in Andhra Pradesh, Goa, Tamil Nadu, Chandigarh and Delhi; ruled unlawful in West Bengal by Calcutta High Court; in April 2005, a draft Free and Compulsory Education for Children Bill which would prohibit at national level was under discussion

<sup>15</sup> Prohibited in children’s institutions in Offences Against the Child Bill (2006)

<sup>16</sup> Prohibited in children’s institutions in Offences Against the Child Bill (2006)

<sup>17</sup> Prohibited in the Education and Training Centre for Children

<sup>18</sup> But Supreme Court ruling on 6 January 2005 removed the legal defence available to parents, guardians and teachers

<sup>19</sup> But Supreme Court ruling on 6 January 2005 removed the legal defence available to parents, guardians and teachers

<sup>20</sup> Prohibited in state laws except possibly for 17 year olds, but permitted in Maoist courts

<sup>21</sup> 2005 Supreme Court ruling removed the legal defence available to parents, guardians and teachers

<sup>22</sup> But Supreme Court ruling on 6 January 2005 removed the legal defence available to parents, guardians and teachers

<sup>23</sup> But 2005 National Child Policy recognises the right of the child to protection from corporal punishment

<sup>24</sup> Prohibited in North West Frontier Province, by Federal Ministerial directive and by directives in the Punjab and Sindh Provinces; 2005 National Child Policy recognises the right of the child to protection from corporal punishment

<sup>25</sup> Prohibited in 2000 Juvenile Justice System Ordinance but as at June 2006 this was not implemented in tribal areas and other legislation not amended; 2005 National Child Policy recognises the right of the child to protection from corporal punishment

<sup>26</sup> Prohibited in 2000 Juvenile Justice System Ordinance but as at June 2006 this was not implemented in tribal areas and other legislation not amended; 2005 National Child Policy recognises the right of the child to protection from corporal punishment

<sup>27</sup> 2005 National Child Policy recognises the right of the child to protection from corporal punishment

<sup>28</sup> Prohibited by government circular; court ordered corporal punishment for truancy prohibited by Act No. 23 (2005) (information unconfirmed)

<sup>29</sup> But not among permitted disciplinary measures in training schools for persons aged 16-22 years; prohibited in prisons by Act No. 23 (2005)

# Eliminating Physical/Corporal Punishment of Children and all Other Forms of Cruel or Degrading Punishment or Treatment

Peter Newell, Resource Person<sup>30</sup>

## Background

The process of the UN Secretary General's Study on Violence Against Children has made visible the extent of legal and state-authorised violence against children in all regions of the world, in the form of corporal/physical punishment and other cruel or degrading forms of punishment.

Children and young people participated actively in the nine Regional Consultations for the Study, including at the Islamabad Consultation for South Asia in May 2005. They invariably spoke out against this "routine" violence, disguised as discipline, which they suffer in their homes and families, in schools, other institutions and in penal systems for young offenders.

All nine consultations responded by listing among their recommendations a call for the prohibition of all forms of violence against children, including all corporal punishment and other cruel or degrading forms of punishment and treatment.

The Independent Expert leading the UNSG's Study, Professor Paulo Pinheiro, has emphasized that his report, to be presented to the UN General Assembly in October 2006, will recommend universal prohibition of all corporal punishment and all other cruel or degrading forms of punishment.

The Committee on the Rights of the Child adopted a General Comment on "The right of the child to protection from corporal punishment and other cruel or degrading forms of punishment (articles 19, 28(2) and 37, inter alia)" in June 2006, "*to highlight the obligation of all State parties to move quickly to prohibit and eliminate all corporal punishment and all other cruel or degrading forms of punishment of children and to outline the legislative and other awareness-raising and educational measures that States must take.*"

The General Comment is an authoritative statement of the Committee's consistent interpretation of the Convention on the Rights of the Child as requiring prohibition of all corporal punishment, expressed in concluding observations to more than 130 states in all regions: "*The Committee emphasizes that eliminating violent and humiliating punishment of children, through law reform and other necessary measures, is an immediate and unqualified obligation of States parties... Once visible, it is clear that the practice directly conflicts with the equal and inalienable rights of children to respect for their*

---

<sup>30</sup> Coordinator, Global Initiative to End All Corporal Punishment of Children

*human dignity and physical integrity. The distinct nature of children, their initial dependent and developmental state, their unique human potential as well as their vulnerability, all demand the need for more, rather than less, legal and other protection from all forms of violence.”*

Eliminating corporal punishment is a global issue. It is not a new problem; children have suffered deliberate violence from adults as a form of punishment or control in all human societies. In many states, the practice of corporal punishment was institutionalized during the process of colonisation, in the context of slavery and military occupation and some missionary teaching. The ancient English common law defence of “reasonable chastisement” has been adopted in the legal systems of many post-colonial societies, including in this region.

