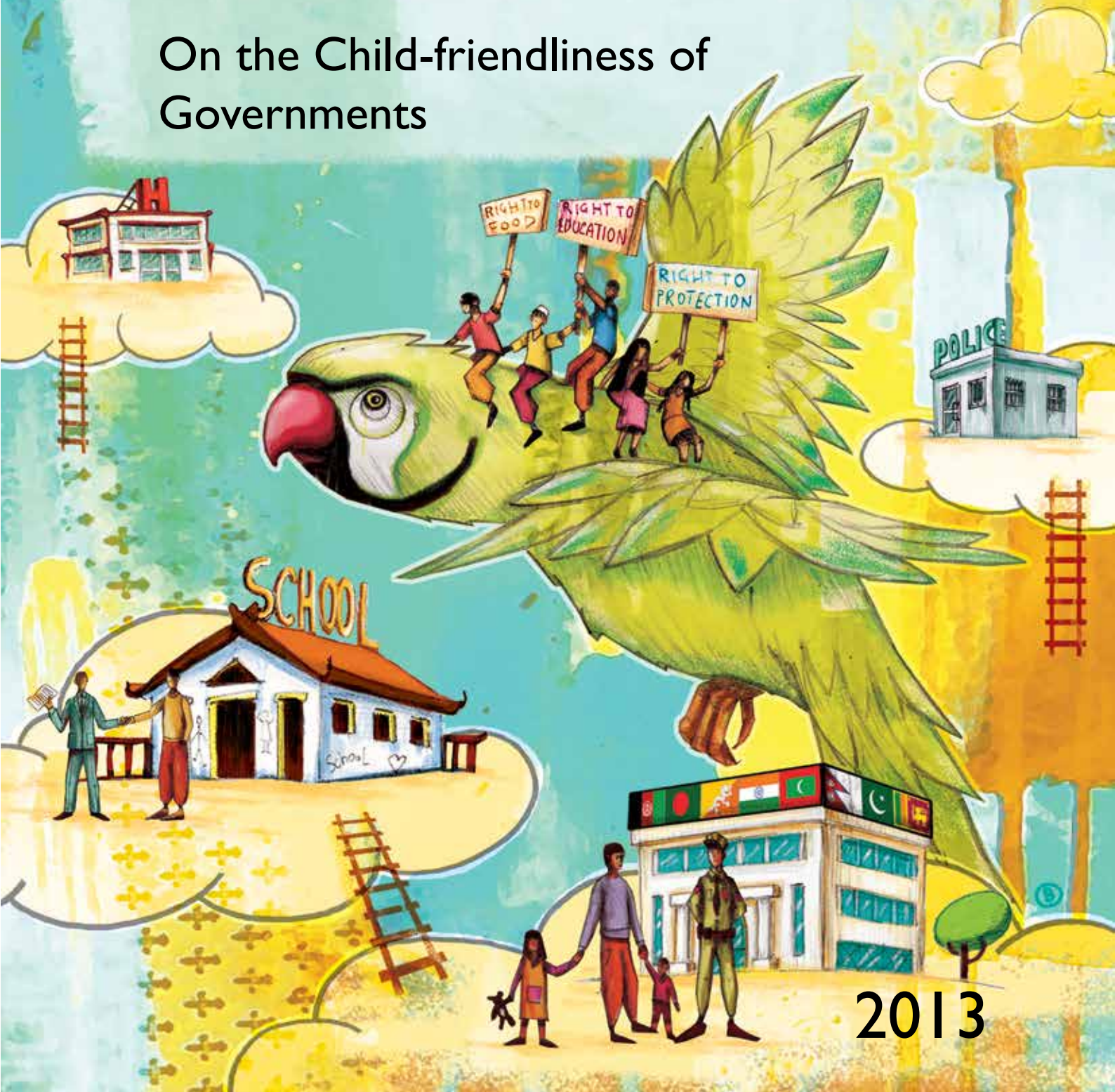


# The South Asian Report

On the Child-friendliness of Governments



Save the Children



terre des hommes



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**Many people have been involved in this study. However, the final report is the responsibility of the editors.**

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# Foreword

I am very happy and encouraged to note that The South Asian Report on the Child-friendliness of Governments has been finalised. While the South Asia Initiative to End Violence Against Children (SAIEVAC) as an institution could not be associated with the study for reasons that include political and bureaucratic considerations/procedures, as an ardent advocate and defender of child rights, it is always a matter of joy to learn more about the many wonderful initiatives and efforts underway in South Asia by different agencies, partners and individuals to secure the rights of children. By any standard it is a herculean task to develop a report that covers such very sensitive and difficult subjects as child protection and violence against children, and especially so in the South Asia region. I am also aware of the numerous challenges faced by those associated with the project.

The report is quite substantive, refreshing, and frankly positive in bringing out the achievements and challenges in the region, and in formulating recommendations for the future. I can also see that the team of researchers and editors has made a sincere effort to bring out as balanced a report as they possibly could. I am especially happy to note that many of our senior colleagues from SAIEVAC Mechanisms from different Member States have contributed to the report, greatly enriching its outcomes. While SAIEVAC as an entity cannot be held accountable for the report, which some Member States may disagree with, and while the views expressed in the report pertain to those of the editors, I nevertheless take this opportunity to congratulate all those associated with the study. Efforts such as these will go a long way towards taking us forward in realising our goal of ending violence against children in South Asia – and the world.

I also hope that all of us who are in the SAIEVAC movement will take this opportunity to look through the report and see how it can be built upon to further reinforce our work in South Asia.

With my best wishes,

Dr Rinchen Chopel  
Director General  
Regional Secretariat  
South Asia Initiative to End Violence Against Children  
(SAIEVAC – A SAARC Apex Body)

# Introduction: Child rights on the South Asian agenda

Around 25 years have passed since the Convention on the Rights of the Child (CRC) was launched by the United Nations. The CRC constitutes a major leap forward in standard setting on children's issues, as it recognises children as subjects of rights and not limited to objects of protection. The Convention is also comprehensive, covering civil, political, economic, social and cultural rights, and underscoring the indivisibility, mutual reinforcement and equal importance of all rights. Thus, the incorporation of the Convention into national law and practice demands a comprehensive approach including and involving a wide range of government ministries and non-state actors with clearly defined goals and expected results. In the early years after the CRC came into existence, discussions within society were often limited to certain rights, most notably those related to child protection, and to the notion of corresponding duties. Today there is a much greater understanding that all human rights belong to all individuals – irrespective of age, gender, class, caste and ethnicity.

During the 1990s, all South Asian countries ratified the CRC and thus agreed to respect, protect and fulfil the human rights of all children – and to report achievements and gaps to the Committee on the Rights of the Child on regular intervals. The governments of South Asia have to varying degrees established national structures and mechanisms to ensure the rights of children and improve their wellbeing. All have also made substantial improvements in providing health, education and protection to their large child populations. It is important to note that civil society, other non-state actors, inter-governmental agencies and children themselves have been active in making South Asia a more child-friendly region. Taken together, the number of committed politicians, bureaucrats, academics, business people, civil society actors, parents and children who understand the scope and depth of children's rights has grown substantially.

However, although reporting by the South Asian governments to the Committee on the Rights of the Child reflects steady progress overall, the Committee's Concluding Observations have tended to repeat a number of key concerns and recommendations – often in relation to the gravest violations of children's rights. This trend is echoed in the Universal Periodic Review recommendations,<sup>1</sup> which has also focused on serious child rights violations.

Starting in 2011, *The South Asian Report on the Child-friendliness of Governments* was developed by two research teams in Kathmandu and Delhi in collaboration with a large number of researchers and contributors from each country in South Asia and beyond. Save the Children, HAQ: Centre for Child Rights, Plan International, Terre des Hommes and CRY: Child Rights and You have supported the development of the report and contributed to quality assurance.

The South Asian Report was conceptualised and designed as a tool for governments in the region to assess their own performance with the help of a composite index and detailed country-level information. Sharing positive experiences and successes, both large and small, achieved by one country is a major tool for policy learning and effective advocacy for reforms and progress in other countries. Although the South Asian governments were not directly involved, the hope is that the report will result in increased efforts by governments towards child-friendly societies - and that it will be replicated in South Asia and in other regions.

<sup>1</sup> The Universal Periodic Review is conducted by the Human Rights Council based in Geneva.



The report serves four important purposes: one is providing examples of comparable indicators on the child-friendliness of governments; another is serving as an inspiration for governments and child rights actors alike to continue building upon the groundwork for children's rights highlighted as good achievements in the report; thirdly, to give rise to constructive competition and comparisons across countries; and to give an indication of all that has been achieved in South Asia in the 25 or so years of the CRC as well as where to go from here.

Although achievements and gaps in specific, child-related sectors have been assessed in the region previously, the South Asian Report represents the first comprehensive and rights-based effort to objectively measure the extent to which the South Asian governments and other stakeholders have contributed to the creation of child-friendly societies. Much is still lacking in terms of ensuring basic needs and equal opportunities for all girls and boys in South Asia - and, therefore, it is all the more important to identify where achievements have been made and where there is still an urgent need to do more to ensure the rights of all children.

The South Asian Report draws inspiration from a similar review of African governments by the African Child Policy Forum in 2008. *The African Report on Child Wellbeing: How Child-friendly are African Governments?* was unique in that it included a child-friendliness index that compared and ranked the efforts of the governments in meeting their international obligations to children.<sup>2</sup> A main conclusion of the African Report was that child-friendliness of governments depends not so much on the level of poverty or wealth of societies, but on the political will to make the maximum effort towards meeting the obligations to respect, protect and fulfil children's rights. The most child-friendly governments followed a two-pronged approach, enacting appropriate laws and policies, and ensuring adequate budgetary commitments.

Although the creation of indexes is not a new phenomenon, the African Report was highly influential because it ranked 52 African governments on the basis of quantitative child rights indicators. The African index was built upon extensive background research and analysis, and included outcome indicators on health and education.

The South Asian report is also inspired by the 2011 India Child Rights Index.<sup>3</sup> This publication adapted the methodology of the African Report to the context of India and ranked sub-national states based on their efforts towards realising child rights.

The South Asian Report on the Child-friendliness of Governments focuses on government efforts, recognising that the state has the primary responsibility for the realisation of children's human rights. That said, the report also takes into account how governments have supported work by non-governmental actors and children themselves. At the core of the South Asian Report is a composite index that covers key aspects of government child-friendliness, each weighted equally given the indivisibility and interrelation of children's rights. In addition, extensive qualitative data has been collected from a number of authoritative sources to put the quantitative index findings into context and provide additional detail.

Indicator development and data collection for the South Asian Report drew on authoritative sources, mainly primary sources made available by governments and secondary material from the Committee on the Rights of the Child and other UN bodies and agencies, verified to ensure accuracy. Since an over-arching aim of the report was to present an objective picture of the status of government child-friendliness in the region, care was taken to avoid indicators that would represent a judgement on a country's performance - and instead focus on comparability and measurability. However, the lack of comparable data sometimes led to more suitable indicators being discarded, and it has generally not been possible to account for the great variation

<sup>2</sup> African Child Policy Forum (2008), *The African Report on Child Wellbeing 2008: How Child-friendly are African Governments?*

<sup>3</sup> HAQ: Centre for Child Rights (2011), *India Child Rights Index*.

between the countries of the region. Moreover, lack of data contributed to the difficulty of measuring the implementation and effectiveness of governance structures such as laws, policies and institutions across countries. That said, it was decided from the beginning that the focus of the report would be on government progress towards establishing such structures as a necessary foundation for the successful implementation of children's rights.

The South Asian Report begins by taking stock of the achievements and gaps in establishing enabling legal and policy frameworks since the CRC opened for signature in 1989. It goes further than the African Report by comprehensively measuring country progress towards realising the General Measures of Implementation, engaging with non-state actors and promoting children's right to be heard. Second, achievements and gaps in assuring child-related outcomes in health, education and child protection also make up key chapters of the report. Although not part of the index because of a lack of comparable data, information on child-related budget processes has also been included. Finally, the input and reflections of prominent Child Rights Defenders, working within governmental structures or independently, throw light on the complexities and challenges in making child-friendly societies a reality. The over-arching aim has been to identify and highlight achievements and good practices, but also to point out the remaining challenges in realising child rights in South Asia.

The South Asian Report offers some important conclusions. One is that much has been achieved in relation to aligning the national legal and policy framework with child-related international standards. Domestic legislation in South Asia has, especially in recent years, incorporated key aspects of the CRC and child-related ministries, committees and other entities for children have become common. In some cases, very progressive pieces of legislation have been enacted. However, despite laudable government visions enshrined in laws, policies and institutions, the mechanisms of implementation have not always been effective. This is still a challenge in the region because the existing institutional structures of a country often prevent new child-related mechanisms, however well-designed, from exercising power. In other cases, limited human and financial resources and low priority given to children's issues make implementation extremely difficult or impossible - even if there are apparent opportunities for success.

Secondly, children and young people are increasingly making use of the skills, platforms and opportunities necessary to realise their participatory potential in a number of settings - and there have been many ad-hoc initiatives by governments to support children's participation. Yet there is a need for a systematic effort by governments to involve and support girls and boys in school governance, in the community, in family-level decision-making and, especially, in local and national governance. In general, a proper understanding of childhood and children's developmental milestones is necessary when seeking to involve children in programmes and decision-making structures.

Thirdly, the data on outcomes for South Asian children in health, education and protection shows that in spite of many advances there is still a need for concerted action from governments and other stakeholders to prevent malnutrition and deaths from preventable diseases, and to ensure proper sanitation facilities. Too many children are also out of school and a shortage of skilled teachers is compromising the push for inclusive schools providing quality education. In addition, high levels of violence against children persist in the region, there are few opportunities to get legal and social support, and hardly any accountability mechanisms are open to children and their families to seek redress once abuse has occurred.

Fourthly, legal and policy reforms need to be accompanied by increased attention to child-related budget allocations. Today, millions of South Asian children are without access to basic services, even though they may be legally entitled to both health and education. Thus, children's issues need to be integrated in national planning and financing processes and discussed at the highest levels of government.

Lastly, and on a positive note, the South Asian Report finds that there is increased and fruitful interaction and synergies between governments and other child rights actors, including non-governmental actors, children and their families. These actors are pushing and expanding the child rights agenda together in a dynamic relationship – in spite of intermittent tension and a tendency of governments to limit the space for civil society when they feel their interests challenged. While it is sometimes the governments themselves that are taking the initiative to push the debate forward through the launch of new legislation, policies and programmes, at other times it may be non-governmental actors, communities and children demanding that governments take action to adhere to their commitments - sometimes successfully. By systematically promoting a rights-based approach and pushing the boundaries of rights for children, these child rights defenders are gradually breaking new ground.

The South Asian Report is comprehensive, covering many aspect of the child-friendliness of governments. With a few exceptions, all chapters are built around the same logic of, first, introducing the theme and the key regional findings, followed by a short background note and detailed country reports. Thus, the reader can choose to focus on the introduction, key findings and, perhaps, the background note – or to read the whole chapter for additional country-level detail. Throughout the report, prominent child rights defenders including young defenders give their views on the situation in their respective countries, adding an element of personal insight and understanding of child rights in the region to the index findings. For those with limited time at hand, it is also possible to get a good understanding of the child-friendliness of the South Asian governments by reading this introduction, the summary and the recommendations.

Turid Heiberg (Project Director and Co-editor)  
Enakshi Ganguly Thukral (Co-editor)  
September 2013

# Summary: Higher priority to children's human rights

A gradual change is happening in South Asia, as governments are taking important steps to acknowledge and implement children's human rights, often in collaboration with and influenced by a range of non-state actors. Since 2000 in particular, governments in the region have put in place a basic enabling framework of laws, policies and institutions for the implementation of the Convention on the Rights of the Child, and made important progress in children's health and education. However, countries that have done the most towards putting in place an enabling structural framework have not always been able to ensure good education, health and protection outcomes, nor have they necessarily promoted children's voices in decision-making at local and national levels.

There is, therefore, still a need to better ensure children's legally enforceable right to health, education, protection and participation, and to ensure that the structural framework in place has the power to create change. Stronger mechanisms are needed to translate new laws, policies and institutions into meaningful entitlements and services for children; data collection should be used more systematically to track progress; and further collective efforts of governments, inter-governmental organisations, non-state actors, communities and children are necessary, nurturing a cadre of child rights professionals and activists. Of greatest importance is the inclusion of children's issues at the highest political level in national planning, budgeting and governance.

*The South Asian Report on the Child-friendliness of Governments* evaluates the efforts of the governments in Afghanistan, Bangladesh, Bhutan, India, Maldives, Nepal, Pakistan and Sri Lanka towards fulfilling the obligations in the Convention on the Rights of the Child.

**The report finds that, in the region, India has done the most towards establishing an enabling legal and policy framework for children, closely followed by Nepal, Bangladesh and Sri Lanka. At the same time, Maldives, Bhutan and Sri Lanka have scored very well on health, education and child protection outcomes (birth registration/child marriage).**

**Overall, Sri Lanka has the highest score in the child-friendliness index. It is important to note that all countries, including Afghanistan and Pakistan, have made important progress in most of the themes covered by the report.**

At the core of the South Asian Report is a composite index that covers key aspects of government child-friendliness through the use of comparable indicators. The first part of the index covers the dimension of an enabling legal and policy framework, presented in the three theme chapters of General Measures of Implementation,<sup>1</sup> Non-state actors and Children's right to be heard. Second, the provision of child-related outcomes dimension of the index includes the theme chapters of Health, Education and Child protection.

In addition, a chapter on the efforts at Child budgeting by governments and non-state actors is included. This chapter describes the country-wise processes of identifying government expenditure on children and including

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<sup>1</sup> In General Comment No. 5 on the General Measures of Implementation, the Committee on the Rights of the Child elaborates on Article 4 of the Convention on the Rights of the Child. The General Comment instructs governments on how to best implement the Convention.

it in national planning processes. Lastly, the report is enriched by the reflections of a selected group of child rights defenders on the situation for children in the countries of South Asia.

The countries in the region differ hugely both among and within themselves, making regional and even national generalisations challenging. However, the countries are also connected through historical ties and the regional goals set by the South Asian Association for Regional Cooperation (SAARC).

The South Asian countries vary in terms of geography, population size, internal and external socio-political factors, and systems of governance. The region hosts the highest mountains in the world as well as small island atolls. Bangladesh, Pakistan and India are among the ten most populous countries in the world, while Bhutan and Maldives barely account for half a million people each. About 30 per cent of South Asians live in urban areas. Common for all countries is vulnerability to disasters and a political situation rife with internal and external tensions and conflicts.

All but two of the eight countries are centralised states where the authority on child-related issues lies with the national government. However, provinces, districts, villages and other local levels normally retain some degree of authority. The set-up is somewhat different in India and Pakistan. In Pakistan, jurisdiction over social welfare, education and health has been transferred to the provinces. In India, children are a subject of both the central government and the state governments because of the federal nature of the country. However, most laws concerning children have been enacted nationally and the states formulate their own rules or alternatively adopt the model rules drafted by the central government. Most countries in the region have ministries for women, children and/or social

The South Asian Report compares key aspects of government child-friendliness in order to stimulate constructive discussions and progress in a region of vast differences.

welfare, but in Afghanistan and Pakistan other ministries have been assigned responsibility for these issues. In Bhutan, the National Commission for Women and Children functions as a ministry for women and children's issues.

At the regional political level, the South Asian Association for Regional Cooperation (SAARC) has identified child rights as an area of cooperation. Child rights and wellbeing have been on the agenda of multiple SAARC Summits and Ministerial Conferences. Most prominently, SAARC launched the Decade of the Girl (1991–2000) and the Decade of the Rights of the Child (2001–2010), and agreed upon two legally-binding Conventions with relevance to children's rights and wellbeing: the SAARC Convention on Regional Arrangements for the Promotion of Child Welfare in South Asia and the SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution. In 2004, the SAARC Development Goals were formulated to inspire regional action and support national efforts towards achieving the Millennium Development Goals.

Children in South Asia enjoy increased access to education and information but a large number are undernourished with great disparities between rich and poor children.

The importance of child rights in South Asia is also linked to actual numbers and the quality of life. South Asia is home to a quarter of the world's children under 18 of years – and by including adolescents and young people above this age the number increases significantly. Children and young people in South Asia have experienced rapid changes, including increased



access to education and information, as well as rising affluence. However, despite the progress, 500 million South Asians still live in extreme poverty, and there are great disparities between rich and poor children. Inequalities, gender discrimination and conflicts based on religion, caste and ethnicity deeply affect the lives of children, which are also influenced by social norms condoning harmful practices such as child labour, child marriage and corporal punishment.