Globally, there is now accelerating progress. By June 2006:

- 16 states had explicitly prohibited all corporal punishment in all settings including the family, with at least another 14 committed to do so in the near future;
- 27 states have prohibited corporal punishment in all forms of alternative care;
- 98 states have prohibited all school corporal punishment;
- 150 have prohibited corporal punishment as a sentence of the courts for young offenders, and
- 100 have prohibited it as a punishment within penal institutions for young offenders.

All states parties to the Convention on the Rights of the Child, including all states in the South Asia Region, have an immediate obligation to prohibit all corporal punishment and to take educational and other necessary measures to eliminate it and all other forms of cruel or degrading punishment.

In the South Asian Region, there are new commitments to introduce law reforms from a number of states. Research studies of the prevalence of corporal punishment and other cruel or degrading forms of punishment indicate how widespread and severe they are.

States in the region could also significantly promote global progress on this issue by resolving that they will support Professor Pinheiro’s recommendation for the elimination of all corporal punishment and seek to ensure that it is reflected in the General Assembly resolution on children’s rights which will be drafted and debated in the autumn.

## **Action Required to Eliminate Physical/Corporal Punishment and Other Forms of Cruel or Degrading Punishment**

The General Comment No. 8 from the Committee on the Rights of the Child provides detailed guidance on the obligations of states to introduce clear law reform and other measures. There are three major linked elements: law reform, public education and research to measure progress.

Under the Convention on the Rights of the Child, children have the right to express their views on all matters that concern them, and to have their views given due weight. Thus it is an obligation as well as good practice to work with children on the elimination of corporal punishment and all other forms of cruel or degrading punishment

### **1. Law reform**

The first purpose of law reform is educational: to change attitudes and practice and thus prevent violence against children. Law reform, in particular to prohibit corporal punishment in the family, may not be popular with the public and may thus be a difficult issue for governments to pursue. It is important that governments should emphasise that they have no choice – that their international human rights obligations require them to prohibit.

The reform is best promoted as giving children equal protection from assault, in their homes and everywhere else: giving children the same protection that adults enjoy from being hit. While there is still far too much violence against women in all states, it is no longer legal. Children have the same right to respect for their human dignity and physical integrity as adults. And of course, while children are different, their differences - their developmental state, unique human potential, their vulnerability and the particular difficulties they face in seeking remedies for breaches of their rights – all suggest that they should have more not less legal protection.

Governments should also publicise research into the prevalence of corporal punishment and children's attitudes to it; once corporal punishment is made visible and the human rights perspective is explained, it becomes harder to defend it.

Law reform needs to include:

- removal of any existing defences – “reasonable or moderate punishment”, “minor beating”, etc. - to give children equal protection under the criminal law on assault; and
- explicit prohibition of corporal punishment and other forms of cruel or degrading punishment in family/civil law and as necessary in sectoral laws on education, juvenile justice, care institutions and so on (applying to all settings, whether provided by the state or by “private” bodies).

**Implementation of law reform:** There are different considerations when the perpetrators

of violence are parents or close family carers, teachers, carers in institutions, guards in detention systems, etc.

**Parents:** Clear guidance will be needed to ensure that prohibition of corporal punishment in the family is implemented sensitively with the focus always on the best interests of the affected child/children. The first purpose is educational – to send a strong message that it is as wrong and unlawful to hit a child as to hit anyone else. The law then provides a clear legal basis for child protection and for the promotion of positive, non-violent forms of discipline. Prosecution and formal interventions in the family should only proceed when necessary to protect the child from significant harm and when judged to be in the best interests of the child/children. Prosecution is an indication of the state’s failure to protect the child and prosecution of parents is very seldom in the interests of their children.