The South Asian Report on the Child-friendliness of Governments finds that, in particular since 2000, governments have been putting in place a basic, enabling framework of laws, policies and institutions for the imple-

## Inefficient use of financial and human resources, and low priority for children's issues makes implementation difficult, even when funds are available.

mentation of the Convention on the Rights of the Child (CRC) and child rights in general. Broadly, this framework is meant to realise the General Measures of Implementation of the CRC as recommended by the Committee on the Rights of the Child, as well as to ensure that children's voices are heard in the development and implementation of laws, policies and institutions. South Asian governments are also increasingly supporting and collaborating with non-state actors to make sure that more voices are heard and that the enabling framework delivers results and outcomes for children.

**Table S.1:** Enabling legal and policy framework results compared to Child-related outcomes ranking

Country	Overall Enabling legal and policy framework results (rankings)	Overall outcomes ranking	Health outcomes ranking	Education outcomes ranking	Protection outcomes ranking
Maldives	Some (7)	1	1	1	2
Bhutan	Notable (5)	2	3	2	3
Sri Lanka	Notable (4)	3	2	3	1
India	Notable (1)	4	7	4	4
Nepal	Notable (2)	5	4	7	5
Pakistan	Some (6)	6	6	8	6
Bangladesh	Notable (3)	7	5	5	7
Afghanistan	Some (8)	8	8	6	8

However, the report shows that partly as a result of ineffective implementation, countries which have done well in putting in place an enabling structural framework overall have not necessarily been able to ensure good education, health and protection outcomes for children (see Table S.1).<sup>2</sup>

As for the first aspect of an enabling legal and policy framework, all of the eight General Measures of Implementation covered in the South Asian Report have received attention from the South Asian governments.

Efforts towards ratification of treaties, legal reform, drafting plans of action and policies and establishing national human rights institutions and co-ordination mechanisms have, in particular, been notable. In this respect, India has been the most successful country in the region with significant results in, for instance, promoting the justiciability of children's rights and in establishing independent human rights institutions. The overall results of Bangladesh, Nepal, Paki-

<sup>2</sup> The overall Enabling legal and policy framework results and rankings are based on the average results of the General Measures of Implementation, Non-state actors and Children's right to be heard theme indexes. Together these themes constitute the Enabling legal and policy framework dimension of the composite index.

stan and Sri Lanka are also notable, as are the results on a number of General Measures in Afghanistan, Bhutan and Maldives.

Ensuring the effective implementation of legal and policy commitments remains a challenge in all countries of the region. In particular, the implementation of policies and plans of action, and the effectiveness of coordination mechanisms, has often suffered from weak coordination authority of responsible ministries, inadequate budget allocations and underutilisation of existing funds. Overall, General Measures of Implementation such as justiciability of rights, awareness-raising and systematic data-collection on all aspects of children's rights, have received less attention in the region.

Still, over the years, there have been greater efforts towards ensuring consistency with the standards laid down in the Convention. For instance, it has been found that recent laws, policies and practices tend to be much more consistent with the CRC than those of the early days of implementing the Convention. However, there are still gaps in the legal system. Both in law and practice, some children tend to be left without appropriate protection, education and health services. Thus children may not be able to enjoy the rights enshrined by laws, let alone claim them in a court system when violations have occurred. In many cases, the legal system was and is simply not designed to effectively uphold legal obligations related to children.

Although the findings in this report show that the governments have incorporated the Convention on a number of levels, progress towards ending the violations of child rights remains slow and patchy. This has been corroborated by the Concluding Observations and outcomes of the Universal Periodic Review. The Convention on the Rights of the Child and the Committee underline the importance of legally enforceable rights under national law with easily available, effective le-

There is still resistance to give children a voice at the highest political level and to consistently think “child-friendly”.

gal remedies to challenge violations of rights. In addition, recommendations also include the need for changes in other areas of public action such as economic and financial policy, social policy and administration, and public participation – including of children, leading to the enforcement of their rights. However, the rights-based approach is inconsistently being applied and, generally, children are not seen as individual rights-holders.

The collaboration between governments and non-state actors has strengthened the legal and policy framework for children. In this respect, the efforts of India, Nepal and Bhutan have been most significant, although all governments in the region have achieved notable results. The weakest aspect of this collaboration has been government engagement with other non-state actors such as religious institutions and the private sector.

For rights to have meaning, legal remedies to challenge violations must be available, accessible and effective.

South Asian governments have invited non-state actors to participate in developing child-related laws and policies, and encouraged child-focused non-governmental organisations to hold capacity building programmes, deliver services, be represented on advocacy platforms and be part of decision-making bodies. At the same time, governments have tended to ask non-state actors to carry out government responsibilities, which may diminish government ownership and reduce governments' ability to monitor and evaluate achievements. Governments are also regulating and sometimes restricting the activities of non-state actors, which may experience different forms of bureaucratic hurdles and

## Non-state actors have increasingly been invited by governments to take part in law and policy development, as well in service delivery.

political pressure when outspoken about critical child rights issues and trying to expand the governance field. In this case, national interests and security issues may be arguments used by governments to curb legitimate activities by non-state actors.

Nonetheless, it is in the interest of governments to promote child rights and they depend on non-state actors to provide essential services for children. Thus, the dynamics of expanding or restricting the space for non-state actors vary according to internal and external factors. It is important to note that non-state actors can also play a negative role as a restricting or restraining force on state actions when, for instance, condoning harmful practices or transmitting views not compatible with children's rights. The impact on children of the work of governments and non-state actors alike has to be assessed according to how child rights-based, transparent, inclusive and accountable these actors are.

Most governments have been supportive of the establishment of structures for a child-friendly media and academia, but mechanisms for engaging religious institutions and the private sector in child-related issues are rare in the region, Bhutan being a good example of a country engaging the clergy on child rights issues. Yet quite a few faith leaders promote child rights despite a general lack of supportive government mechanisms or processes to engage them. All countries have enacted legislation requiring employers to abide by child-labour related standards but standards outlining the private sector's child rights responsibilities are lacking in the region.

The South Asian Report on the Child-friendliness of Governments takes a two-pronged approach to analysing children's right to participate and be heard in South Asia. One part of the analysis focuses on measuring laws, policies and procedures for involving children, while the second part consists of a child survey.

The findings from the child survey echo those of the first part of the analysis, suggesting that a gradual and positive change is taking place in South Asia whereby children's participation in the development and implementation of laws, policies and institutions is increasing. This is particularly true in India and Bangladesh, but the other South Asian governments have also taken some action to this effect. This change, which needs to be sustained if it is to translate to lasting improvements in children's lives, includes at present many ad-hoc initiatives by governments to support children's participation at different levels (e.g. school, community, local governance). It also includes child-related laws, policies and plans of action that increasingly affirm the right of children to have their voices heard in matters that concern them. Children are gradually becoming empowered with skills, platforms and opportunities to enhance their participatory potential. They have organised themselves and taken collective action to promote child rights and act against rights violations. As such, child participation is part of a broader movement demanding accountability from those in power.

Children are gradually being empowered with skills, platforms and opportunities and they are taking collective action against rights violations.

Institutionalising child participation is dependent on an acknowledgement of children as individuals with rights and evolving capacities. There is also a need for legal frameworks accompanied by guidelines and principles

that make child participation explicitly mandatory in consultative and decision-making processes in local and national governance, school governance, in the community and in family-level decision-making. This is generally lacking in the region. Efforts by governments to make long-term financial and political commitments to enhance children's rights to expression, information, participation and association have also been limited. Children continue to be discriminated against because of their age, gender, ethnicity, class and religion, and when they are outside educational and protective mechanisms. As a result, out-of-school children, children without parental care and children living in the street or in institutions will have fewer opportunities to benefit from policy and law reform encouraging child participation. Thus, in spite of the advances, South Asian children are still largely viewed as the property of adults and childhood is seen as a stage of learning, with adults being the primary source of experience and knowledge.

The results of the child survey are based on interviews by young researchers with 180 girls and boys between 12 and 18 years of age from different backgrounds in South Asia. It is recognised that the sample is small and the findings cannot be generalised. However, they serve to illustrate children's views and some major trends and changes in the roles and participation for some children. The children interviewed affirm that more children in South Asia than ever before know that they have a right to participate in the family, in school and in the media. The children feel that teachers and community leaders have become better listeners and they feel safer and more supported. The increased level of children's participation is closely linked to the support by non-governmental organisations – but governments have also developed programmes to involve children. Additionally, the involvement of children in child clubs, in child-led organisations and in consultations has been important for children's empowerment. New technologies and the education system are increasingly helping to transmit information about rights and participation to children.

However, the survey also suggests that substantial efforts are needed to take children's participation into the public arena. More children than before are speaking out – but they are not necessarily heard and their influence on decision-makers at the national and local levels remains very limited. In fact, even though children believe that they are key stakeholders in decision-making at both these levels, their involvement in local and national governance is low. Another issue raised by the children in the survey is that their involvement in activities needs to be on their own terms and conditions in order to be ethical and have a broader impact. Discrimination in child participation based on economic status, gender and disability remains another serious concern.

The child survey was complemented by a focus group discussion where a selected small group of children reviewed the findings. These discussions confirmed the changing trend of child participation as identified by the respondents. In the past, children used to express only what they were told by adults; now children are more skilled and aware, and parents are, as a result, giving increased importance to children's opinions regarding their education and career choices. Because more girls are attending school, their participation is also increasing. However, the children in the focus groups believed that even when children are consulted, the important decisions are often taken by adults in the end. As such, discussions relating to laws and policies involve less participation of children and are often manipulated by adults. The children were hopeful that in the future they would increasingly have a voice in deciding on their education, careers, marriages and personal lives in general within and outside the family. Furthermore, they hoped that governments and the public at large would make more of an effort to promote child participation, child protection and child rights.

The young researchers who undertook the survey felt that being researchers was an enriching experience, enabling them to learn more about the issues related to child rights and the situation of children in their respective countries. The survey was also an op-

Children's involvement and influence in local and national governance is very limited. Children consider this to be wrong as they see themselves as key stakeholders.

Maldives, Bhutan and Sri Lanka are the top performers in health, education and child protection in the South Asian Report. There are several reasons for

portunity for the young researchers to build friendships with the child respondents. The young researchers reported that they learned the skills of communicating with children from various backgrounds and situations, and that they had the experience of leading a research process, enhancing their leadership skills. As the survey was facilitated by young people and the respondents were from similar age groups, the young researchers felt that the interaction and data collection was easier (in a peer-to-peer approach).

During the course of the interviews, the families of some respondents became involved and this helped them to develop a better understanding of child participation. At the same time, the researchers noted that the survey became more challenging when the parents did not encourage their children to participate.

The observations of the young researchers were along the same lines as the findings from the survey and the focus group discussions. In addition, the young researchers noted that those children living in children's homes and on the street are more vulnerable compared to other children. It was also observed that discrimination between girls and boys is still present in schools, decision-making, marriage and resource allocation.

In addition to putting in place enabling legal and policy frameworks to realise the General Measures of Implementation, children's right to be heard and collaboration with non-state actors, the South Asian governments have made important progress in realising health, education and protection outcomes for children.

this achievement, one being the political will to prioritise and adequately finance the education and health sectors. International support to achieve the Millennium Development Goals has been another fundamental drive. Moreover, all of these three countries have made detailed plans on how to reach their goals, in relation to both access and quality management. They have also supported children from economically weak families to, for instance, gain access to the education system. Success or failure in ensuring outcomes also reflects, to some extent, the effectiveness of existing laws, policies and institutions. Sub-national disparities, which are pronounced in the South Asia region, should be kept in mind when measuring child-related outcomes through national averages.

The young researchers felt that being researchers was an enriching experience enabling them to learn more about the situation of children.

The improvements in children's health in South Asia are significant and the combined result of governmental priorities, direct involvement and contribution of non-governmental actors, international support and encouragement, and the persuasive effect of global goals. Maldives has been, on average, the most successful country in improving children's health thanks to high-end healthcare facilities and almost 100 per cent of the population having access to improved sanitation in-

Children's access to health, education and protection partly reflects the effectiveness of laws, policies and institutions.



infrastructure. Bhutan and Sri Lanka, too, have made important strides towards combatting malnutrition and improving quality and accessibility of health facilities. Even in countries where the availability of quality healthcare facilities constitutes a major challenge, such as in Afghanistan and Pakistan, important progress has been made, for example in immunisation.

India, despite being the second most populous country in the world, has significantly improved its health and sanitation facilities since 2000, with 92 per cent of the population using improved drinking water facilities. Regionally, the mortality rates of children have declined consistently: the under-five mortality rate has been reduced by 48 per cent since 1990, which constitutes the highest absolute reduction of all the world's regions. Polio has nearly been eradicated; the disease is now found sporadically in only three countries (India, Pakistan and Afghanistan). South Asian children are also increasingly being immunised against severe but treatable illnesses. For example, when it comes to Measles and Polio, most countries have reached close to or above 90 per cent immunisation coverage, some in the last decade or so. Other countries retain lower rates but have made enormous progress.

## 13 million children in South Asia are still out of school and the quality of learning leaves much to be achieved.

Despite the progress, the levels of malnutrition are still elevated in South Asia and the number of children not vaccinated against some common diseases, such as Measles, is still quite high. For example, almost eight million children in India and approximately two million in Pakistan have not yet been immunised against Measles. Although 90 per cent of the population in the region use improved drinking water facilities, only 41 per cent have access to improved sanitation facilities. In addition, South Asian girls are still often denied the same healthcare attention that boys receive.

Important changes and improvements have taken place in the education sector in the last decade. Maldives and Bhutan, closely followed by Sri Lanka and India, have been the most successful countries in the region, having

## The improvements in children's health and education in the region are remarkable.

improved national average enrolment (gross enrolment ratios) consistently for boys and girls, with relatively low pupil–teacher ratios. In India, progress in the number of children enrolled in primary school has been remarkable, as has Afghanistan's progress in girls' enrolment. Regionally, more and more children, including girls, are enrolled in school. Most countries in the region have achieved around or more than 100 per cent gross enrolment, indicating a high capacity in the education system.<sup>3</sup> Primary school tuition fees have also been abolished in all countries (although other fees may still be charged, such as for books). Considerable efforts lie behind these changes and governments have demonstrated their commitment to reach key education targets, notably Millennium Development Goals 2 and 3 on achieving universal primary education and promoting gender equality and empowering women

Despite continuous improvement in primary education, South Asian countries have some way to go to achieve Millennium Development Goal 2, as 13 million children in the region are still out of school.

In addition, the quality of education, including pupil–teacher ratios, is still a challenge in many countries, partly because of a shortage of skilled teachers. There are also infrastructural challenges and work remains to ensure fair and shared opportunities for all children without discrimination through inclusive education policies.

<sup>3</sup> The gross enrolment ratio is calculated as the total enrolment in a specific level of education, regardless of age, expressed as a percentage of the eligible official school-age population corresponding to the same level of education in a given school year

For millions of children in South Asia, abuse, neglect, exploitation and violence take place on a daily basis – at home, in school, in the care and justice systems, in institutions, in workplaces and in the community. Children are particularly vulnerable during armed conflict and in the aftermath of disasters. The social acceptance of some forms of violence, as well as widespread discrimination coupled with economic factors such as poverty,

## Inter-governmental cooperation in the South Asia Initiative to End Violence against Children is seeking to prevent the practices of child marriage and corporal punishment.

place children at additional risk. The full scale of violence against children is unknown, as much of it goes unreported or the figures may differ from source to source. However, the available evidence shows that grave violations of children's rights do take place with, for instance, children still not being legally protected against corporal punishment and violent behaviour in their homes. What is more, very few children are able to utilise the legal and social system to claim their rights to adequate support. Lastly, while children between 15 and 18 years of age are also vulnerable to different kinds of exploitation, this age group is not routinely accounted for in public data systems or included in legislation intended to protect children.

Yet when it comes to birth registration and child marriage, the only domains for which comparable data was available, there is progress. For example, it is remarkable how countries such as Bhutan, Sri Lanka and Maldives have managed to substantially increase levels of birth registration (up to around 100 per cent) and reduce the number of child marriages (of girls below 15 years) to less than 10 per cent. Nevertheless, less than fifty per cent of all children in South Asia are registered at birth and 46 per cent of girls are still married off before 18 years of age, partly reflecting the data of populous states.

In addition, South Asian governments have adopted numerous laws and policies on child protection, and are providing services to protect children. At the regional level, governments have engaged with the South Asian Association for Regional Cooperation (SAARC), supported the follow-up of the UN Study on Violence against Children and created the South Asia Initiative to End Violence against Children (SAIEVAC), a SAARC Apex body. SAIEVAC is an inter-governmental entity that has undertaken broad-based child rights and protection work in collaboration with a multitude of actors, including non-state actors, children,

parliamentarians, judges and law enforcement officers. Both the governments and SAIEVAC have recognised that, despite the progress towards addressing violence against children, a large number continue to experience serious forms of violence and a lack of protection. As a result, SAIEVAC has set out to encourage governments to strengthen laws, policies and standards that prevent, mitigate and respond timely and appropriately to all forms of violence against children, and to ensure that existing mechanisms and services are easily accessible to all children.

The South Asian report documents the exclusion and discrimination of children on the basis of their age, gender, caste, ethnicity, religion, nationality or disability. As a result of this discrimination, disadvantaged groups of children – including children belonging to minorities or indigenous communities, children born out of wedlock, children who are non-nationals, migrants, displaced or refugees and children who are living and working on the streets – have fewer opportunities to benefit from education, health and protection services.

In spite of some progress, South Asian girls are, in general, facing numerous challenges in relation to their participation in society. National policies in the region often articulate and promote gender equality, but social

and religious practices, and gender stereotypes in local communities, religious settings and educational institutions, often impede their implementation and hold girls back. However, what has also been observed is that girls tend to participate whenever an environment for them is created and supported – which, in turn, may lead to an improved situation for girls in the area. Increased access to education has also widened the awareness and opportunities for girls in South Asia.

Child budgeting processes have been initiated in all countries in South Asia except for Bhutan and Maldives. However, thus far, only the Government of India has institutionalised child budgeting in national planning and implementation. In the other countries, UN agencies and non-governmental actors have taken the lead without much involvement from governments. These actors are using their child budgeting analyses for government advocacy.

The challenge of institutionalising child budgeting in national planning is that the necessary data is typically not available or visible in the general budgets. Thus, governments must first instruct the relevant ministries to make this data explicit in their budgets. In the absence of a universal approach or principles, the child budgeting methodologies used by countries differ and comparable data across South Asian countries remains unavailable. In addition, spending data from international sources is not available for all countries in the region.

However, available government data and child budget analyses do show that, in the last decade, South Asian countries have, in general, increased their spending in sectors relevant to children. While education has seen the highest

increase, there has also been an increase in the allocation and spending on health. However, spending on protection has received relatively little attention.

Increased participation of some girls has led to the improvement of the situation for other girls.

The South Asian Report on the Child-friendliness of Governments draws inspiration from a similar review of African governments by the African Child Policy Forum: *The African Report on Child Wellbeing: How Child-friendly are African Governments?* from 2008.<sup>4</sup> A main conclusion of the African Report was that government child-friendliness depends not so much on the level of poverty or wealth

Child budgeting is receiving increased attention from governments in South Asia. The countries providing children with the best access to education and health have all ensured proper planning and financing of these sectors.

of societies, but on the political will of governments to make the maximum effort to meet their obligations to respect, protect and fulfil children's rights. The most child-friendly governments followed a two-pronged approach: enacting appropriate laws and policies, and fulfilling adequate budgetary commitments.

The South Asian report concurs with these findings but also emphasises the need for effective coordination and inclusion of children's issues at the highest political level in all relevant national planning, budgeting and implementation processes. Some countries that have done well in establishing enabling

<sup>4</sup> African Child Policy Forum (2008), *The African Report on Child Wellbeing 2008: How Child-friendly are African Governments?*

legal and policy frameworks have not necessarily been able to give the great majority of children access to education, health and protection services. Further, there are still serious gaps in ensuring legally enforceable rights under national law, and resistance to giving attention to children at the highest political level and to consistently thinking in “child-friendly” ways remains. The views of children and young people are still not routinely taken into account in decision-making affecting them. If governments and politicians are to include the voices of all groups of children, representative processes must be identified and children’s participation made mandatory for all local and national decision-making processes that affect the lives of children.

In this report, prominent Child Rights Defenders from each country in South Asia point

out the challenges in realising child-friendly societies and give their recommendations. While acknowledging progress, they have highlighted the high levels of violence against girls and boys, the lack of appropriate laws and the inefficient justice system in many countries. They have all concluded that far more needs to be done in order to make knowledge about child rights widely known. In the words of Dr Hiranthi Wijemanne, vice-chairperson of the Committee on the Rights of the Child: “Child participation and collective efforts are important. What is necessary is a combination of high level political support, a consistent commitment of all relevant service providers towards service delivery, and professional and community groups working collectively together for the common goal of implementing the rights of children.”