**Teachers, etc:** if any existing defences or justification for corporal punishment in schools and other institutions and forms of care are removed, corporal punishment will be a criminal offence under the law on assault. It is reasonable that teachers and others who continue to use corporal punishment should face prosecution. But in practical terms, it may be as important to ensure there is a contractual duty not to use any form of physical or psychological punishment. Then formal warnings, suspension and ultimately dismissal will be strong deterrents.

## **2. Awareness-raising and public education**

The announcement of and process of law reform itself can and should be used as part of the educational process. Without law reform, while the law still authorizes violent punishment of children, public and parent education will have little impact.

Similarly, law reform on its own, unpublicised, will achieve little. Law reform has to be accompanied by awareness-raising – of the law and children’s right to protection and also to promote positive, non-violent forms of discipline. This should not be seen as a separate and new programme. If properly integrated and led by government with the involvement of civil society, it does not have to be very expensive. Media can play a powerful role.

The educational process has to be sustainable over a long period, to challenge traditional attitudes, and so should be integrated into existing services. The basic messages concerning the dangers of physical punishment and other forms of cruel or degrading punishment and the effectiveness of positive forms of discipline need to be built into all the existing contact points with parents and future parents: for example, at birth registration, in ante-natal and post-natal care, health checks, immunization, pre-school, school entry, school curriculum and so on.

They should also be built into the basic and in-service training of teachers and all those who work with children and families. There are many examples now of materials and programmes, developed by UNICEF, Save the Children, other NGOs and some governments, which can be adapted as necessary.

### **3. Research**

States need to be able to measure progress towards eliminating all corporal punishment and other forms of cruel or degrading punishment. So research is needed to provide a baseline and then periodic reviews.

Interview studies with representative (as far as possible) samples of children and parents, in conditions of confidentiality and trust and with appropriate ethical safeguards, is the most accurate way to measure prevalence. Such studies have been carried out in some states in the region. These interview studies can of course be used to research the prevalence of all forms of violence against children, not only in the home but also in their schools and communities.

## ANNEX 3 - Early Marriage

(from shanthi)

## Annex 4 - List of Country Coordinators For SAF

Name and Title	Country	Contact/Address
Ms Mazeena Jameel, Director Ministry of Gender, Family Development and Social Security	Maldives	Child and Family Protection Authority Ministry of Gender and Family Email: <a href="mailto:mazeena@mgf.gov.mv">mazeena@mgf.gov.mv</a> Tell: 009603324909
Dr Rinchen Chopel, Executive Director, National Commission for Women and Children	Bhutan	<a href="mailto:rinchophel@gmail.com">rinchophel@gmail.com</a> 00975-2-334552 Fax 00975-2-334550
Mr Deepak Raj Sepkota, Executive Director Child Welfare Board, Kathmandu	Nepal	Shreemahal Pulchowk, Lalitpur, Nepal Tel: 0977-1-555423 / 5554509, Fax: 5557422 <a href="mailto:deepak@ccwb.gov.np">deepak@ccwb.gov.np</a> <a href="mailto:deesapkota@gmail.com">deesapkota@gmail.com</a>
Mr DMS Abeygunawardena, Commissioner of Probation and Child Welfare	Sri Lanka	Probation and Child Care Service Dept. 150 A – L.H.P. Building – Nawala Road – Nauegoda <a href="mailto:pcc@sltnet.lk">pcc@sltnet.lk</a> 094112853549
Mr Muhammad Hassan Mangi, Director, National Commission for Child Welfare and Development (NCCCWD) Opposite Nori Hospital Sector: G-8/4, Islamabad	Pakistan	Email: <a href="mailto:mhmangi@yahoo.com">mhmangi@yahoo.com</a> Phone: 92-51-9263324 Cell: 0300-51595093
H.E. Mr Wasil Noor, Muhmand, Deputy Minister of Social Affair, Ministry of Martyrs, Disabled and Social Affairs	Afghanistan	<a href="mailto:wasil_noor@yahoo.com">wasil_noor@yahoo.com</a> <a href="mailto:wasil_noor@hotmail.com">wasil_noor@hotmail.com</a> Ministry email: <a href="mailto:molsa_af@yahoo.com">molsa_af@yahoo.com</a>
M.D. Abdul Jalil Mian, Depty Secretary, Ministry of Women and Children Affairs	Bangladesh	Bangladesh Secretariat, Dhaka Phone: 7161575 (Office), 01715012262 Email: <a href="mailto:jalil1957@hotmail.com">jalil1957@hotmail.com</a>



# Annex 5 - List of Participants

## List of Participants

### **Afghanistan**

**H.E. Mr Wasil Noor Mohmand**

Deputy Minister of Social Affairs  
Ministry of Martyrs, Disabled and Social Affairs

**Mr Abdul Sabor**

Chief of the Prevention of Children Crime Department  
Ministry of the Interior

**Mr Mohammad Shareef**

Representative  
Ministry of Education

### **Bangladesh**

**Mr Md Abdul Jalil Mian**

Deputy Secretary  
Ministry of Women and Children Affairs

### **Bhutan**

**Dr Gado Tshering**

Chairman  
National Commission for Women and Children

**Dr Rinchen Chophel**

Executive Director  
National Commission for Women and Children

**Mr Tshewang C Dorji**

Chief of Division  
Multilateral Department  
Ministry of Foreign Affairs

**Ms Vangchen Palden**

National Woman Association of Bhutan

## **Nepal**

**H.E. Ms Urmila Aryal**

State Minister for Women, Children and Social Welfare

**Mr Ritu Bhandari**

Under Secretary

Minister of Women, Children and Social Welfare

**Mr Krishna Bhakta**

Community Legal Research Centre

**Mr Deepak Raj Sapkota**

Executive Director

Child Welfare Board

## **Maldives**

**H.E. Ms Aishath Mohamed Didi**

Minister for Gender and Family

Ministry of Gender and Family

**Ms Mazeena Jameel**

Director

Ministry of Gender and Family

**Dr Aishath Shehenaz Adam**

Executive Director

Ministry of Education

**Mr / Ms ?Shiyanath Hashim**

Society for Health Education

## **Pakistan**

**H.E. Ms Zubaida Jalal**

Federal Minister for Social Welfare and Special Education

**Mr Muhammad Hassan Mangi**

Director

National Commission of Child Welfare and Development

**Manizh Bano**

Executive Director

**SAHIL**

## **Sri Lanka**

**Mr DMS Abeygunawardena**

Commissioner of Probation and Child Care Services

**Ms M Yamuna Perera**

Director of Children Secretariat

## **SACG / I/NGOs / Resource People**

**Ms Nwe Nwe Aye**

UNAIDS

**Ms Shanthi Dairiam**

Resource Person (EM)

Kuala Lumpur

Malaysia

**Mr Syed Fahad**

Programme Officer

Save the Children

Norway, Afghanistan

**Ms Saadya Hamdani**

ILO

Pakistan

**Ms Chandni Joshi**

Regional Programme Director

UNIFEM South Asia Regional

Office, New Delhi, India

**Mr Ahmed Khan**

Save the Children Sweden

**Ms Naveeda Khawaja**

UNFPA-CST

Nepal

**Ms Mariam Khokar**

IOM

Pakistan

**Ms Cecilia Lotse**  
Regional Director  
UNICEF ROSA

**Ms Serap Maktav**  
Regional Advisor  
UNICEF ROSA

**Ms Mariam Mehdi**  
UNIFEM Programme  
Coordinator  
Pakistan

**Mr Peter Newell**  
Resource Person (PPP)  
London  
UK

**Mr Ghulam Qadri**  
Save the Children Sweden

**Ms Bandana Rana**  
Facilitator

**Ms Jackie Taylor**  
Rapporteur

**Ms Sangeeta Thapa**  
UNIFEM Programme  
Coordinator  
Nepal

**Ms Junita Upadhyay**  
Child and Youth Participation  
Officer  
ECPAT

Children and Chaperons

**Afghanistan**

Mr Matiullah  
Ms Shogafa Sahar  
Ms Sima (Chaperon)

## **Bangladesh**

Ms Dolly Akhater  
Ms Atia Ferdousee  
Ms Nyma Nargis (Chaperon)

## **Maldives**

Ms Hawwa Sana  
Mr Abdulla Yameen  
Mr Ahmed Rafeeu (Chaperon)

## **Nepal**

Ms Nanda BC  
Mr Shakti Saran Nagarkoti  
Ms Sohani Rajbhandary (Chaperon)

## **Pakistan**

Mr Ali Raza  
Ms Shazia  
Mr Sabir Farhat (Chaperon)  
Mr Zia-ud-Din (Chaperon)

## **Sri Lanka**

Ms Dasanayake  
Mr Pathihakkara  
Mr Mapa Mudiyanse (Chaperon)