# Child-friendliness of South Asian Governments index

## Composite index 1:

Enabling legal and policy framework

	Total ranking	General Measures of Implementation	Children's right to be heard	Non-state actors
India	1	Significant results	Notable results	Significant results
Nepal	2	Notable results	Some results	Significant results
Bangladesh	3	Notable results	Notable results	Notable results
Sri Lanka	4	Notable results	Some results	Notable results
Bhutan	5	Some results	Some results	Significant results
Pakistan	6	Notable results	Some results	Notable results
Maldives	7	Some results	Some results	Notable results
Afghanistan	8	Some results	Some results	Notable results

## Composite index 2:

Provision of child-related outcomes

Country	Total ranking	Health	Education	Child Protection (birth registration/child marriage)
Maldives	1	1	1	1
Bhutan	2	2	3	2
Sri Lanka	3	3	2	3
India	4	4	7	4
Nepal	5	5	4	7
Pakistan	6	6	6	8
Bangladesh	7	7	5	5
Afghanistan	8	8	8	6

## Composite index 3:

Overall child-friendliness of South Asian governments

Country	Total ranking
Sri Lanka	1
Maldives	2
Bhutan	3
India	4
Nepal	5
Bangladesh	6
Pakistan	7
Afghanistan	8



# Seven recommendations: Fulfilling the promises

South Asian governments have taken notable steps to respect, protect and fulfil the human rights of all children, and the number of dedicated child rights defenders working within government or in the supporting environment of non-state organisations and institutions are increasing by the day. At the same time, despite this progress, there are numerous challenges in ensuring that all children in South Asia enjoy their right to basic education, health and protection services. The many successes and lessons learnt present an opportunity for South Asian governments. As such, foundational structures have often been established for continued work to transform promises made into tangible realities for children.

*The South Asian Report on the Child-friendliness of Governments* recommends the following action points in order for governments in South Asia to comply with the Convention on the Rights of the Child (CRC) and meet the expectations of all children:

## **1. Revisit the legal framework and ensure the full translation of the Convention on the Rights of the Child and its Optional Protocols (and other relevant international mechanisms) into legally enforceable rights under national law**

Children have the right to education, health, protection and participation. For those rights to become reality, effective legal remedies to challenge rights violations must be available and accessible to children. Some of the rights in the Convention have not found resonance in national laws and hence the violations cannot be challenged through judicial action. This gap needs to be addressed. For governments who have not already done so:

- Revisit reservations to the CRC and make a plan for when and how to remove them
- Review existing laws and make a plan for how to bring them in accordance with the CRC and its Optional Protocols

## **2. Consider the general principles of the Convention on the Rights of the Child in all relevant law and policy formulation, as well as in practice**

The Convention on the Rights of the Child underlines the effective implementation of all children's rights. Non-discrimination - the inclusion of all children regardless of their age, gender, caste, ethnicity, religion, nationality and disability - and children's right to be heard are general principles of the Convention to be considered in all circumstances. The general principles of the best interests of the child, and the child's right to life, survival and development, are of overall importance.

### **3. Make sure that child-related structures and processes are in place within government ministries and bodies to consistently and continuously follow up on the Concluding Observations, the Universal Periodic Review recommendations and the General Comments**

Governments should invite the full spectrum of non-state actors, including children, in a dynamic collaboration to follow up on these instruments.

- Establish a mechanism with representation from key government ministries and non-state actors to plan and monitor follow up of Concluding Observations and Universal Periodic Review Outcome documents
- Use the Universal Periodic Review as an opportunity to report progress on accepted recommendations two years after the review

### **4. Strengthen coordination of the implementation of child rights obligations**

Higher priority to children's rights demands high-level and effective coordination across ministries and levels of government. The coordination should lead to the inclusion of children's issues in relevant national planning and implementation processes. The voices of children need to be reflected in local and national level decision-making that affects children's lives.

### **5. Make sure all children benefit from adequate and transparent public investment and better use of society's resources**

The process of making children's issues visible throughout society includes the mobilisation, allocation and effective utilisation of private and public resources in order to realise children's immediate and long term needs. For governments who have not already done so:

- Make visible budget allocations and spending on children, and include an overview in the reporting to the Committee on the Rights of the Child
- Make sure all eight budget documents recommended by the International Budget Partnership are available to the public, free of charge
- Internalise citizen participation, including of children, in fiscal processes

### **6. Ensure a systematic approach to collecting reliable and disaggregated data on children in order for plans and decision-making to be based upon facts about children's situation**

Quality data and evidence is necessary to inform planning, reporting and monitoring of child rights achievements.

### **7. Establish and strengthen independent monitoring institutions for children's rights**

Child Rights Commissioners or Ombudsmen should be appointed within existing, independent Human Rights Commissions - or as separate institutions.

- Review the compatibility of the Human Rights Commission (or equivalent) with the Paris Principles
- Create a mechanism within the independent monitoring institution for on-going consultation with children

## *Young Child Rights Defender Ugyen Dema Dorji: Adults need to take children's suggestions seriously*

**“There has been a lot of attention around promoting child rights and ending violence against children. But it is not enough – far more needs to be done in order for adults to take children’s rights and participation seriously. In order to realise children’s rights, adults and children must work together.”**

Child rights are very important for children. A child deprived of rights will not have the opportunity to develop his or her full potential as a citizen. And even if some children know that they have so-called “child rights”, they do not know how to make use of them. I strongly feel that government officials, politicians and children should join hands to combat violence against children and create a child-friendly environment for the children of today and tomorrow. In addition, international and national organisations should encourage the development of more child clubs so that children can learn to take part in decision-making which affects their lives.

Unfortunately, I don't think adults, teachers and political and government leaders are taking children's issues seriously. For instance, I know that monks and nuns in the monastery schools think that it is disrespectful to ask for your rights. In addition, government staff and politicians are not prioritising child rights. As a young child rights defender, I have personally experienced this rejection of children and their suggestions.

Once, I wanted to create a forum for a group of children aged from 8 to 18 years in order to activate them during vacations. In these periods, children have less to do and some children get involved in negative behaviour such as drug use. So I planned for the group to do useful and creative things together such as working for the environment by cleaning up and reusing the waste to create wonderful things. I also planned for the children to learn how to play musical instruments and to share the issues that disturb them for us to find solutions. I hoped that the school and an organisation would support me to provide us with a room, which was vacant at this time. Even though my plan was detailed, the result was frustrating because the adults claimed we were too young to handle all of this and rejected our proposal.

I would like to say that we are young but we know what to do. What we need is to be supported by adults and not discouraged.

Ugyen Dema Dorji, 17 years, Bhutan

## *Child Rights Defender Dr. Hiranthi Wijemanne: Continued Commitment and Collective Action*

**“To make a real and sustainable difference to the rights of all Sri Lankan children, child participation and collective efforts are important. What is necessary is a combination of high level political support, a consistent commitment of all relevant service providers towards service delivery, and professionals and community groups working collectively together for the common goal of implementing the rights of all children.”**

I have been working for the rights of children for over three decades. As a public health doctor in Sri Lanka, I particularly promoted Maternal and Child Health, including Child Development. I was also involved in Early Childhood Development, particularly home-based initiatives and primary education, child protection and children affected by armed conflicts. At present I am a member of the UN Monitoring Committee on Child Rights.

The sustained priority on maternal and child health as well as education for all children which withstood changes in the political leadership is commendable. As a result, today, over 93 per cent of deliveries occur in institutions with trained care and free maternal and child health services are available on a continuous basis, leading to a consistent decline in under-five and maternal mortality. Over 93 per cent of children, both girls and boys, have access to primary education, which has contributed to a high literacy level in the population. The roots of such child-friendly indicators have a direct relationship with the continued focus on service delivery to rural areas, where the majority of the population still resides.

However, Sri Lankan children still face many challenges. These include geographical pockets where child labour still persists. Corporal punishment continues to prevail as does trafficking, neglect, sexual abuse and exploitation. Fortunately far-reaching changes made to the penal code in 1995, 1997 and 1998 as well as the establishing of the National Child Protection Authority in 1999 were significant milestones in improving child protection. Other key interventions were the setting up of child and women friendly police desks with trained police officers. But change is still slow, as the roots of abuse lie in poverty, unemployment, substance abuse and domestic violence.

An important need is for all Sri Lankan courts to become more child friendly, including the judiciary and the law enforcement system. Abandoned and orphaned children incarcerated for prolonged periods in institutions need attention as they lose contact with families and communities. There is an urgent need to expedite court cases involving children. This must include making the judiciary and the law enforcement system child friendly, including by establishing child-friendly courts.

More practical and simple mechanisms are needed to facilitate state and non-state parties to work together to uphold the best interest of children at the national and local level. Accordingly, an apex body is needed to set up improved collaborative arrangements which also incorporate the private sector which is becoming increasingly involved in providing child-friendly services.

In the forward march to achieve child rights, children themselves need to be more actively involved in such collective efforts. Their voices need to be heard and their concerns taken into consideration in policy formulation related to matters that affect them. If all such efforts were to be realised a real difference would take place in the rights of all Sri Lankan children.





# Chapter I – South Asia in the world: a regional context

South Asia is home to a quarter of the world's population and slightly more than a quarter of the world's children. During the last 30 years, the region has experienced a dramatic decline in the proportion of people living in absolute poverty and rapid growth in Gross National Income per capita. The majority of South Asian countries are now defined as middle-income, cities are booming, more people than ever are getting an education and modern technology is transforming traditional ways of working and communicating. However, South Asia is at a crossroads – despite remarkable progress more than 500 million South Asians still live in extreme poverty and the region is characterised by increasing inequalities, persistent discrimination against girls and women, and conflicts based on religion, caste and ethnicity.

## A volatile and vulnerable region

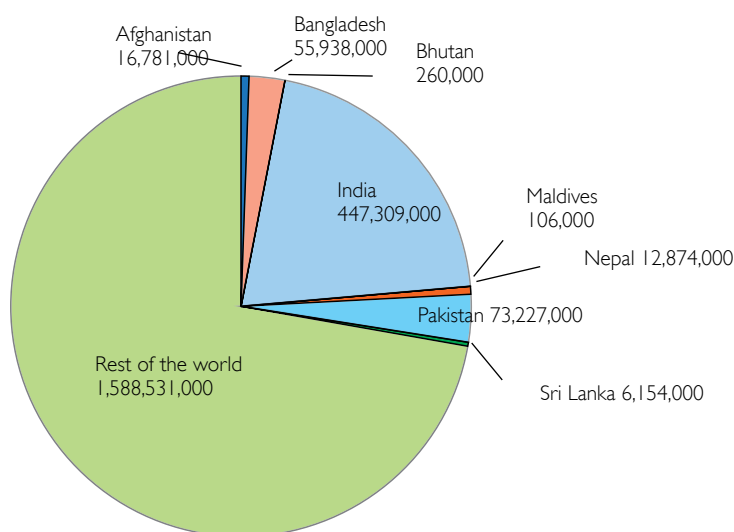
South Asia comprises Afghanistan, Bangladesh, Bhutan, India, Maldives, Nepal, Pakistan and Sri Lanka. The region's geography is immensely varied, ranging from countries hosting the highest mountains in the world to the island-nations of Sri Lanka and Maldives. South Asia is also home to a multitude of ethnic and religious groups.

Moreover, some countries, such as India, occupy vast territories – while others, including Maldives, are small. Because of these major differences both among and within countries, it is difficult to make regional – and even national – generalisations.

While the rich geographical, ethnic and cultural diversity gives South Asia its unique character, it also makes for some of the challenges that the region faces. For example, the region is extremely vulnerable to disasters including earthquakes, storms, floods and rising sea levels. Further, the political situation is rife with ongoing internal and external tensions and conflicts.

However, regional, national and bilateral efforts to meet the challenges of this largely populated and vulnerable region are taking place. Notably, the South Asian Association for Regional Cooperation (SAARC) was established in 1985 by the South Asian governments as an effort to strengthen regional co-operation to ensure development and stability.

Figure I.1 Child population in South Asia and in the world





## Demography

A quarter of the world's population and slightly more than a quarter (27.8 per cent) of the world's children live in South Asia (see Figure 1.1). Almost three out of 10 children are below the age of five. Twenty per cent of the population in the region are adolescents (aged 10-19),<sup>1</sup> which amounts to 332 million individuals.

Many countries in the region – Afghanistan, Bangladesh, India, Nepal and Pakistan in particular – have young and fast-increasing populations. This is often referred to as the “demographic dividend”, as this would mean that more than 300 million people are expected to enter the prime working-age population over the next decade. If harnessed wisely, this will be very important for the development of the people in South Asia (Figure 1.2).

India has more adolescents than any other country in the world at around 243 million. Bangladesh, India and Pakistan are amongst the ten most populous countries in the world, while the populations in Bhutan and Maldives are among the lowest. Life expectancy at birth is three decades higher in Maldives (77) than in Afghanistan (48), and population growth rates and dynamics are dramatically different across countries in the region

South Asia includes two of the 10 most densely populated countries on the globe –

<sup>1</sup> The United Nations defines adolescents as individuals aged 10–19: UNICEF (2011), *The State of the World's Children 2011: Adolescence – An Age of Opportunity*, p. 12.

**Table 1.1** Urban areas and slums in South Asia

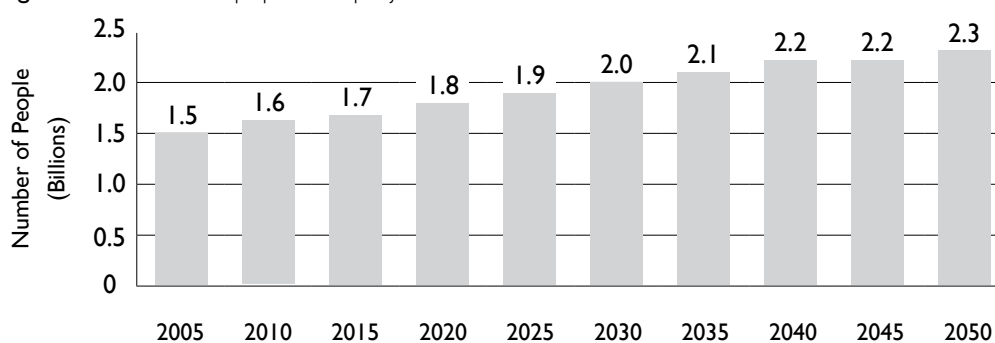
Country	Total population (thousands)	People living in urban areas (% of total population)	People living in slums (% of urban population) (UN-Habitat)
Afghanistan	32,358	23.5	88.6 (UNDP)
Bangladesh	150,494	28.4	61.6
Bhutan	738	35.6	-
India	1,241,492	31.3	29.4
Maldives	320	41.2	-
Nepal	30,486	17.0	58.1
Pakistan	176,745	36.2	46.6
Sri Lanka	21,045	15.1	-

United Nations Department of Economic and Social Affairs (2012), *World Urbanization Prospects, The 2011 Revision*; United Nations Human Settlements Programme (UN-Habitat) (2012), *State of the World's Cities 2012/13*; United Nations Development Programme (2012), *Asia-Pacific Human Development Report*

Bangladesh and Maldives – and is host to five of the world's 21 recognised “megacities” (Delhi 21.7m, Mumbai 19.7m, Kolkata 15.3m, Dhaka 14.3m and Karachi 12.8m). In contrast, many other South Asians spend their life in more remote places. For instance, more than a fifth of the population of Bhutan live at above 3000 metres, while some Maldivians spend their lives on isolated atolls.

About 30 per cent of South Asians live in urban areas, with the urbanisation rate in Maldives higher than 40 per cent. Estimates suggest that by 2050 more than half the population of South Asia will live in urban areas.

**Figure 1.2:** South Asia population projection



However, this rapid urbanisation has not always translated into equitable development, as a third of South Asia's urban population live in slums without access to basic services such as

water and sanitation (Table 1.1). A large proportion of the remaining half who live in rural areas continue to live on the margins, deprived of access to basic services and other amenities.

## Environmental disasters

South Asia is prone to environmental disasters such as earthquakes, floods, storms, cyclones, land slides and rising sea levels. As recent history in the region has demonstrated, disasters in the context of poverty, inequality and limited infrastructure and preparedness systems have had devastating consequences, especially for women, children and vulnerable populations. In addition, the high population density of many of the countries contributes to the huge number of people affected by disasters.

During the past nine years, 84 disasters were recorded in the South Asia region. These included 69 floods and eight earthquakes,<sup>1</sup> while the tsunami of 2004 was the biggest disaster. According to estimates, 10,136 people in India and 30,196 in Sri Lanka were killed in

the tsunami, and hundreds of thousands were rendered homeless.

In Bangladesh, 60 per cent of the country is flood-prone and 72 million people have been affected by environmental disasters from 2000 to 2009. In 2007, Cyclone Sidr killed almost 4,000 people, leaving millions homeless. In Pakistan, severe floods from 2010 to 2012 killed thousands and affected the lives of millions of people. In addition, India and Maldives are frequently at risk of flooding. Even land-locked countries such as Bhutan, Afghanistan and Nepal have significant populations at risk of flooding. For example, widespread flooding during the spring and summer of 2010 affected approximately 500,000 people throughout Afghanistan.

<sup>1</sup> Pakistan Institute of Labour Education and Research (2012), *Disasters in South Asia – A Regional Perspective*.

## Technological progress

As in other parts of the world, modern technology is transforming communications and traditional ways of working in South Asia, although there are wide differences among and within countries. There has been an extraordinary rise in the use of mobile phones in recent years, with the highest number of mobile subscriptions in Maldives and Sri Lanka. In populous countries such as India and Pakistan, there are 59 and 61 mobile phone users per 100 inhabitants, respectively, which, according to UNICEF (2012), is on a par with the average in the region.

Moreover, the number of internet users in the region, although still relatively low, has also grown, gradually transforming the way people work and connect to the globalised world. In Maldives and Pakistan, the use of the inter-

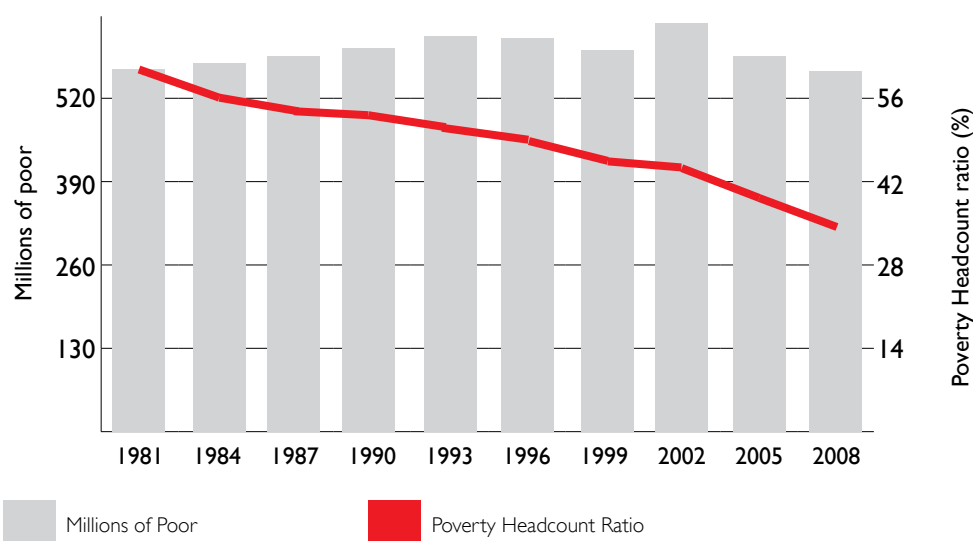
net is quite high, with 28 and 17 users for every 100 inhabitants, respectively, while it is moderate in Bhutan (14) and Sri Lanka (12), and significantly lower in other South Asian countries – including the populous ones India (8) and Bangladesh (4).

As for social media (Facebook, Twitter, etc.), usage is highest in Bhutan (11%), while Sri Lanka, Nepal and India are at seven, six and five per cent respectively.<sup>1</sup> Still, in populous India, this figure corresponds to 56.7 million users, which is second only to China (in Asia) and almost double that of Japan. In Bangladesh (2%) and Pakistan (4%), social media usage remains relatively low.

<sup>1</sup> We are social (2012), *Social, Digital and Mobile in Asia: October 2012*: Figures represent the latest site-reported registered users for the largest social network in each country as at September 2012. No data is available for Afghanistan.

## Growth, poverty and inequality

Figure 1.3: Extreme poverty in South Asia Regional poverty trend: People living on less than \$1.25 a day



Source: World Bank (2011), Poverty & Equity Data Bank, PovcalNet

### Progress has been made

Remarkable progress has been made in South Asia. Five of the eight countries – Bhutan, India, Maldives, Pakistan and Sri Lanka – have transitioned from low-income to middle-income status. Moreover, the Gross National Income per capita rate has increased rapidly and the proportion of those living in extreme poverty (on less than \$1.25 a day in purchasing power parity terms) has declined dramatically (see Figure 1.3).

What is more, South Asia is on track to achieve nine of the 21 Millennium Development Goals indicators, and half of the countries are also on track for at least half of the indicators for which data is available. However, it should be noted that significant variations exist among and within countries.

In terms of Millennium Development Goals progress, extreme poverty rates have fallen substantially and rapidly in the region (see Figures 1.3 and 1.4), and hunger was reduced in Bhutan, Maldives and Sri Lanka (MDG 1).

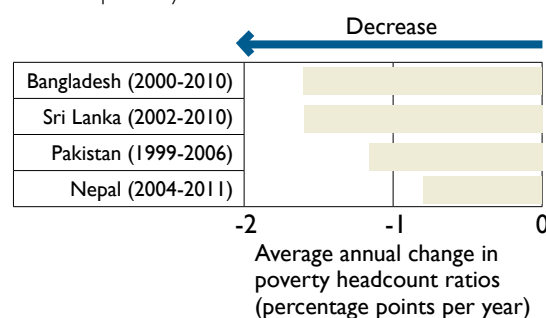
The countries in the region have also made important progress towards MDGs 2 and 3, with very high enrolment in primary school,

including increasing enrolment of girls.<sup>1</sup> Child mortality and maternal mortality (MDGs 4 and 5) have also declined significantly.<sup>2</sup> The proportion of adults infected with HIV is overall low in the region, and mortality due to tuberculosis is now moderate (MDG 6). In addition, South Asian people’s access to safe drinking water has improved (MDG 7).<sup>3</sup>

With regard to developing a global partnership for development (MDG 8), it should be noted that South Asia receives a large amount

1 See the education chapter for details.  
 2 See the health chapter for details.  
 3 Ibid.

Figure 1.4: Extreme poverty at the national level Country poverty trends: Average annual change in national poverty rates.



Source: World Bank (2011), Poverty & Equity Data Bank

Table 1.2: Poverty and prosperity in South Asia

Country	GNI per capita (PPP US\$)* (WB)			Income 1.25 US\$ a day (% of tot. pop.) (UNICEF)	Income 2 US\$ a day (% of tot. pop.) (Oxford)	Multidimensional poverty (% pop) (UNDP)
	2011	2006	1980			
<b>Low-income countries</b>						
Afghanistan	1140	730	-	-	-	-
Nepal	1260	1010	270	55	77.6	64.7
Bangladesh	1940	1350	310	50	81.3	57.8
<b>Middle-income countries (lower)</b>						
Pakistan	2870	2350	630	23	61	49.4
India	3590	2440	420	42	75.6	53.7
Sri Lanka	5520	3850	750	7	39.7	5.3
Bhutan	5570	3740	340	26	49.5	27.2
<b>Middle-Income countries (upper)</b>						
Maldives	7430	6130	-	2	12.2	5.2

World Bank (2013), World DataBank; UNICEF (2012), The State of the World's Children; Oxford Poverty and Human Development Initiative (2011), Country Briefings; UNDP (2011), Human Development Report.

\* PPP GNI is Gross National Income (GNI) converted to international dollars using Purchasing Power Parity (PPP) rates. An international dollar has the same purchasing power over GNI as a U.S. dollar has in the United States.

of Official Development Assistance. Afghanistan, India, Bangladesh and Pakistan are among the six top recipients in Asia – and also among the largest recipients in the world. In addition, several countries receive a great deal of remittances from migrant workers abroad. For instance, more than seven per cent of the population of Nepal lives abroad, with

migrant remittances inflow amounting to 20 per cent of the Gross Domestic Product. In Bangladesh, remittances are close to 10 per cent of GDP.

### Challenges remain

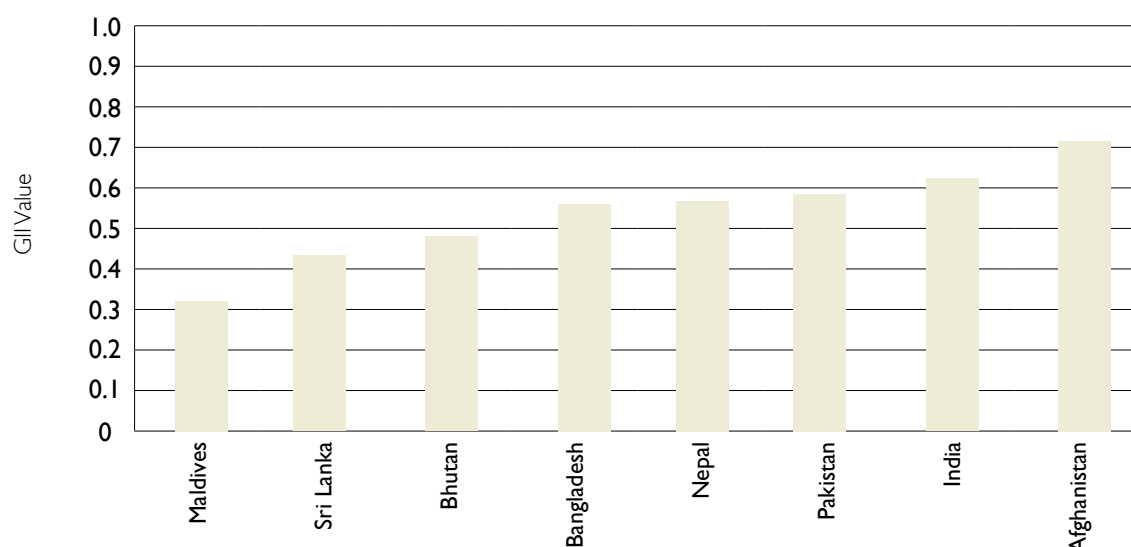
Despite the progress, more than 500 million people still live in extreme poverty in South Asia according to the World Bank (2010). If the 'moderately poor' (living on between US\$1.25 and US\$2 a day) are included the numbers are even greater. Almost 71 per cent of the population of South Asia live on less than US\$2 a day (2008).

However, poverty in South Asia, as everywhere in the world, goes well beyond income. Large numbers of the population in the region experience multidimensional poverty, which translates to simultaneous depriva-

Table 1.3: Inequalities in South Asia

Human Development Index (HDI) rank 2011	Country	Human Development Index (HDI) value 2011	Inequality-adjusted HDI value 2011	Gini coefficient of income 2000-2011
<b>Medium Human Development</b>				
97	Sri Lanka	0.691	0.579	40.3
109	Maldives	0.661	0.495	37.4
134	India	0.547	0.392	36.8
141	Bhutan	0.522	0.359	46.7
<b>Low Human Development</b>				
145	Pakistan	0.504	0.346	32.7
146	Bangladesh	0.500	0.363	31.0
157	Nepal	0.458	0.301	47.3
172	Afghanistan	0.398	n.a	-

Source: UNDP (2012), Asia-Pacific Development Report.

**Figure 1.5** Gender inequality in South Asia

tions in health, education and living standards (see Table 1.2). In addition, the chronic poor in South Asia are disproportionately made up of minorities, including tribal peoples, peoples belonging to perceived low-status castes and migrant labourers. Women and girls in the region also tend to be particularly vulnerable to chronic poverty.

Hunger is still widespread in South Asia, with a large number of young children undernourished and great disparities between rich and poor children. The region accounts for almost half of the world's stunted and wasted children and more than 350 million children are hungry in spite of the region's rapid economic progress.

### Inequality

Large disparities in equality, both across and within countries, persist in the region (see Table 1.3). Therefore, while there may be growth, inclusive development remains to be achieved. Income inequality as measured by the Gini coefficient has decreased between the 1990s and 2000s in some countries – but increased in others.

Inequalities have a negative impact on countries' development, not just in South Asia. The Inequality Adjusted Human Development Index (IHDI) equals the Human Development Index when there is no inequality and is less than the Human Development Index when there is inequality. In every South Asian

country for which data is available, the IHDI is lower than the Human Development Index, showing the presence of inequalities in the three basic dimensions of health, education and income.

Inequalities in South Asia are manifested on the basis of gender, caste, religion and ethnicity. These identities determine the access to services and socio-economic status, and differ from country to country, and also within countries.

### Gender inequality

As in other regions of the world, women in South Asia have little access to job opportunities compared with men. Despite four countries in the region having women heads of state at different times in history, women's representation in parliaments remains low. Maternal mortality remains high in some countries, with still moderate access to reproductive health.

Furthermore, the Gender Inequality Index – an index measuring inequalities in achievement between women and men in the three dimensions of reproductive health, empowerment and the labour market – clearly shows South Asian women lagging far behind men. The index, with values ranging from 0 to 1 (where 1 indicates maximum inequality), shows that Afghanistan, with a Gender Inequality Index value of 0.7, has the highest gender inequality rate in the region (see Figure

1.5). Maldives is the least gender unequal place in the region according to this index, with a value of 0.32. However, it should be noted that there have been improvements in the Gender Inequality Index since the mid-1980s in all countries for which data is available.

Gender relations are rooted in social norms and attitudes which justify gender inequality, discrimination and violations of the rights of women and girls. Discriminatory social institutions in South Asia such as child marriage, inheritance practices, violence against women and girls, son preference, restricted access to public spaces and restricted access to land and credit are widespread. Discrimination may start before the birth of a child, as sons are traditionally preferred over daughters. Girls may also be discriminated against after birth – in terms of, for example, breastfeeding, food allocation, proper clothing, parental surveillance, recourse to health facilities and immunisation. However, it is important to acknowledge the many parents encouraging

their daughters in most respects including to access education and suitable work.

### **Child poverty and inequality**

Early marriage, trafficking of children and crimes against children continue to make South Asian children unprotected and vulnerable. Children in the region also continue to be discriminated on the basis of their socio-economic status and because of their gender.

Children are deeply affected by poverty. Some children live in poor families, whereas others live in poverty outside their family, in institutions or on the streets. Because of their age, even short-term deprivations can have permanent consequences for children – for instance, children under three in particular are in need of proper nutrition, care and close attention. Inequality also has an impact on children's access to health, nutrition, education and protection. What is more, inequality affects the way children relate to society, their peers and how they feel about themselves.

## **Regional politics and tensions**

The political situation in South Asia is complex, with ongoing conflicts and civil unrest in some countries, often complicated by ethnic and geographic rivalries. The conflict situation is, for instance, still highly volatile in Afghanistan and Pakistan. Other countries, such as Nepal and Sri Lanka, are in a post-conflict situation. The transition from conflict to peace and stability can be a very long process – for instance, in Nepal a 10-year-long conflict ended in 2006, but numerous contentious issues still remain, including the drafting

of a Constitution and responding to human rights violations.

Political tensions often transcend national and regional boundaries. Some territorial disputes between countries still persist across the region, as in the case of Kashmir, and sometimes beyond the region. Issues related to minorities and refugees still remain, such as that of Tibetan refugees in India and Nepal, Sri Lankan refugees in India and Nepalese refugees in Bhutan.



## National political systems

The structure of governance is varied in South Asia. All but two of the countries in the region are centralised states that have vested most of the authority on child-related issues in the national government. That said, provinces, districts, villages and other local levels of governance normally retain some degree of authority.

However, the situation is somewhat different in India and Pakistan. In Pakistan, the 18th amendment to the Constitution (2010-2011) – aiming to restore the balance of power between the President and the Parliament and strengthen the degree of provincial autonomy – transferred jurisdiction (and, by extension, economic power) over social welfare, education, health and so on to the four provinces. These provinces are now required to develop their own laws, policies and regulations on child-related issues. The full implications of the amendment on governance for children are yet to be ascertained.

The Indian Constitution contains both features of a federal constitution and unitary constitution and the powers of state and centre are clearly defined. There are clear limits of both the centre and the state for law-making powers. The functions and responsibilities are enumerated in three lists – Union, State and Concurrent – in the Seventh Schedule of the Constitution. While the Union and State list lays down the responsibilities of the central governments and the state governments, the Concurrent lists are those that are joint responsibilities of the Union and the States. Several of the matters related to children are

divided between the State and the Concurrent lists. For example, while public health and the running of children's care institutions and the police are part of the State list, education, criminal and civil procedures, adoption of children, marriage and divorce are all part of the Concurrent list. Hence, laws concerning children are enacted nationally but the states formulate their own rules or adopt the model rules drafted by the central government. Similarly, while there may be national schemes and programmes for implementation of child rights which are implemented by the states, the states design their own programmes and schemes, too. Each of the 28 states and seven Union Territories prepare their own budgets that are placed and passed by the legislative assemblies, while the Union Budget is passed by the Parliament.

Although most countries in the region have dedicated ministries for women, children and/or social welfare, in Afghanistan and Pakistan other ministries have been assigned responsibility for these issues. In Bhutan, a third solution has been found, as there are many independent commissions, agencies and institutions that operate outside the general framework of the executive, legislative and judiciary. The National Commission of Women and Children (NCWC), which in practice functions as a ministry for women and children's issues, is such a commission, although it comes under the authority of the Bhutanese government. The NCWC Commissioners are appointed from government and non-government organisations.

## The South Asian Association for Regional Cooperation (SAARC)

In 1985, the governments of Bangladesh, Bhutan, India, Maldives, Nepal, Pakistan and Sri Lanka established the South Asian Association for Regional Cooperation (SAARC). Afghanistan joined in 2007 as the association's eighth member. SAARC aims to promote peace, stability, amity and progress in the region, and on that basis 17 areas of cooperation have been identified.

The SAARC Regional Secretariat is located in Kathmandu and supported by regional centres in the eight member states. In 2004, the SAARC Development Goals were formulated to inspire regional action and support national efforts towards achieving the Millennium Development Goals. There are 22 SAARC Development Goals for livelihoods, health, education and the environment.

### SAARC and children

Children's rights and wellbeing have always been priorities for the South Asian Association for Regional Cooperation (SAARC). As such, children are included among the main areas of cooperation of the association, as a sub-area of social development. Children have also been on the agenda of multiple SAARC Summits and at the centre of four Ministerial Conferences on Children (see Table 1.4). Most prominently, SAARC has launched the Decade of the Girl (1991–2000) and the Decade of the Rights of the Child (2001–2010), and agreed upon two legally-binding Conventions with relevance to children's rights and wellbeing: the SAARC Convention on Regional Arrangements for the Promotion of Child Welfare in South Asia and the SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution.

Table 1.4: SAARC and the rights of children (1985–2011)

Year	Result
1985	Establishment of SAARC and adoption of the SAARC Charter
1986	1st SAARC Ministerial Conference on Children (Delhi)
1991–2000	Decade of the girl child
1992	2nd SAARC Ministerial Conference on Children (Colombo), Colombo Resolution on Children
1996	3rd SAARC Ministerial Conference on Children (Rawalpindi), Rawalpindi Resolution on Children of South Asia
2001–2010	SAARC Decade of the Rights of the Child
2002	- SAARC Convention on Regional Arrangements for the Promotion of Child Welfare in South Asia - SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution
2004	SAARC Social Charter
2005	SAARC Development Goals
2007	SAARC Strategic Framework for the Protection, Care and Support of Children affected by HIV-AIDS
2009	4th SAARC Ministerial Conference on Children (Colombo), Colombo Statement on Children of South Asia
2011	- Launch of the Assessment of Progress in the SAARC Decade of the Rights of the Child (2001–2010) report - South Asia Initiative to End Violence against Children (SAIEVAC) was granted the status of a SAARC Apex body

*Child Rights Defender Shantha Sinha:  
Wellbeing of all its children makes for a proud nation*

**“We must ensure the rights of each and every child in the country because every right attained by children builds the state’s capacities for democratisation of all public institutions, giving access to one and all without discrimination and ensures that such institutions no longer remain sites for contestation of power even as children’s rights radicalise democracy and make for a proud and cultured nation.”**

In my position as Chairperson of the National Commission for Protection of Child Rights, and as an activist before that for over 30 years, I have had the opportunity to examine both the realisation and violation of rights of children across the country. My experience has shown that discussing perspectives on protecting children’s rights requires a change in ways of thinking and “doing” at all levels – from the family to policy-makers, institutions, law and society as a whole.

I have been very concerned about the relationships between children and adults in our society. I believe that there is a shift required where the state and the society look at the child with respect and as an individual in her own right. There is no doubt that most families love their children in India. However, love and affection of the adult towards the child should not justify the use of authority and power over her. It must be understood that children are equal and not less than adults. Indeed, they ought to be regarded as more than equals, because of their special circumstances and needs.

Discrimination faced by children on the basis of caste, ethnicity and disability continues to be one of the biggest challenges in our country. At the same time we need to recognise that in a country as vast as India, there is an inherent diversity among children and their privations are not all alike. Affirmative action must be ensured for all children who are disadvantaged and in unjust circumstances in the form of laws and policies, services and institutional and professional support so that they live a life with dignity and respect.

In addition, I have found that some rights take precedence over others in our planning and action. But it needs to be recognised that all rights of children are equally important and that every right the child enjoys is mutually reinforcing and interdependent. Thus policies and interventions at all stages in a child’s growth and development assume equal significance. However, we are often told that it is impractical to cover all children and all services at one go and so “doable” “practical” targets are to be defined. Still, it is my firm belief that it is not practical to keep some children on hold and let them suffer due to our incapacities. Childhood comes only once. A lost childhood can never be regained. The long-term effects on children who have missed out on their basic entitlements and the impact on their vulnerabilities as they grow have lasting implications for children, and society at large.

In attainment of childhood as a matter of right, new traditions and cultures are built and the unequal relationship as it exists between the adult and the child is questioned and gets rectified. Children become individuals in their own right and social norms are so constructed as to enable the child to evolve fully and realise her fullest potential. Moreover, when a secure childhood is guaranteed the child becomes the best defence of a country because a secure child has a lasting impact on the aspirations of its citizens to be productive. This has an overall impact on economic development and growth.

Every right attained by a child brings changes in the existing socio-economic formation, leading to greater participation and confidence of citizens of the nation.







# Chapter 2 – General Measures of Implementation

While human rights are inherent to any human being, their actual realisation requires that governments take appropriate action in collaboration with civil society and other non-state actors. Major human rights treaties typically incorporate specific provisions requiring State Parties to take the necessary steps to give effect to the rights set forth, as exemplified by Article 4 of the Convention on the Rights of the Child. However, this provision takes on an additional dimension in the CRC. With children most often excluded from decision-making processes, and with little if any direct political influence due to their “minor” status, ensuring that their rights receive adequate attention represents a particular challenge. Furthermore, even though the formal responsibility to implement the provisions of the Convention lies with the state, fulfilling the human rights of all children necessitates the engagement of all sectors of society, including not the least families.

The Committee on the Rights of the Child has, therefore, developed particularly detailed guidance on the specific measures needed to implement the CRC. The ensuing General Measures of Implementation – enshrined in the 2003 General Comment No. 5 and elaborated upon in other General Comments – take into account not only Article 4 but also Articles 42 and 44(6). These additional articles are about making the principles and provisions of the CRC widely known, and disseminating reports under the Convention.

Across the South Asia region, political will to improve children’s lives has become more visible, in particular since the turn of the millennium. This has translated into a number of measures for CRC implementation in most countries, including ratification of and reporting under treaties, legal reform, drafting plans of action and policies, and establishing national human rights institutions and coordination mechanisms. Nevertheless, ensuring the sustainability of these measures and supporting ongoing implementation across government have been important challenges. In particular, ensuring that children can claim their rights (justiciability), wide awareness-raising and systematic data-collection on all aspects of children’s rights require continuous attention.

This chapter measures country performance across eight General Measures of Implementation. Two of the additional four General Measures – cooperation with civil society (and other non-state actors), and budgeting for children – have been upgraded to stand-alone chapters. However, the General Measures on state and non-state service providers and international cooperation were excluded because of a lack of data, suitable indicators or both. Results are presented using a “traffic light” model, in which average country scores are matched to four possible colour-coded levels: significant, notable, some and little or no results achieved.

The chapter begins with a snapshot of key achievements and challenges in the region and for each General Measure of Implementation. This is followed by a brief section on the history of the General Measures framework and its conceptual underpinning. Next, the eight General Measures of Implementation are explored in individual sections, which include regional achievements and detailed country-level information that further explains the results presented in the traffic light model.



## Key regional findings: overall achievements and challenges

Significant results	Notable results	Some results	Little or no results
India	Bangladesh Nepal Pakistan Sri Lanka	Afghanistan Bhutan Maldives	-

Table results are based on average scores. For a detailed indicator list, see the end of each of the eight sections below. See also the Appendix for more information.

India has been the most successful country in the region in terms of putting in place a General Measures of Implementation-based framework for the realisation of all the rights of the CRC. Results in India have been significant in terms of, notably, promoting the justiciability of children's rights and establishing independent human rights institutions for children. However, Bangladesh, Nepal and Sri Lanka are not far behind, with significant results in relation to General Measures such as national coordination mechanisms (Nepal), ratification of international treaties relevant to children's rights (Sri Lanka) and legal reform (Bangla-

des). At the same time, Pakistan's data-collection results are notable – and so are Maldives' achievements in legal reform. As for Bhutan, important steps have been taken towards making the country's coordination body for children more effective; and in Afghanistan, the independent human rights commission has proven active in promoting children's rights in the country.

With some exceptions, justiciability of rights; awareness-raising, training and dissemination; and data-collection and impact assessments have been the most challenging General Measures of Implementation for the South Asian governments. Overall, ensuring the sustainability of the results and supporting ongoing implementation across government remain important challenges. Partly as a result of this general lack of implementation, good General Measures-related results (which, in this study, means having a good structural framework) does not necessarily translate into good outcomes for children, as suggested by the comparison with child-related outcomes rankings in Table 2.1. While better implementation and coordination are necessary improvements, the links between the General Measures and the realisation of children's rights are complex and require further research. This is partly because the impact of any given General Measure depends on many different factors, including social cohesion, economics and political stability.<sup>1</sup>

The General Measures of Implementation (GMI)

GMI 1	Ratification of international standards and CRC reporting
GMI 2	Legal reform
GMI 3	Justiciability of rights
GMI 4	National plans of action or policies for children
GMI 5	National coordination mechanisms
GMI 6	Awareness-raising, training and dissemination
GMI 7	Data-collection and impact assessments
GMI 8	Independent human rights institutions for children
GMI 9	Budgeting for children
GMI 10	Cooperation with civil society
GMI 11	State and non-state service providers
GMI 12	International cooperation

<sup>1</sup> UNICEF internal assessment review for the UN Convention on the Rights of the Child GMI research project.

**Table 2.1:** General Measures results compared to child-related outcomes rankings

General Measures results	Country	Overall out-comes ranking	Health ranking	Education ranking	Protection ranking
Some	Maldives	1	1	1	2
Some	Bhutan	2	3	2	3
Notable	Sri Lanka	3	2	3	1
Significant	India	4	7	4	4
Notable	Nepal	5	4	7	5
Notable	Pakistan	6	6	8	6
Notable	Bangladesh	7	5	5	7
Some	Afghanistan	8	8	6	8

### General Measure 1: Ratification of international standards and CRC reporting

All countries in the region have demonstrated their commitment to children’s rights by ratifying the Convention on the Rights of the Child within just five years of its entry into force. Only two countries (Bangladesh and Maldives) still hold formal reservations to the Convention while India has an interpretative declaration on child labour made upon ratification. With the exception of ILO and Hague conventions, ratification is also universal or nearly universal when it comes to the most important international child-related human rights treaties. It should also be noted that commitment to non-binding targets and recommendations, in the form of periodic reports and strategic work plans, has been strong in the region, in particular in relation to education and violence against children.

Reporting under the CRC and its two first Optional Protocols has been strengthened by countries in the region generally following the Committee’s reporting guidelines on content and presentation. However, the overwhelming majority of countries have submitted their reports with significant delays. Although some have made efforts to catch up on late reports, lack of timely reporting remains a significant concern. In addition, the Committee on the Rights of the Child’s latest Concluding Observations on the countries’ CRC reports have only rarely found reason to praise action taken

on previous recommendations. Nevertheless, reports under the Universal Periodic Review (often including a specific children section) have complemented reporting under the CRC – and together these mechanisms have led to important changes in the region, such as the ongoing processes to enact comprehensive children’s acts.

### General Measure 2: Legal reform

Once the CRC has been ratified, State Parties must make sure that domestic legislation reflects the principles and provisions of the Convention. All South Asian governments have enacted new and amended laws for children, and all Constitutions in the region include children’s-rights-related issues. Another notable achievement is that most South Asian countries are in the process of developing comprehensive Child Acts that reflect the CRC. Partly as a result of this, the Committee has only to a limited extent criticised the compliance of domestic legislation in the region with the four general principles of the Convention.

Despite these important results, the concern expressed by the Committee on the Rights of the Child over the realisation of the CRC’s general principles in the region shows that the implementation of new laws has not always been successful.

### **General Measure 3: Justiciability of rights**

For children to be able to claim their rights (for rights to be justiciable), child-related laws are only the first step. These need to be accompanied by effective measures and accessible mechanisms that ensure appropriate remedies and reparations in case of rights violations. To promote justiciability, some – although only a minority – of South Asian countries recognise the direct applicability of the provisions of the CRC in national courts. In most cases, the legal systems in the region require the incorporation of the Convention into domestic law for justiciability to take effect. Most countries have established juvenile courts for children in conflict with the law or courts catering to child victims, although the latter remains rare. In addition, independent human rights institutions sometimes have the power to take cases to court on behalf of children. As for legal aid, most countries have enacted laws meant to ensure this service for children – and numerous government-led initiatives to promote legal aid as well as empowerment have been undertaken in the region.

Beyond the courts, laws in Afghanistan and India require the establishment of complaints mechanisms in care or justice institutions. Most South Asian countries have also put into place national legislation to provide appropriate remedies and reparations for child victims of different kinds of rights violations. Although implementation generally needs to be strengthened, mechanisms for the care of child victims are being put into place in some countries.

### **General Measure 4: National plans of action or policies for children**

Taking action on children's rights requires a comprehensive strategy or plan that sets achievable goals and identifies the actors and sectors involved in implementation. In South Asia, there are three kinds of comprehensive strategy documents for children available. First, stand-alone National Plans of Action for children are in effect in a few countries. Second, separate sections/chapters on chil-

dren's (and, usually, women's) issues have been integrated into national development plans in the majority of countries. Finally, most countries have adopted National Policies for children, which usually contain broader commitments to children and often a set of principles. Whether stand-alone or integrated, the national plans for children typically include time-bound targets or activities and include NGOs and the private sector.

A majority of South Asian countries have translated the national plans or policies for children into all official languages. It is also very common for these documents to have been endorsed by the highest level of government. In addition, although implementation, monitoring and evaluation are yet to become as effective as envisaged, a majority of South Asian countries have added oversight of the plan of action or policy to the responsibilities of the primary national coordination bodies for children's rights.

### **General Measure 5: National coordination mechanisms**

Implementation requires effective coordination among the large number of ministries, departments and levels of government involved in realising children's rights. In South Asia, several countries have established specific ministries for women and children issues – and most have also given primary responsibility for coordination to a specialised entity at the national level. However, in Afghanistan and Maldives there are currently no such specialised coordination entities for children's rights. All such entities in the region have the authority to coordinate across ministries and departments, and most are also entitled to coordinate between levels of government. Some also involve civil society systematically.

In practice, effective coordination has proven difficult, partly because several of the coordination entities come under the authority of ministries with relatively limited powers. Bangladesh and Bhutan have instead taken their primary coordination entities for children out of the normal ministerial hierarchy and, in the

case of Bangladesh, made them report directly to higher-level authorities.

### **General Measure 6: Awareness-raising, training and dissemination**

Awareness-raising aims to develop a culture in which child rights are respected, valued and advanced in policy and society. Half of South Asian countries have sought to strengthen awareness by incorporating learning about children's rights into the national education curricula and most have developed child-friendly versions of the CRC and translated the Convention into all official, national languages. All countries have also conducted national awareness-raising campaigns on children's-rights-related issues, often together with the media. Awareness-raising of the periodic reports under the CRC and its Optional Protocols has, however, received less attention.

The governments in the region have taken concrete, although not always systematic, action towards training government officials and professionals working with or for children. For example, it is notable that every country has to some extent provided training on child-rights-related issues to police officers, members of the judiciary and teachers. Some countries have also included training on child rights in national curricula for pre-recruitment training of some professional groups.

### **General Measure 7: Data-collection and impact assessments**

An in-depth knowledge of the situation of children is required for successful policies for the implementation of children's rights. National surveys in the region are now providing disaggregated data on some of the key child-related sectors and issues. All countries in the region provide fairly regular and disaggregated survey data on children's health and education. When it comes to child protection, every South Asian country provides at least some survey data on child marriage and child labour but data on other protection issues remains highly limited. In general, govern-

ments also provide administrative data taken from various sources, including censuses, police reports and ministerial or departmental data-collection.

Only one country, Maldives, has established a centralised national database that covers broad aspects of children's rights. However, in most countries, the key child-related ministry or body has undertaken research studies on child-rights-related issues in the last five years (2007–2012). In addition, three countries (India, Nepal and Pakistan) publish national reports on the state of children's rights to some degree.

No South Asian country has yet established a mechanism or process for systematically undertaking child impact assessments or evaluations of all laws and policies that affect the lives of children. That said, ad-hoc evaluations of laws and policies related to children have taken place in the region.

### **General Measure 8: Independent human rights institutions for children**

As distinct from self-monitoring, independent monitoring is crucial to ensure the effectiveness of CRC implementation. Nearly all South Asian governments have established Independent Human Rights Institutions, usually in the form of human rights commissions.<sup>2</sup> Half of the institutions in the region exist in the form of either an entirely separate institution for children (India), or as regular human rights institutions with specific children's sections, divisions or identifiable commissioners. Nevertheless, all these institutions in South Asia are to varying degrees working proactively on children's rights.

Official mandates of the Independent Human Rights Institutions in the region are based in law and/or the Constitution in all cases but one and reflect to some extent the Paris Principles. For example, all have the power to investigate human rights abuses based on complaints or on their own initiative. In

<sup>2</sup> Except Bhutan. Pakistan has established federal and regional Ombudsmen with children's complaint offices. See the General Measure 8 section for more information.

addition, most mandates explicitly recognise the power to access care and justice institutions for investigation. However, since only half of the institutions have mandates linked to children’s rights, only these institutions are explicitly required to exercise the above and

other powers and functions for the benefit of children. In some countries in South Asia, the compliance of the independent human rights institutions with international standards is a challenge, especially in view of human, technical and financial capacity deficits.

## The General Measures of Implementation – a conceptual history

The General Measures of Implementation lay the foundation for the concrete realisation of children’s rights. By detailing the steps State Parties need to take to make children’s rights a reality, the Committee on the Rights of the Child strikes a delicate balance between providing concrete guidance and giving states a margin of discretion on the measures they need to take to adapt the General Measures to the country context.

Although the General Measures of Implementation were already featured in the 1996 CRC reporting guidelines, in which the Committee details the information it seeks in State Party reports, General Comment No. 5 (2003) provides a comprehensive roadmap for these General Measures.

General Comment No. 5 draws on a long maturation process, the momentum for which accelerated when UNICEF started issuing implementation handbooks for the CRC in 1998 (later editions appeared in 2002 and 2007), which highlighted the General Measures and the attention the Committee was giving to them in the reporting process. In addition, at the UN General Assembly’s Special Session entitled “A World Fit for Children”, the outcome document called on governments to develop measures of implementation to secure the wellbeing of children. By this time the Committee had had about a decade of experience of country reports and had begun to issue General Comments with detailed guidance on various aspects of the CRC. General Comment No. 2 (2002) had already elaborated upon one such general measure, the role of national human rights institutions.

### The concept of General Measures of Implementation

As recalled by the Committee on the Rights of the Child in its General Comment No. 5, implementation is the process whereby countries take action to ensure the realisation of all rights in the Convention for all children within their jurisdiction. The General Measures of Implementation are therefore a set of concrete steps that guide the implementation of all of the provisions of the Convention. While the Committee has set forth a number of distinct measures, these measures are interdependent. In other words, adoption of legislation will only be meaningful if adequate resources are allocated for its enforcement, remedies are available in case of violations and people are aware of their rights.

The General Measures of Implementation as conceived by the Committee are extensive elaborations of the measures implicit in Articles 4, 42 and 44(6) of the Convention.

The open formulation of Article 4 (“all appropriate measures”) implies that states are to take a limitless range of actions for the implementation of the CRC. As reflected in General Comment No. 5, these encompass a wide range of strategies beyond the adoption of legislation and coordination mechanisms. They include the establishment of special structures and monitoring, training and other activities in government, parliament and the judiciary at all levels.

The last sentence in Article 4 specifically concerns economic, social and cultural rights. It provides that for these rights, actions are to

**CRC Article 4:**

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

be undertaken “to the maximum of [states’] available resources”. As emphasised by the Committee in its General Comment No. 5, this reflects the recognition that in light of the resources they involve, such rights may only be progressively realised. The Committee, however, underlines that economic circumstances cannot absolve states from their obligations to take all possible measures. In General Comment No. 5, the Committee makes it clear that the enjoyment of economic, social and cultural rights is inextricably intertwined with the enjoyment of civil and political rights, reflecting the interdependence and indivisibility of all human rights. The issue was further elaborated at the 2007 Day of General Discussion on Responsibility of States, during which the Committee noted that many of the economic, social and cultural rights provided for in the Convention are already widely accepted as legally enforceable rights.

Article 42 makes a critical link between policy implementation and the need to engage society in implementing the Convention. Understanding of the rights enshrined in the Convention – but also of its principles and ethos – lays the ground both for building citizens’ capacity to hold States accountable for CRC implementation and for changing the perception of children in society. Interestingly, this provision puts children and adults on an equal footing. It therefore recognises children as full subjects of rights while also recognising the role of adults in defending and protecting their rights. In General Comment No. 5, the Committee goes into particular detail on States’ obligations under Article 42, elaborating on topics including strategies for disseminating knowledge, school curricula, in-service training of those working with and for children, and the role of the media.

Article 44(6) opens the way for the involvement of civil society in the reporting process to the Committee. It therefore adds to the international accountability mechanism a domestic channel of accountability for CRC implementation. In General Comment No. 5, the Committee emphasises the role of publicity in prompting debate among a large array of stakeholders, ranging from parliament to NGOs and national human rights institutions, on implementation progress and Committee’s recommendations. The Committee focuses on the need to make State reports genuinely accessible through appropriate means, such as child-friendly versions and translations, including to the most marginalised and excluded groups.

**Articles 42 and 44(6) of the CRC dedicated to awareness-raising:**

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

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

**Debates and current relevance**

In many ways, national progress with respect to the General Measures of Implementation represent a barometer of the perception of children and their place in politics and society. A number of recent reports and studies on the General Measures of Implementation confirm their continued relevance. For example, the concept features prominently in research and projects by child-related agencies such as UNICEF and Plan, and Save the Children’s conception of Child Rights Governance relies heavily on the General Measures.<sup>1</sup> In addition, the African Study of Child Wellbeing, which inspired this report, took some initial steps towards including the General Measures in an index, and India-based HAQ: Centre for Child Rights has undertaken

<sup>1</sup> Save the children launched a comparative study on the General Measures in Europe in 2011: Save the Children (2011), Governance fit for Children: To what extent have the general measures of implementation of the UNCRC been realized in five European countries.



pioneering work on children and governance, including the General Measures.

The Committee has continued to refine its understanding of the General Measures of Implementation with a view to providing State Parties with further guidance. It has been pointed out that the General Measures tend to focus on a top-down approach – and could offer a more holistic view of policy based on human rights and equitable financing.<sup>2</sup> The topic of investing in children was discussed at a 2007 Day of General Discussion and a

<sup>2</sup> UNICEF Innocenti Research Centre (2011), *Child Rights and Governance Roundtable: Report and Conclusions*, p. 7.

General Comment on the role of the business sector adopted in 2013. These developments are in line with a previous admission of the Committee in General Comment No.5: that the elements of the General Measures of Implementation are complex and that more detailed General Comments are likely to follow.

In several respects, the General Measures set the stage for the development of a governance agenda for children's rights. As such, they pave the way for continuously renewing understanding of the implementation of the Convention on the Rights of the Child and its challenges.

## General Measure I: Ratification of international standards and CRC reporting

By ratifying international standards, States accept to be legally bound by their provisions and held accountable for their implementation. Ratification therefore represents the first and critical commitment to the realisation of rights. It paves the way for a reporting process on implementation – and in some instances, enables the direct justiciability of its provisions in domestic courts.

Although the Convention on the Rights of the Child has been almost universally ratified, a number of States have entered reservations – meaning that they have declared upon ratification that they would not be bound by certain provisions. While some reservations apply to one specific article of the Convention, others may be wide-ranging and extend to any provision not in accordance with national or religious law, for example. The Committee on the Rights of the Child has consistently urged states to withdraw their reservations, as they limit the scope of application of the CRC.

International standards for children's rights stem from a convergence of two developments. The recognition of specific entitlements to children finds its origins in the 1924 Geneva Declaration of the Rights of

the Child adopted by the League of Nations, which became in 1959 the Declaration of the Rights of the Child. In parallel, in the aftermath of WWII, an international human rights framework unfolded, starting with the 1948 Universal Declaration of Human Rights and subsequent International Covenants. Following the celebration of the International Day of the Child in 1981, States had begun drafting the Convention on the Rights of the Child, the text of which was adopted at the UN in 1989. Since then, states, together with other actors such as NGOs, have built on this foundation to develop additional instruments, either binding such as the three Optional Protocols to the CRC which complement the main treaty in particular areas, or non-binding such as outcome documents of UN Summits on children and UN studies on specific topics.

Many of these documents have been widely adopted in South Asia. It is also notable that the inter-governmental South Asian Association for Regional Cooperation (SAARC) has itself been the source of two child-related conventions since the turn of the millennium.

The Committee recommends countries to ratify a number of key child-related treaties and

conventions as part of the General Measures of Implementation framework. In addition, the Committee wants countries to withdraw any reservations to the Convention and ensure regular, coherent and self-reflective reporting under them. This chapter has also taken into account those international and regional treaties highlighted in the child-related SAARC Conventions and other regional documents.

### Key findings: achievements and challenges

In South Asia, progress towards realising the first General Measure of Implementation on ratification and CRC reporting has been most obvious when it comes to child-related UN and SAARC treaties and conventions. The speedy adoption of the CRC in South Asia – within five years of the entry into force of the Convention – is a case in point. Bangladesh and Maldives still maintain reservations to the CRC on specific provisions (freedom of religion and adoption), and India retains a restrictive declaration focusing on the progressive elimination of child labour, which was adopted at the time of ratification. It is significant that in the 2000s and early 2010s all the governments in the region except Pakistan went on to ratify both Optional Protocols to the CRC and the two regional SAARC Conventions on Regional Arrangements for the Promotion of Child Welfare in South Asia, and on Preventing and Combating Trafficking in Women and Children for Prostitution. In addition, ratification is universal or almost universal in the region when it comes to most important child-related human rights treaties,

Milestones in children's rights

**1924:** Geneva Declaration of the Rights of the Child

**1948:** Universal Declaration of Human Rights (UDHR)

**1959:** Declaration of the Rights of the Child

**1966:** International Covenants of Civil and Political Rights (ICCPR) and Economic, Social and Cultural Rights (ICESCR)

**1989:** Convention on the Rights of the Child (CRC)

**1990:** World Summit for Children; appointment of a UN Special Rapporteur on the Sale of Children Child Prostitution and Child Pornography

**1996:** UN Study on the Impact of Armed Conflict on Children; appointment of a Special Representative of the UN Secretary-General for Children and Armed Conflict

**2000:** Optional Protocols to the CRC on the Sale of Children and Armed Conflict

**2002:** UN Special Session on Children (WFFC); SAARC Conventions on Child Welfare and Trafficking in Women and Children

**2006:** UN Study on Violence Against Children

**2009:** Appointment of a Special Representative of the UN Secretary-General on Violence Against Children

**2007:** WFFC +5 declaration

**2011:** Optional Protocol to the CRC on a Communications Procedure

although key ILO and especially Hague Conventions have received more limited support. It should be noted, however, that international conventions are the product of compromises –and several countries in the region have domestic laws that are more progressive than their international equivalents, a phenomenon that the CRC itself takes into account.

General Measure 1: Key findings, achievements and challenges

Significant results	Notable results	Some results	Little or no results
Afghanistan Sri Lanka	Bangladesh India Maldives Nepal Pakistan	Bhutan	-

The results are based on average scores. For more details, see the indicator list at the end of this section and the Appendix.

The countries of the region have also supported non-legally-binding standards of children's rights. For example, most countries have submitted progress reports on the World Fit For Children recommendations and all have done so for the Education For All targets. Every South Asian country has also formally adopted the Proclamation on the Full Participation and Equality of People with Disabilities in the Asia Pacific Region. Countries have also shown their commitment to the UN Study on Violence Against Children by their active participation in Governing Board meetings and consultations hosted by the South Asia Initiative to End Violence Against Children (SAIEVAC), a SAARC Apex body.

However, although countries are now generally following the Committee's reporting guidelines, most countries have a history of submitting their reports with significant delays. Although some have made efforts to catch up on late reports, such as by combining a delayed and upcoming report, lack of timely reporting remains a significant concern (Table 2.2). In addition, the Committee's latest Concluding Observations on periodic CRC reports have only rarely found reason to praise country action taken on previous recommendations. Despite these shortcomings, the reporting process has occasionally been an important factor driving countries' impetus to take concrete action towards CRC implementation.

Likewise, the growing importance of the UN's Universal Periodic Review (UPR) – in which all UN Member States report on actions taken towards meeting human rights obligations every four years – has complemented CRC reporting. All states in the region include information related to implementation of children's rights in their national reports under the UPR – and all but one country report have included specific sections on children. Across regions, approximately one-fifth of all points made in the UPR country reports are focused on children's rights,<sup>1</sup> and, in 2012, 63 per cent of the child rights priority issues raised by Save the Children and partners in the UPR resulted in

recommendations accepted by states. A number of important achievements in South Asia, such as Nepal's and Afghanistan's upcoming children's acts, have their origin in recommendations made in the UPR process.

### AFGHANISTAN

Afghanistan has ratified 75 per cent of the 20 international and regional treaties recommended in this study – which, together with Sri Lanka's, is the best result in the region. Moreover, the country is one of the five SAARC countries that have ratified both ILO Convention No. 138 on Minimum Age for Admission to Employment and No. 182 on Worst Forms of Child Labour. Afghanistan is also the only country in the region that has acceded to the Convention relating to the Status of Refugees.

However, along with most of South Asia, Afghanistan has some way to go when it comes to submitting timely reports under the CRC and its first two Optional Protocols, although the Committee on the Rights of the Child has acknowledged that over three decades of armed conflict has contributed to the delays. At the same time, the Committee (2011) appreciated the frank and self-critical nature of the country's first CRC report (2009).

### BANGLADESH

Bangladesh was among the two first two countries in the region to ratify the CRC in 1990 and the first to ratify both of the two Optional Protocols – demonstrating the country's early commitment to children's rights. The Committee has, however, recommended that Bangladesh withdraw its reservations to Articles 14(1) and 21 of the Convention on freedom of religion and adoption. The Committee on the Rights of the Child (2009) has said that Bangladesh had declared its continued intention to consider the withdrawal of these reservations. However, when it comes to Article 21, in the 2013 National Report under the Universal Periodic Review, the government was of the view that the purpose of this article is served through existing domestic laws, particularly the 1860 Guardians and Wards Act.

<sup>1</sup> CRIN (2011), Universal Periodic Review: The Status of Children's Rights, pp. 2, 4.

Table 2.2: CRC and UPR reporting status

Country	Latest CRC report submitted (due)	Next report due	OPAC initial report submitted (due)	OPSC initial report submitted (due)	Latest UPR review/upcoming
Afghanistan	1st 2009 (1996*)	2016	No (2005*)	No (2004*)	2009/2014
Bangladesh	5th 2012 (2012)	n.a.	2004 (2004)	2005 (2005)	2013/2017+
Bhutan	2nd 2007 (1997*)	2012*	No (2012*)	No (2011*)	2009/2014
India	3rd & 4th 2011 (2008*)	n.a.	2011 (2007*)	2011 (2007*)	2012/2017+
Maldives	4th & 5th 2012 (2011)	n.a.	2007 (2007)	2007 (2007)	2010/2015
Nepal	3rd, 4th & 5th 2012 (2010*)	n.a.	2012 (2009*)	2009 (2008)	2010/2015
Pakistan	3rd & 4th 2008 (2007)	2012	Not ratified	No (2013)	2012/2017+
Sri Lanka	3rd and 4th 2008 (2003*)	2015	2008 (2004*)	No (2008*)	2012/2017+

\* = overdue by more than one year, + = estimated, n.a. = information not yet available, OPAC = Optional Protocol on the Involvement of Children in Armed Conflict, OPSC = Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography, UPR = Universal Periodic Review

As for the reporting process, the Committee (2009) has welcomed Bangladesh's efforts to implement the recommendations made in previous Concluding Observations, and the country's combined third and fourth periodic report under the CRC was submitted on time in 2007.

### BHUTAN

In August 1990, Bhutan became the first country in the region to ratify the CRC. It was also the first South Asian country to ratify the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in August 1981. That said, Bhutan has yet to ratify a number of key international human rights treaties, including the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR). Moreover, Bhutan is not a member of the International Labour Organisation (ILO) and has, therefore, not ratified the key ILO Conventions 138 and 182 on minimum age in employment and the worst forms of child labour. The Committee on the Rights of the Child (2008) and the Committee on the Elimination of Discrimination against Women (2009) have urged Bhutan to accede to all core human rights instruments and consider ILO membership (the Committee in 2008). Similar recommendations were accepted by

Bhutan during the country's late-2009 Universal Periodic Review.

### INDIA

Having ratified about two-thirds of the international instruments recommended in this study, India is also the only country in the region to ratify the 2000 Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organised Crime. It is also one of only two countries in South Asia to ratify the 1993 Hague Convention on the Protection of Children and Cooperation in respect of Intercountry Adoption. Yet India (as well as Bhutan) has not yet ratified the 1984 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) – despite the fact that the country, which signed CAT in 1997, accepted the recommendation to do so during the country's 2012 Universal Periodic Review. India also continues to have a restrictive declaration to the CRC in effect, according to which the country undertakes to implement Article 32 on child labour progressively and in accordance with its national legislation. At the same time, the country's Child Labour Act, which is currently under revision, is seen as more progressive than international treaties on child labour such as ILO Convention No. 182.

In 2011, an inclusive committee with representatives from NGOs, academic institutions and international agencies prepared India's combined third and fourth periodic report under the CRC, and reports under its first two Optional Protocols. Over the years, the consultative process has been refined to include reporting inputs from the state governments in addition to the central government ministries, regional consultations and consultations with children. NGOs have also submitted their own alternative reports.

### **MALDIVES**

Maldives has demonstrated its commitment to children's rights by being the first South Asian country to sign the Third Optional Protocol to the CRC on a Communications Procedure in February 2012. However, the country still holds reservations to Articles 14(1) and 21 of the Convention (on freedom of religion and adoption), which has drawn criticism from the Committee, among others. It should be noted that during its late-2010 Universal Periodic Review (UPR), Maldives said it was actively reviewing these reservations in light of the changes brought about by the new Constitution. The country has ratified about two-thirds of the 20 treaties and conventions recommended in this study.

### **NEPAL**

Nepal has ratified 70 per cent of the 20 international instruments recommended in this study, which is among the best results in the region. As for reporting, the Committee on the Rights of the Child (2005) commended Nepal's latest periodic CRC report (considered by the Committee) for being frank, informative and in compliance with the guidelines.

### **PAKISTAN**

Pakistan has ratified two-thirds of the 20 treaties and conventions recommended in this study. The country is also among the five countries in South Asia having ratified both ILO convention No. 138 on Minimum Age for Admission to Employment and No. 182 on Worst Forms of Child Labour. However, the country is yet to ratify the Optional Protocol to the CRC on Children in Armed Conflict.

In relation to reporting under the CRC, the Committee on the Rights of the Child (2009) praised Pakistan's latest report under the Convention (2008) for being timely. In addition, the reporting process played some role in Pakistan's withdrawal of its previous reservations to the CRC, in 1997.

### **SRI LANKA**

Sri Lanka stands out by having ratified and signed more of the 20 treaties and conventions recommended in this study than any other country in South Asia (75 per cent ratification and two of the remaining five treaties signed). The country has also ratified almost all of the key child-related ILO and Hague Conventions.

In relation to reporting, although Sri Lanka's combined third and fourth report was submitted on time in 2008, the country's initial report under the Optional Protocol to the CRC on the Sale of Children is currently long overdue. Nevertheless, Sri Lanka's efforts to implement the 2003 Concluding Observations on the country's second periodic CRC report have been welcomed by the Committee on the Rights of the Child (late 2010). The reporting process also played a role in the establishment of Sri Lanka's National Child Protection Authority in the late 1990s.



**Indicator table: General Measures of Implementation No. 1: Ratification of international standards and CRC reporting<sup>1</sup>**

	Afghanistan	Bangladesh	Bhutan	India	Maldives	Nepal	Pakistan	Sri Lanka
1	Y	Y	Y	Y	Y	Y	Y	Y
2	Y	Y	Y	Y	Y	Y	P	Y
3	Y	Y	Y	Y	Y	Y	Y	Y
4	N	N	N	N	P	N	N	N
5	Y	Y	Y	Y	Y	Y	Y	Y
6	Y	Y	Y	Y	Y	Y	Y	Y
7	Y	Y	N	Y	Y	Y	Y	Y
8	Y	Y	N	Y	Y	Y	Y	Y
9	Y	Y	Y	Y	Y	Y	Y	Y
10	Y	Y	N	P	Y	Y	Y	Y
11	Y	Y	P	Y	Y	Y	Y	Y
12	Y	Y	P	Y	Y	Y	Y	P
13	Y	Y	N	Y	N	Y	Y	Y
14	N	N	N	Y	N	N	N	P
15	Y	N	N	N	N	N	N	N
16	Y	N	N	N	Y	Y	Y	Y
17	Y	Y	N	N	Y	Y	Y	Y
18	N	N	N	N	N	N	N	Y
19	N	N	N	Y	N	P	N	Y
20	N	N	N	N	N	N	N	N
21	Y	N	Y	N	N	Y	Y	Y
22	Y	Y	Y	Y	Y	Y	N	Y
23	N	Y	N	N	Y	N	Y	N
24	NA <sup>3</sup>	Y	N	N	N	N	N	Y
25	Y	Y	Y	Y	N	Y	Y	Y

Y= yes, N=no, P= partial result (signed treaty); NA = not applicable

1 The Committee on the Rights of the Child's General Comment No. 5 primary source of indicators.

2 As outlined in the Committee's treaty-specific guidelines. Latest CRC report refers to the latest report on which the Committee has published its Concluding Observations (COs).

3 Notable means that efforts to implement the COs on the State Party's second-latest periodic CRC report have been welcomed/noted with appreciation by the Committee in its latest COs.

## General Measure 2: Legal reform

Ratification of the Convention on the Rights of the Child entails a duty to translate the obligations enshrined in the Convention into domestic law. Legislation is fundamental to the realisation of rights, laying a mandatory and sustainable foundation not easily swayed by the priorities of changing governments. Moreover, because they are binding and have a direct effect on policy and actors' behaviours, child-related laws impact significantly on children's enjoyment of their rights. The CRC will automatically become part of the legal system upon ratification in some countries, whereas in others, new, amended and repealed laws are required to incorporate the Convention into domestic legislation – which is the case in most of South Asia. Even where the CRC becomes law upon ratification, there is still a need to review legal instruments through the lens of children's rights in order to ensure full compliance.

According to the Committee on the Rights of the Child, making sure that domestic legislation and administrative guidance complies with the Convention is a key aspect of implementation. In line with the interdependence and interrelatedness of all children's rights, the Committee calls for an approach that is holistic, multi-sectorial, and involves all parts of society and government. Given their cross-cutting nature, the four general principles of the CRC – non-discrimination, the best interests of the child, the right to life and

the right to be heard – should in particular be reflected in legal texts.

The Committee also highlights the importance of including specific child rights provisions in Constitutions as the foundational standards for nations. In addition, It welcomes consolidated children's right legislation such as codes and statutes, alongside relevant sectorial laws.

The process of legal reform for children is well underway in South Asia and many new and amended laws have been enacted, including child-related constitutional provisions. However, implementation of laws still remains a concern in the region. The Workplan of the South Asian Initiative to End Violence Against Children (SAIEVAC), a SAARC Apex body, recommends all South Asian countries to bring national laws, bylaws, policies, regulations, plans and programmes in line with the CRC.

### Key findings: achievements and challenges

During the last decade or two, large numbers of new and amended laws related to children have been enacted in the region to better comply with the CRC. For example, laws on juvenile justice and child protection are rather common in South Asia –although not always adopting a rights-based approach or updated to reflect all relevant provisions of the Convention.

General Measure 2: Key findings, achievements and challenges

Significant results	Notable results	Some results	Little or no results
Bangladesh	Afghanistan Bhutan India Maldives Nepal Pakistan Sri Lanka	-	-

The results are based on average scores. For more details, see the indicator list at the end of this section and the Appendix.

It is also significant that all South Asian governments have included explicit child-related articles in their National Constitutions. That consideration, however, needs to be balanced with the fact that these provisions often focus on specific aspects rather than integrating a comprehensive child rights approach building on the CRC principles. For example, provisions on some degree of free education can be found in all Constitutions.

Another achievement is that most countries are in the process of adopting comprehensive Children's Acts reflecting the principles and provisions of the CRC. It should also be noted that some countries – Nepal, Bangladesh and Maldives, for example – already have Children's Acts, though the Committee has repeatedly called for their amendment or replacement to better reflect the Convention in its entirety.

As a result of legal reform in the region, the Committee has only to a limited extent criticised the compliance of domestic legislation in the region with the four general principles of the Convention. In a few countries, such as Bhutan and India, legal action has also been taken in the period after the Committee's observations. Despite this, the fact that the Committee nearly always expresses concern about implementation and enforcement of the general principles in the region shows that new laws are not always implemented the way it was envisaged.

### AFGHANISTAN

In Afghanistan, legal reform in the domain of children's rights has included the 2005 Juvenile Code, the 2008 Education Law and the 2009 Law on Juvenile Rehabilitation Centres. In addition, a comprehensive Child Act is currently being developed. The first stage of the development process, a legal review, has been finalised and the government is currently in a process of consultation with relevant stakeholders, including NGOs and international agencies. The Committee on the Rights of the Child (2011) has recommended that the Child Act should supersede all legislation that is not in compliance with the Convention.

Like in the rest of South Asia, the Constitution of Afghanistan includes explicit child-related provisions. Notably, these provisions prohibit the forced labour of children and provide for free education up to the secondary school level.

The Committee believes that the application of more than one source of law in Afghanistan – codified, customary and sharia – has had a negative impact on children's rights. Partly as a result of this, a number of laws are in need of amendment for domestic legislation to be in line with the four general principles of the CRC – in particular the 2009 Shia Personal Status Law, the 2007 Law on Public Amnesty and National Stability, and the Civil and Criminal Codes. The need to amend or supersede these laws has been raised during the new Child Act development process, as well as during Afghanistan's latest Universal Periodic Review (2009) where review of the Shia Personal Status Law was among the country's accepted recommendations.

### BANGLADESH

In Bangladesh, the government has enacted and amended several specific laws in order to better comply with the CRC, including the 2000 Prevention of Repression against Women and Children Act (amended in 2003), the 2006 Bangladesh Labour Law and the 2011 Vagrancy Act. In addition, in 2010, the work of a sub-committee within the Ministry of Social Welfare (including children's agencies) led to the drafting of a new comprehensive Child Act designed within the CRC framework. The proposed Act would in particular strengthen the status of children before the law, addressing the issue of the minimum age for criminal responsibility and including children up to the age of 18. The draft Child Act has been approved by the Cabinet and was adopted by the Parliament on 16 June 2013. It requires the President's approval to come into force.

Two articles of the Constitution of Bangladesh are explicitly related to children, covering, for example, positive discrimination for women and children as well as free and compulsory education for all to such a stage as to be determined by law.

Despite the country's notable efforts at child-related law reform, the Committee on the Rights of the Child (mid-2009) has called on Bangladesh to ensure that domestic legislation better reflect the general principle of the best interest of the child. Since then, at least one child-related law that clearly defines this principle has been enacted, namely the 2012 Human Trafficking Deterrence and Suppression Act.

### **BHUTAN**

Bhutan has taken several legislative measures to comply with the CRC, including child-related provisions in the Penal and Civil and Criminal Procedure Codes. In addition, the Constitution of Bhutan includes four articles directly related to children, notably on providing free education to all children of school-going age up to the tenth standard and measures by the state to protect children from discrimination and abuse. In relation to Child Acts, it should be noted that the Child Care and Protection Act, extensively covering the issues of children's care and protection, was adopted in 2011. Yet there is no comprehensive Children's Act in Bhutan covering all aspects of the CRC, as recommended by the Committee on the Rights of the Child (2008) – and there are no ongoing processes to adopt one.

As for the legal system as a whole, the Committee has observed that domestic laws are in contravention of one of the four general principles of the CRC: non-discrimination. Since then, the above-mentioned Child Care and Protection Act has broadened the legislative basis for combating discrimination against children, and the same year (2011) the Penal Code was further amended to address a discriminatory provision against male children in relation to sexual offences.

### **INDIA**

Child-related law reform in India has been extensive, including, notably, the 2000 Juvenile Justice (Care and Protection of Children) Act (and subsequent amendments), the 2006 Prohibition of Child Marriage Act, the 2009 Right of Children to Free and Compulsory Education Act and, recently, the 2012 Protection of Children from Sexual Offences Act.

Recognising the need for specific provisions for children, the Constitution of India has also included children's-rights-related provisions on, for example, prohibiting exploitative employment of children under the age of 14 and providing free and compulsory education to all children of the age of 6 to fourteen years.

According to the Committee on the Rights of the Child (2004), domestic laws are in contravention of one of the four general principles of the Convention. As such, when it comes to child participation, the fourth general principle of the CRC, the Committee has noted with regret that there are virtually no legal provisions guaranteeing children's participation in civil proceedings affecting their rights and wellbeing. Since then, the 2007 Rules under the Juvenile Justice Act recommend that children's opinions should be sought at every stage in the justice process. In addition, the Ministry of Women and Child Development has indicated its willingness to promote children's voices, especially in the legal and administrative processes, although implementation on this count has remained a challenge. It should also be noted that under existing family law (such as the 1890 Guardians and Wards Act and the 1956 Hindu Adoption and Maintenance Act) taking children's opinion into consideration forms an integral part of cases pertaining to children's custody. Moreover, the Prohibition of Child Marriage Act also makes marriage voidable at the option of either of the parties to the marriage, thereby giving children an opportunity to get their marriage annulled.

### **MALDIVES**

Maldives' efforts at legal reform to better incorporate the CRC are notable and include the 1991 Law on the Protection of the Rights of Children, the 2001 Family Law and the 2012 Domestic Violence Act. Since 2008, the government is in the process of developing a comprehensive Child Act by amending the Law on the Protection of the Rights of the Child. The process benefits from the support of international agencies and the new law is scheduled for adoption in 2013. Moreover, the Constitution of Maldives includes a few specific child-related provisions related to, for

example, special protections for children in the event of a marital breakdown of the parents and the protection of children and young people from harm, sexual abuse, discrimination and social and economic exploitation.

According to the Committee on the Rights of the Child (2007), domestic legislation in Maldives is in contravention of the discrimination (against children born out of wedlock with regard to, in particular, access to information on their biological father, the right to a father's family name and the right to inheritance from the paternal side) and best interests of the child principles. Legal reform to address the issues raised by the Committee is yet to be undertaken. However, the new Child Act, which is currently under development, is likely to have a positive impact and address some of these concerns once enacted.

### NEPAL

Legal reform in Nepal has resulted in a number of new and amended laws, including the 1992 Children's Act, the 2000 Child Labour (Prohibition and Regulation) Act, the 2002 Bonded Labour (Prohibition) Act and the 2009 Domestic Violence (Crime and Punishment) Act. Moreover, the government is in the final stages of adopting a new, comprehensive law to replace the 1992 Children's Act. A draft Act Concerning Children was endorsed by the Cabinet in 2012 but was never tabled in the Parliament due to the dissolution of the Constituent Assembly. The government is planning to re-open the discussion on the current draft in order to further strengthen it. The government has accepted a 2010 Universal Periodic Review recommendation to expedite the endorsement of the draft Child Act.

The interim Constitution of Nepal includes a few articles directly addressing children's rights – these include the prohibition of hazardous employment of children below the age of fourteen and protection of children and youth against exploitation and moral and material abandonment.

According to the Committee on the Rights of the Child (2005), one general principle of the

CRC (the one related to child participation, for example in custody disputes and other legal procedures affecting children) is yet to be sufficiently reflected in domestic law, according to the Committee (2005). No efforts at legal reform to address this shortcoming have been documented. Still, during the country's 2010/11 Universal Periodic Review, Nepal accepted the recommendation to enact a Juvenile Justice Law compliant with international standards, to consolidate the legal framework surrounding the protection of the rights of children and to ensure the proper functioning of a juvenile justice system in the country.<sup>1</sup>

### PAKISTAN

In Pakistan, new laws such as the 2000 Juvenile Justice Systems Ordinance, the 2011 Employment of Children (Amendment) Act and the 2013 Prohibition of Corporal Punishment Act have all improved domestic legislation's compliance with the CRC. There are also a number of important child-related bills pending – although some have been pending for long periods of time. Notably, in 2009, the government took an important step towards a comprehensive Child Act by drafting the Charter of Child Rights Bill. The aim is to incorporate all principles and provisions of the CRC into domestic legislation. However, the Bill has stalled since the endorsement by the National Assembly Committee in 2010, awaiting approval of the assembly and the senate. Nevertheless, Pakistan accepted the recommendation to expedite the adoption of the Charter of Child Rights Bill during the country's 2012/13 Universal Periodic Review.

Several provisions in the Constitution explicitly focus on children, including by establishing free and compulsory education for all children (5–16 years) and prohibiting hazardous employment for children below the age of 14. In addition, after the 18th constitutional amendment (2010), the Right to Education has been established as a fundamental right which cannot be suspended.

<sup>1</sup> It should be noted that the Juvenile Justice (Procedure) Regulations, based on the 1992 Children's Act, were adopted in 2006, although these do not address the above concerns raised by the Committee.



The Committee on the Rights of the Child (late 2009) has expressed concern about the limited compliance of domestic legislation with two of the four general principles of the CRC – non-discrimination and the best interests of the child. Since 2009, a positive development has been the enactment of a number of laws that include references to the best interests of the child in the areas of, for example, child protection and juvenile justice. At the same time, it should be noted that a bill seeking to amend the Juvenile Justice Systems Ordinance would enable anti-terrorism courts to try cases of children without the protection and care as normally provided, potentially jeopardising the best interests of the child.

### **SRI LANKA**

Legal reform in Sri Lanka has included the 2006 amendment to the Penal Code on penalising the engagement or recruitment of children in armed conflicts, and the enactment of the 1998 National Child Protection Authority Act, the 2003 Employment of Women, Young Persons and Children (Amendment) Act, the 2005 Prevention of Domestic Violence Act and the 2007 International Covenant on Civil and Political Rights Act. However, a comprehensive Child Act has not been adopted in Sri Lanka – and there seem to be no plans to do so.

The Constitution of Sri Lanka includes child-specific sections such as allowing for special provisions for children and directing child-related petitions (habeas corpus) to courts set up to address the needs of children. In 2012, emergency law that had been in place for over 30 years was lifted; during the emergency the fundamental rights provisions in the Constitution were either derogated or not effectively utilised by the general public.

While welcoming steps taken to reform domestic laws in general, in the view of the Committee on the Rights of the Child (late 2010), the enjoyment of child rights is negatively affected by the application of three different sources of personal laws in Sri Lanka: in addition to the national laws, there are three personal laws, some of which are not consistent with the provisions of the CRC. These are: The Kandyan Law, Muslim law and The Thesavalamai Law. Some personal laws still allow girls to be married at a very early age (12 years). The Committee also found that the general principle of child participation needed better representation in domestic legislation. There has been no documented law reform since then to address this shortcoming.

Indicator table: General Measures of Implementation No. 2: Legal reform<sup>1</sup>

	Afghanistan	Bangladesh	Bhutan	India	Maldives	Nepal	Pakistan	Sri Lanka
1	P	P	N	N	P	P	P	N
2	Y	Y	Y	Y	Y	Y	Y	Y
3	N	Y	Y	Y	P	P	P	P

1 Existence of a comprehensive Children's Act?<sup>2</sup> – [yes/no/partial (under development)]

2 Constitution includes articles/provisions addressing the rights of the child? – [yes/no]

3 National legislation is not in violation (contravention) of the four General Principles of the CRC<sup>3</sup> – [yes (not in violation)/no (in violation)/partial (in violation of some of the General Principles)]

YY = yes, N = no, P = partial result (where the indicator contains a third option in addition to yes/no)

1 Committee on the Rights of the Child's General Comment No. 5 primary source of indicators.

2 In the opinion of the Committee.

3 The four general principles are Non-discrimination, Best interests of the child, Right to life and Right to be heard (arts. 2, 4, 6 and 12 of the CRC). Results are based on the number of General Principles with which national legislation lacks compliance as per the Committee's latest Concluding Observations. In some cases, national legislation has been the subject of new, amended or repealed laws after the publication of the latest Concluding Observations. Positive changes in this respect have occasionally been considered as a change in compliance with the General Principles, the details of which are outlined in the corresponding country paragraph.

## General Measure 3: Justiciability of rights

As the Committee on the Rights of the Child asserts in General Comment No. 5, for children’s rights to have a meaning, effective remedies must be available to redress violations. The justiciability principle is the critical link between the rights enshrined in the Convention and the ability to invoke them in legal and other proceedings when they are breached. The CRC will automatically become part of the legal system upon ratification in some countries – called monist countries – and can thus be directly invoked in domestic courts. These typically feature a legal system inspired by the roman legal tradition. In others – called dualist countries – new, amended and repealed laws are required to incorporate the Convention into domestic legislation. These usually belong to the common law tradition, as is the case in most of South Asia.

The scope of justiciability extends beyond the strict substance of a case – and even beyond the court system. In General Comment No. 5, the Committee takes a comprehensive approach to justiciability, which includes the various elements needed to ensure that children have access to an effective remedy for rights violations. These range from child-sensitive procedures to child-friendly advice, legal assistance and appropriate reparation – which should also be available to children in conflict with the law, many of whom are also victims, as recognised in General Comment No. 10 on Children’s rights in juvenile justice. Proceedings may involve the courts (separate courts for children are recommended), as well as

independent complaints procedures. The UN Common Approach to Justice for Children has further elaborated on all these dimensions from the point of view of all children that come in contact with the law. A recent development, the Third Optional Protocol to the CRC adopted in 2011, opens up an international venue of redress for rights violations after exhaustion of domestic remedies. However, for children to benefit from the remedy it offers, countries need to accept it through ratification.

Some South Asian countries recognise the direct applicability of the provisions of the CRC in national courts, although most do not. Most have established juvenile courts for children in conflict with the law, which in a few cases also cater to child victims, and one (India) has special courts for child victims. Most countries have also enacted laws meant to ensure legal aid to children and appropriate reparation and redress for child victims. At the same time, a number of concerns remain about the effectiveness of laws and child-friendliness of court proceedings. Beyond the court system, laws in a few countries require the establishment of complaints mechanisms in care or justice institutions but few are operational in practice.

In the region, the Workplan of the South Asian Initiative to End Violence Against Children (SAIEVAC) compels countries to enforce legislation on violence against children and provide recovery and reintegration to child victims – requirements also found

General Measure 3: Key findings, achievements and challenges

Significant results	Notable results	Some results	Little or no results
India	Bangladesh Nepal Sri Lanka	Afghanistan Bhutan Maldives Pakistan	-

The results are based on average scores. For more details, see the indicator list at the end of this section and the Appendix.

in the South Asian Association for Regional Cooperation (SAARC) Convention on Trafficking. Regional SAIEVAC consultations on violence against children have also promoted the justiciability of children's rights through legal awareness and the establishment of complaints mechanisms.

### **Key findings: achievements and challenges**

In most countries in South Asia, the provisions of the CRC cannot be invoked directly in national courts and form the basis of legal decisions unless they are first incorporated into domestic legislation. Bhutan, India and Nepal are the exceptions in the region. In India and Nepal, significant legal decisions based in whole or in part on the Convention have also been adopted.

Juvenile courts, benches or boards catering to children in conflict with the law have been established in the vast majority of countries. In the two countries where no such mechanisms have been established (Bhutan and Pakistan), there is, nevertheless, relevant legislative provisions to this effect. In the case of India, special children's courts catering to child victims have also been set up – and in Bangladesh and Sri Lanka existing juvenile courts have some jurisdiction over child victims. In spite of this, the development of a child-sensitive court system has lagged behind somewhat in the region, as those courts that have been established generally remain few in number. In addition to accepting human-rights-related complaints from children, independent human rights institutions in India, Maldives and Sri Lanka also have the power to take cases to court on behalf of children – although few such cases are documented.

In addition, legal aid can be crucial in children's court cases. A majority of countries have laws meant to assure this service to all needy persons (which may include children) or, such as in India and Pakistan, explicitly to children. Whether or not legal aid is guaranteed by law, most if not all countries are thus far providing legal aid to children to some

extent, although full coverage has been a challenge. It should also be noted that a few countries, including Afghanistan and Bhutan, have taken steps towards the systematic legal empowerment for children.

Outside the courtroom, laws in Afghanistan and India – but not in the other countries – require the establishment of complaints mechanisms in care or justice institutions, although few such mechanisms are in operation. It should be noted that in a few countries, such as Nepal, there are non-legally binding guidelines recommending the establishment of such complaints mechanisms. Finally, in relation to caring for the victims of rights violations, most South Asian countries have put into place national legislation assuring appropriate reparation for child victims of different kinds of rights violations.

### **AFGHANISTAN**

In Afghanistan, at least five separate juvenile courts have been established (in Mazar, Herat, Kunduz, Kabul and Jalalabad), catering mainly to child offenders. Although the provisions of the Juvenile Code cover a range of child protection issues, including children in care, child victims are not able to directly bring cases to the juvenile courts. There are also no other special courts catering to child victims in Afghanistan.

According to the 2009 Law on Rehabilitation and Correction Centres for Juveniles, children who are suspect, accused, or sentenced to detention have the right to submit their complaints orally or in writing to the authorities of rehabilitation and correction centres, the general director of rehabilitation and correction centres for juveniles, the Attorney's Office, the Minister of Justice, the National Council and the Afghanistan Independent Human Rights Institution. In at least some correction centres, children have been able to submit complaints with the help of social workers.

The Law on Counter Abduction and Trafficking of Humans contains provisions on supporting the reparation of child victims, including with sustenance, medical service, damage compensation and repatriating foreign

victims. In order to implement this law, the Commission on Combating and Trafficking of Humans, headed by the Ministry of Justice, is working with law enforcement agencies, other concerned ministries and civil society organisations.

It should also be noted that legal empowerment in Afghanistan has been reinforced by the 2011 National Strategy on Legal Awareness, which includes provisions on children and is currently being implemented in a number of provinces.

## BANGLADESH

Although the provisions of the CRC cannot be invoked in national courts, the Convention has been cited in and has partly influenced court decisions a number of times in Bangladeshi case law (e.g. in child custody cases).

There are currently three specialised juvenile courts in Bangladesh and a number of juvenile benches.<sup>1</sup> The 1974 Children's Act holds that juvenile courts in Bangladesh shall cater to child victims as well as child offenders, although cases can only be brought for certain special offences committed against children outlined in the Act. In other cases, child victims may only be referred to juvenile courts for their care and protection. The child-friendliness of these courts has been found to have a number of shortcomings.<sup>2</sup> In relation to legal aid, the 2000 Legal Aid Services Act extends free legal aid to needy persons, which may include children. The National Legal Aid Services Organisation, which was established by this Act, has provided some amount of legal aid to child victims through its district committees.<sup>3</sup> However, NGOs such as the Bangladesh National Woman Lawyers' Association and the Bangladesh Legal Aid and Services Trust provide much of the legal aid to children in Bangladesh.

1 According to UNICEF's submission to Bangladesh's 2013 Universal Periodic Review (UPR), a juvenile court/ bench has been established in all districts.

2 UNICEF Bangladesh (2010), *Towards a Justice Delivery System for Children in Bangladesh: A Guide and Case Law on Children in Conflict with the Law*, p. 168.

3 According to Bangladesh's 2013 National Report under the UPR, during 2009–12, 46,737 people, including 234 children, who sought national legal aid, received legal aid under the aegis of NLASO.

There are legal provisions in Bangladesh providing for the appropriate redress of child victims. For example, in the Children's Act, destitute and neglected children may be sent to a certified institute or approved home, and the 2010 Domestic Violence Act covers shelter homes, medical aid, compensation, etc. for child or women victims who are or have been, or are at risk of being, subjected to domestic violence by any other member of the family with whom a family relationship exists.

## BHUTAN

Since the CRC became law upon ratification in Bhutan, the Convention may be invoked in domestic courts – although no such cases have been documented. As for juvenile courts, the 2011 Child Care and Protection Act provides for the establishment of Child Justice Courts or Benches. However, these courts and benches are yet to be established and there are no explicit legal provisions requiring them to also allow child victims to bring cases.<sup>4</sup> The National Commission for Women and Children (NCWC), Bhutan's key children's rights implementation body, is currently working to establish a Child Justice Bench in the capital, Thimphu.

In the meantime, judges have been trained in child-friendly procedures through, for example, capacity building by the National Commission and, more recently, the Bhutan National Legal Institute. Both the Constitution and the Civil and Criminal Procedure Code also provide for legal aid to needy persons, which may include children. Yet there is no functional mechanism in place to ensure the provision of this service. Child victims can, however, access support from the NCWC legal officer. With respect to legal empowerment, the Bhutan National Legal Institute has initiated a programme to set up 24 law clubs in 24 schools around the country in order to educate children on existing national laws.

## INDIA

In the region, India has done the most to promote the justiciability of children's rights. As such, the provisions of the CRC can be

4 Even so, the government has indicated that these courts and benches will cater to child victims in the future.



invoked before the courts and decisions based in whole or in part on the Convention have been adopted by the Supreme Court.<sup>5</sup> In relation to special courts for children, the 2000 Juvenile Justice (Care and Protection of Children) Act (and its 2006 amendment) calls for the establishment of Juvenile Justice Boards for children in conflict with the law, and the 2005 Commissions for Protection of Child Rights Act provides for fast-track children's courts with jurisdiction over offences against children, including violations of child rights. However, it should be noted that the latter Act does not specify the role of the Children's Courts in relation to Child Welfare Committees, Juvenile Justice Boards and Commissions for Protection of Child Rights, which may cause confusion among litigants, courts and advocates.<sup>6</sup> According to India's latest CRC report (2011), Juvenile Justice Boards have been established in several districts of most of the states and territories of India. Children's Courts have thus far been announced in Delhi (11 courts), Karnataka, Mumbai, Tripura, Goa and Kerala – and at least one, in Goa, is functional. In addition, the country's independent National Commission for Protection of Child Rights has the authority to take cases to court on behalf of children.

The Legal Services Authorities Act (1987, 1994), as well as the 2009 Prevention of Offences against the Child Bill, provide for legal aid to children. A Legal Aid Cell on Child Rights has also been established in Delhi. According to the government, from 1 April to 30 September 2011, 1,600 children benefited from legal aid services in the country.<sup>7</sup> A legal awareness programme at national and local levels also operates through the National Legal Services Authority.

5 A list of recent court judgments related to the best interests of children can be found in India's latest report under the CRC: Government of India (2011), India: Third and Fourth Combined Periodic Report on the Convention on the Rights of the Child, p. 297.

6 India University, Law Commission of India, UNICEF (2012), Judicial Colloquium on Children's Court (report), p. 3.

7 Ministry of Law & Justice (2012), National Legal Services Authority : Performance – Cum – Achievements, <http://pib.nic.in/newsite/erelease.aspx?relid=80370>, viewed on 29/3/2013. In view of the large child population in India, 1,600 children is equal to 0.35 children per 100,000 children in the country receiving legal aid during the period in question.

The 2007 Rules under the Juvenile Justice Act, as well as all such Rules at the state level (which may be modified from the central Rules), call for complaints mechanisms in care and justice institutions. Moreover, the Rules also provide for constitution of children's committees in every institution and representation of children on home management committees.

## MALDIVES

Although the provisions of the CRC cannot be directly invoked before the courts and applied by national authorities in Maldives, the Constitution requires courts to at least consider international treaties to which Maldives is a party, including the CRC. Even so, domestic laws always take precedence because of Maldives dualist approach to international law. In relation to special courts for children, there is one juvenile court in the capital, Malé, catering to children in conflict with the law, although there are no special courts catering to child victims. Nevertheless, efforts to empower all children to claim their rights by legal means have included initiatives by the juvenile court, the Attorney General's office and the Ministry responsible for children's welfare. The Human Rights Commission of Maldives can also file civil cases in court on behalf of children, by virtue of being an independent legal entity having the capacity to sue and be sued in its own name.

Beyond the court system, the non-legally binding Minimum Standards for Children's Homes mentions children's right to make complaints. However, there are no legal provisions outlining the right of the child to submit complaints in care or justice institutions, although it should be noted that the non-legally binding Minimum Standards for Children's Homes do cover this issue for these types of care institutions.

Laws in Maldives provide for some aspects of reparation for child victims. Notably, the 2012 Domestic Violence Act, which applies to children as part of domestic relationships, mentions compensation and programmes for victims to assist in psychological recovery.

**NEPAL**

In Nepal, the principles and provisions of the CRC can be invoked in national courts, and the Supreme Court has ruled on at least three major cases on the basis of the Convention. According to the 1992 Children's Act, juvenile courts catering to children in conflict with the law are also supposed to be established. Thus far, juvenile benches are in operation in most districts – although there are no juvenile courts, nor special courts for child victims, in existence. As for legal aid to children, the Village and District Child Protection Committees and Paralegal Committees are known to have occasionally offered these services to children, as have the Women and Children Service Centres in district police offices. However, there are no laws explicitly requiring the provision of legal aid to children.

As for complaints in care and justice institutions, the non-legally-binding Standards for Operation and Management of Residential Child Care Homes from 2012 require complaints mechanisms to be established by the government. Even so, this requirement is has not been elaborated in any laws.

The 2009 Domestic Violence (Crime and Punishment) Act and the 2007 Human Trafficking and Transportation (Control) Act, for example, contain legal provisions on appropriate redress for child victims of rights violations. However, the Committee (2012) has voiced concern that legislation does not establish any right for child victims to receive free-of-cost treatment and care, and that reparation is only available for victims of trafficking.

**PAKISTAN**

The 2000 Juvenile Justice System Ordinance empowers provincial governments to establish one or more juvenile courts in local areas, in consultation with High Courts.<sup>8</sup> The jurisdiction of these juvenile courts, which are yet to be established, extends to child offenders.

<sup>8</sup> It should be noted that, in 2012, the federal government introduced a Juvenile Justice System (Amendment) Bill. The draft bill proposes the empowerment of Anti-Terrorism Courts to work as Juvenile Courts for children charged under the Anti-Terrorism Act. There are fears that the trial of children/ juveniles by Anti-Terrorism Courts will be against the best interest of children.

There are as yet no special courts catering to child victims. That said, the provincial Khyber Pakhtunkhwa Child Protection and Welfare Act provides for child protection courts for child victims in that province. Under the Juvenile Justice System Ordinance, free legal aid is also meant to be ensured for every child, those in conflict with the law and victims alike. Panels of lawyers have been set up in several districts to this end, although the Committee on the Rights of the Child and the Universal Periodic Review process have criticised the limited implementation of the ordinance and the panels' lack of funds.

As for complaints in care and justice institutions, some – although not all – provincial laws require complaints mechanisms. However, no relevant national laws contain this requirement.

Reparation for child victims is covered by the 2009 Domestic Violence Act, including monetary relief, counselling, medical treatment, and relocation to safe houses for victims of domestic violence, including children. Various provincial laws also include these issues. For the purposes of reparation for, among others, child victims of violence, the government has established Drop-in Centres, Child Protection Centres and Education and Counselling Centres. Activities include non-formal education, psycho-social support, counselling, legal aid, personal hygiene and education.

**SRI LANKA**

There is one functioning juvenile court in Sri Lanka (in Colombo), established in accordance with the 1939 Children's and Young Persons Ordinance. The court caters to child victims as well as offenders. The Human Rights Commission of Sri Lanka, by virtue of being a body corporate, can also act as the plaintiff and file proceedings in any civil court on behalf of children.

When it comes to legal aid, the 2007 International Covenant on Civil and Political Rights Act provides for every child to have legal assistance provided free of charge in criminal proceedings affecting the child. There is also a Legal Aid Commission, which has grown to

about 58 centres nationwide. These provide legal assistance to vulnerable groups and has a dedicated Child Rights Legal Aid Desk. Nevertheless, legal aid services still have some way to go to offer full coverage, a view that has been shared by the Committee on the Rights of the Child (2010).

There are no legal provisions enabling children to submit complaints in care or justice institutions in Sri Lanka. Nevertheless, it should be noted that the National Child Protection Authority has a legal mandate to accept complaints related to child abuse.

In relation to providing reparation for child victims of rights violations, the 2005 Convention on Preventing and Combating Trafficking in Women and Children for Prostitution Act, the 1998 National Child Protection Authority Act and the 2005 Prevention of Domestic Violence Act No. 34, for example, include relevant provisions on compensation, recovery and reintegration. However, the Committee (late 2010) has expressed concern at the lack of shelters and trained professionals to meet the needs of children victims of sexual abuse and exploitation, as well as resources to support physical and psychological recovery for all children.

Indicator table: General Measures of Implementation No. 3: Justiciability of rights<sup>1</sup>

	Afghanistan	Bangladesh	Bhutan	India	Maldives	Nepal	Pakistan	Sri Lanka
1	The CRC incorporated into domestic law <sup>2</sup> – [yes/no]	N	Y	Y	N	Y	N	N
2	Significant court decisions based on the CRC adopted – [yes/no]	Y	N	Y	N	Y	N	N
3	Existence of one or more juvenile courts/benches <sup>3</sup> – [yes/no/partial (existence of legal provisions but courts/benches not yet established)]	Y	P	Y	Y	Y	P	Y
4	Existence of one or more special courts catering to child victims – [yes/no/partial (existing juvenile courts or benches may accept the cases of child victims)]	N	N	Y	N	N	N	P
5	The powers of the country's independent human rights institution include taking cases concerning children's rights to court in the name of the institution – [yes/no]	N	N	NA <sup>4</sup>	Y	N	N	Y
6	Existence of legal provisions providing for legal aid to children? – [yes/no/partial (general requirement to provide legal aid to all persons in need)]	N	P	P	Y	N	Y	Y
7	Existence of legal provisions for children to submit complaints in care or justice institutions – [yes/no]	Y	N	N	Y	N	N	N
8	Existence of legal provisions for assuring appropriate redress (compensation, physical/psychological recovery or rehabilitation/reintegration into society) for child victims – [yes/no]	Y	Y	N	Y	Y	Y	Y

Y = yes, N = no, P = partial result (where the indicator contains a third option in addition to yes/no), NA = not applicable.

- 1 Committee on the Rights of the Child's General Comment No. 5 primary source of indicators, General Comment No. 10 on Children's rights in juvenile justice was also consulted.
- 2 Incorporated meant that the provisions of the Convention can be directly invoked before the courts and applied by national authorities..
- 3 Juvenile courts/benches/boards normally cater only to children in conflict with the law.
- 4 There is no independent human rights institution in Bhutan. The National Commission for Women and Children (NCWC) is considered as a coordination and implementation entity for child rights in the country.

## General Measure 4: National plans of action or policies for children

Implementing children’s rights requires the involvement of numerous sectors and actors, including a large number of ministries, multiple levels of government and non-governmental actors. Given the breadth of issues and stakeholders concerned, a plan of action helps establish priorities, goals and relevant strategies to achieve them. Hence the requirement set by the Committee on the Rights of the Child in General Comment No. 5 for states to adopt a comprehensive strategy or National Plan of Action. The idea of national plans of action for children is not new – the 1990 World Summit for Children, the 1993 World Conference on Human Rights and the 2002 Special Session on Children all called for the development of National Plans of Action. Such plans, whether stand-alone or integrated into national development plans, are useful for setting time-bound targets and establishing clear responsibilities of implementing actors. Children’s policies are often used for establishing broader responsibilities, targets and priorities, as well as delineating principles and may focus on a specific issue. Both have the power to raise the profile of children’s issues.

The Committee believes that adopting a comprehensive national plan of action or strategy for children is a necessary precondition for a “whole of government” approach to the implementation of the Convention. The challenge is however the actual implementation of the plan once adopted. For this reason, the Committee on the Rights of the Child rec-

ommends that it be endorsed by the highest level of government, linked to national development planning and included in national budgeting. It also proposes adding implementation of the plan to the responsibilities of the national coordination mechanism for children’s rights, and making the plan widely known by translating it into official languages and disseminating it extensively, including on the internet.

In South Asia, all countries have formulated national plans or policies for children – and most countries have developed both. Nearly all include the activities of NGOs and the private sector, and all plans have to some degree included time-bound targets or activities. However, in general, actual implementation, monitoring and evaluation have been rather limited despite the ambition and scope that characterise some of the documents.

South Asian countries have shown their commitment to global national plans of action for children in South Asian Association for Regional Cooperation (SAARC) Ministerial Conferences and resolutions. The SAARC Convention on Regional Arrangements for the Promotion of Child Welfare in South Asia also mentions the need for a strategy on child labour, and general and sectorial plans for children (e.g. on child protection and corporal punishment) have also been highlighted in South Asian Initiative to End Violence Against Children (SAIEVAC) regional consultations, as well as in its Workplan.

### General Measure 4: Key findings, achievements and challenges

Significant results	Notable results	Some results	Little or no results
India Nepal	Bangladesh Bhutan Maldives Pakistan Sri Lanka	-	Afghanistan

The results are based on average scores. For more details, see the indicator list at the end of this section and the Appendix.



### Key findings: achievements and challenges

In South Asia, there are three kinds of comprehensive strategy documents for children available. First, there are stand-alone national plans of action for children, which can be found in a few countries in the region, including Nepal and India. These plans gather a wide range of child-related targets together in one place, which may be useful when coordinating implementation and monitoring. The stand-alone plans for children are distinct from issue- or sector-specific plans, which cover a more specific topic, such as education or child protection. Second, separate sections/chapters on children's (and, usually, women's) issues have been integrated into national development or human rights plans in the majority of countries, such as in Bhutan and Sri Lanka. These integrated national plans of action, which are considered on the same level as stand-alone plans in this study, have a recognised place in national development, which may raise the status of children's issues and eventually overcome the implementation problems often associated with stand-alone plans. However, with some exceptions integrated plans in the region are generally less comprehensive than stand-alone plans – and child-related issues tend to be scattered across the development plan. Finally, most countries have adopted National Policies for children (or equivalent), which usually contain broader commitments to children and often a set of principles. National plans of action and policies at decentralised levels (e.g. provinces) are rare.

In all countries, national plans of action for children include time-bound targets or activities. Plans or policies also generally cover the actions of NGOs and the private sector in addition to the government – although less often child-led organisations.

Almost all national plans or policies have been endorsed by the Cabinet, Prime Minister or President. The majority of countries have also added oversight of the plan or policy to the responsibilities of national coordination bodies for children's right. In spite of these

efforts, the Committee has often found that implementation needs to be strengthened – and a critical shortcoming in the region is the lack of effective mechanisms for monitoring and evaluation of plans and policies, despite the fact that many countries have included sections on monitoring and evaluation in these. In some countries, concrete proposals have been made to address these issues. As for awareness-raising, most South Asian countries have translated their national plans of action or policies for children into all official languages and made them readily available on relevant government websites.

### AFGHANISTAN

In 2006, Afghanistan adopted the National Strategy for Children At Risk. Coming under the responsibility of the Ministry of Labor, Social Affairs, Martyrs and Disabled, it is the broadest plan of action for children available in the country focusing in particular on those groups of children considered to be mostly “at risk” – those in conflict with the law, deprived of parental care or from ethnic minority groups, for example. The strategy includes time-bound targets and has been translated into some, but not all, official, national languages (Dari). However, the Committee on the Rights of the Child (2011) has called on the country to develop a more comprehensive strategy and policy on children, preferably linked to Afghanistan's National Development Strategy. There is currently no National Policy for children in Afghanistan.

A wide range of stakeholders were involved in the development of the National Strategy for Children At Risk and civil society, and to a lesser extent the private sector, are among the agencies responsible for implementation. However, the strategy is yet to be endorsed by the highest level of government and there is no national coordination body for children's rights that could be assigned responsibility for the implementation of the NPA. As a result, effective implementation, as well as monitoring and evaluation, has been limited. Having said that, a Child Protection Secretariat, which would take charge of the implementation of the National Strategy, is soon to be operational.

## BANGLADESH

In Bangladesh, child rights issues have been included as a brief yet broad separate section called “Children’s Advancement and Rights” in the country’s Sixth Five Year development Plan (SFYP). Although the children’s section does not include explicit time-bound targets, there are such targets in other sections related to children’s health and education. Moreover, the actions of civil society and the private sector (e.g. related to disabled children and public–private partnerships in education and child health) are also covered in the plan. In 2011, a comprehensive National Children Policy was adopted, including fundamental principles and broad strategies on child rights, adolescents, the girl child and child labour. The policy defines a child as any person below 18 years.

The SFYP and the Children Policy have been endorsed by the Prime Minister and the Cabinet, respectively. The Ministry of Women and Children Affairs is responsible for implementation of the National Children Policy and the key child-related section of the SFYP – although implementation does not appear to come under the purview of the National Council for Women and Child Development, the country’s primary coordination entity for children’s rights. As for overall monitoring and evaluation, there is a specific section on monitoring and evaluation of the plan as a whole, the Planning Commission and its General Economic Division being the responsible agencies.

Both the policy and the SFYP have been translated into Bengali, the national language, and made readily available on the websites of the Ministry of Women and Children Affairs and the Planning Commission.

## BHUTAN

In Bhutan’s Tenth Five-Year Development Plan (2008–2013), there is a separate Strengthening the Advancement of Women and Children section. The plan also includes other child-related sections such as on education and health. In the plan, the actions of the private sector are included in relation to private schools and day care centres, and civil society have a role in developing support mechanisms. Explicit time-bound targets and activ-

ities are rare, however. There is no National Policy for children in Bhutan – although it should be noted that a National Youth Policy, which also covers young adults over the age of 18, was adopted in 2011.

The Tenth Plan has been endorsed by the Prime Minister and the Gross National Happiness Commission Secretariat is coordinating overall implementation. The Strengthening the Advancement of Women and Children section comes under the responsibilities of the National Commission for Women and Children, the country’s primary coordination body for children’s rights. The plan has also been translated into all official languages in Bhutan and is readily available for download on the website of the Gross National Happiness Commission.

## INDIA

In India, the 2005 stand-alone national plan of action for children is comprehensive in its coverage of children’s rights, taking into account the CRC, the Millennium Development Goals and the World Fit for Children framework. In addition, children’s rights have been integrated into a comprehensive section in the country’s Eleventh and Twelfth Five Year Development Plans, seeking to ensure every child’s right to survival, participation and development. In 2013, the government released a new National Policy for Children. The policy recognises every person below the age of eighteen years as a child and lays down principles for national, state and local governments in their actions and initiatives affecting children. A new national plan of action for children to give effect to the new policy will be developed.

The national plan for children and the new National Policy were both approved by the Union Cabinet and the National Coordination Group, India’s main coordination entity for child rights, has been assigned the responsibility of implementation and monitoring. Partly due to the shortcomings of the group (e.g. irregular meetings), monitoring of the national plan has been limited. Even so, eight major parameters of the plan were initially monitored by the office of the Prime Minister.

The current stand-alone plan of action is one of the few in the region that covers the action of child-led organisations – and it is the only plan that includes a section on Children’s budget. The plan was developed under the aegis of the Ministry of Women and Child Development and included extensive consultations with child-related NGOs, social workers and children. Many states have also developed their own plans of action, often focusing on vulnerable categories of children or particularly critical children’s issues. In terms of awareness-raising, the plan has been translated into all official, national languages of India and it is readily available for download on the website of the Ministry of Women and Child Development.

### MALDIVES

While there was previously a stand-alone national plan of action for children (2001–2010) in Maldives, children’s issues are now integrated into the country’s Strategic Action Plan (2009–2013), its Strengthening Family Ties (Child & Family Protection) section being the most prominent for children’s issues. There is currently no national child policy in Maldives.

The child-related section of the Strategic Action Plan focuses on a national response to child and family protection, which includes protection service delivery, alternative care systems, juvenile justice, advocacy and awareness programmes to promote rights, and the alignment of policies with the promotion of family wellbeing. Other cross-cutting, child-related sections include Education, Health and Youth Development. Notably, the plan also covers the actions of child-led organisations. In fact, child and youth participation features prominently throughout the plan.

The Strategic Action Plan was developed through an extensive process of citizen consultation and endorsed by former President Mohamed Nasheed. However, although the Ministry of Gender, Family and Human Rights is the lead agency for the main child-related section of the plan, there is presently no national coordination body for child rights whose responsibilities could include overseeing the child-related section(s) of the Strategic

Plan. In addition, monitoring and evaluation (which is not covered extensively in the plan) has, in practice, been limited – especially since 2012 after the change of political majority. The Strategic Action Plan has been translated into all official, national languages of Maldives and made available on the website of the President’s Office and the Ministry of Finance and Planning.

### NEPAL

The Ministry of Women, Children and Social Welfare originally developed a comprehensive, stand-alone national plan of action for children (2004/05–2014/15), which the Cabinet revised in September 2012 following a mid-term review. Some District Child Welfare Boards have also prepared strategies/plans of action for children based on the earlier version of the plan. The National Child Policy, which covers the five main objectives of protection, survival and development, participation, discrimination and juvenile justice, was adopted in April 2012. In addition, children’s issues have been given a separate section in Nepal’s Three Year Development Plan (2010/11–2012/13).

The stand-alone plan of action covers the action of NGOs, child-led organisations (child clubs) and the private sector, although the latter only in relation to public–private partnership in care and protection centres for disabled children. Moreover, its general as well as sector-specific policies clearly articulate the need for special attention to marginalised and disadvantaged children.

The Cabinet has endorsed both the national plan and the Child Policy. In addition, the country’s key coordination body for children’s rights, the Central Child Welfare Board, now has primary responsibility for the implementation of the revised plan of action. As for monitoring and evaluation, concerns were raised during the mid-term review. In addition to a section on monitoring in the plan itself, a separate Monitoring and Evaluation plan is being developed by the ministry in collaboration with the Planning Commission and the Central Child Welfare Board, and NGOs and child clubs will work as watch groups for

implementation. Moreover, an Implementation Watch Group within the board will be established to monitor the implementation of the national plan of action and engage in the annual planning process. Both the Child Policy and stand-alone plan of action for children have been translated into Nepali by the government – and the policy is available for download on the website of the Central Child Welfare Board.

### PAKISTAN

In 2006, the Cabinet adopted the current, stand-alone national plan of action for children and child policy. However, in the post-18th constitutional amendment scenario of empowered provincial governments, the national plan and policy, while still valid, must eventually be transformed into provincial plans of action and policies for children. Thus far, this is yet to happen.

In the national plan – which is sub-divided into targets and activities related to healthy lives, HIV/AIDS, education, protection and commercial and sexual exploitation – the roles of the private sector and NGOs are prominently featured, although the action of child-led organisations are not explicit in the plan, nor in the policy. Linkages to national development planning are highlighted in the plan, in particular to the country's Poverty Reduction Strategy Paper and perspective plans of other ministries and provincial governments. The child policy sets forth priorities for the fulfilment of a large set of rights with broad, accompanying targets.

When the national plan and policy were being developed by the National Commission for Child Welfare and Development, consultations were carried out at district, regional, provincial and national levels with relevant stakeholders, including civil society and children themselves. In terms of monitoring and implementation, the National Commission, as the country's key coordination body for children's rights, has the responsibility to implement the plan. Nevertheless, although the plan mentions a number of mechanisms/processes for monitoring and evaluation, such mechanisms are yet to be established. The Committee on the Rights

of the Child (2009) has pointed out that the limited resources of the National Commission has hampered implementation of the national plan of action. The constitutional amendment paves the way for mechanisms for monitoring, evaluation and implementation to be established at the provincial level in line with future provincial plans of action.

### SRI LANKA

In Sri Lanka, there used to be a stand-alone national plan of action for children (2004–2008). However, this plan has expired and plans to agree on a successor are yet to be finalised. A new national plan of action for children (2010–2014) was drafted but never approved by the Parliament, and a revised version for the period 2013–2017 is still being discussed by the relevant authorities. Presently, children's rights have been integrated into Sri Lanka's National Action Plan for the Protection and Promotion of Human Rights (2011–2016) in the form of a thematic children's rights section. This is the only comprehensive plan of action for children's rights currently in existence in the country. During the country's late-2012 Universal Periodic Review, Sri Lanka accepted the recommendation to formulate a comprehensive national strategy for the protection of the rights of children. The government has also adopted a child policy in the form of the 1992 Charter on the Rights of the Child, which is heavily influenced by the CRC.

The integrated plan of action for children includes many time-bound activities on, notably, health and nutrition, child protection, juvenile justice, children affected by armed conflict, adolescent health and wellbeing, ECCD, education and alternative care. Concrete actions of civil society and child-led organisations are not covered in the plan of action or the Charter, although in the plan the private sector is mentioned in relation to trained counsellors for adolescents, ECCD centres and teacher education. Children's groups are only mentioned once as targets of awareness-raising activities on child labour.

Endorsed by the Cabinet of Ministers and Parliament, the National Action Plan for the

Protection and Promotion of Human Rights was developed through a lengthy drafting and consultation process that involved NGOs. When it comes to implementation, the government has established both a Steering Committee and a Coordinating Committee, the latter including representatives from civil society. The implementation of the Children's Charter falls under the responsibilities of the National Monitoring Committee, Sri Lanka's paramount oversight body for children's rights. However, partly due to the age of the document and the less than regular meetings

of the Committee, the Children's Charter is not being considered as regularly as before. The National Action Plan for Human Rights, although not the Children's Charter, has been translated into Sinhala and Tamil, the two official, national languages of Sri Lanka. A specific website for the plan, where the document is available for download in the two official languages and English, has also been made available.<sup>1</sup> The Children's Charter is available for download on the website of the Ministry of Child Development and Women's Affairs.

<sup>1</sup> Visit <http://www.hractionplan.gov.lk> for more information



Indicator table: General Measures of Implementation No. 4: National plans of action and policies for children<sup>1</sup>

	Afghanistan	Bangladesh	Bhutan	India	Maldives	Nepal	Pakistan	Sri Lanka
1	Existence of a valid National Plan of Action (NPA) and National Policy for children? <sup>2</sup> – [yes/no/partial (existence of one or the other)]	Y	P	Y	P	Y	Y	Y
2	The NPA or National Policy for children has been endorsed by the highest level of government <sup>3</sup> – [yes/no]	Y	Y	Y	Y	Y	Y	Y
3	Implementation of the NPA or National Policy for children falls under the responsibilities of the country's main coordination entity for children's rights <sup>4</sup> – [yes/no]	N	Y	Y	N	Y	Y	Y
4	The NPA for children includes time-bound targets/activities – [yes/no]	Y	Y	Y	Y	Y	Y	Y
5	The NPA or National Policy for children includes a section on Children's budget – [yes/no]	N	N	Y	N	N	N	N
6	The NPA for children includes a section on monitoring and evaluation (M&E) – [yes/no/partial (section part of M&E of the national development plan or equivalent)]	N	P	Y	N	Y	Y	P
7	The NPA or National Policy for children includes the actions of NGOs, the private sector and child-led organisations – [yes/no/partial (some of these actors)]	P	P	Y	Y	Y	P	P
8	The NPA or National Policy for children is readily available for download on relevant government websites <sup>5</sup> – [yes/no]	N	Y	Y	Y	Y	N	Y
9	The government has translated the NPA or National Policy for children into all official languages – [yes/no]	N	Y	Y	Y	Y	N	Y
10	Decentralised authorities (states, provinces or districts) have developed their own NPAs or National Policies for children – [yes/no/partial (some of the decentralised authorities)]	N	N	N	N	P	N	N

Y = yes, N = no, P = partial result (where the indicator contains a third option in addition to yes/no)

- 1 The Committee on the Rights of the Child's General Comment No. 5 primary source of indicators.
- 2 In South Asia, there are three main kinds of comprehensive strategy documents for children available. First, there are stand-alone National Plans of Action for children, which are distinct from issue- or sector-specific plans that cover a more specific topic. Second, separate sections/chapters on children's (and, usually, women's) issues have been integrated into national development or human rights plans in several countries. These integrated NPAs are considered on the same level as stand-alone NPAs for children. Finally, most countries have adopted National Policies for children, which contain broader commitments to children and often a set of principles.
- 3 The Cabinet, the Prime Minister or the President as the case may be in the respective country.
- 4 Coordination entity as identified in the General Measure 5 section.
- 5 Either the website of the key child-related ministry/body or the body/ministry responsible for the development of the NPA or National Policy for children. In some cases, a dedicated website for the NPA or policy is developed.

## General Measure 5: National coordination mechanisms

The fact that the Convention on the Rights of the Child is a very broad convention – covering civil and political rights, as well as economic, social and cultural rights – poses particular problems for anyone involved in its implementation. The arduous work of putting the CRC into practice will have to be undertaken across a wide range of policy areas, frequently involving several ministries, departments and levels of government. For example, while the right to the enjoyment of the highest attainable standard of health may fall under the purview of the Ministry of Health, the Ministries of Social Welfare, Education, Environment and Finance all contribute to the realisation of this right. Thus, an effective coordination mechanism ensures a holistic approach to children’s rights, building on their interdependence, enables maximisation of the impact of each actor on children’s rights, and promotes the visibility of children on the political agenda.

The need to strengthen coordination is one of the issues most frequently raised by the Committee on the Rights of the Child in its Concluding Observations. By coordination, the Committee means not only the inter-ministerial and department kind (horizontal coordination) but also coordination throughout different levels of government (provincial, district, etc.) (vertical coordination), and between the government and civil society, including children themselves. Though there is no one-size-fits-all solution, the General Measures of Implementation framework

holds that some countries have with advantage established a specific coordination unit that reports directly to the highest levels of decision-making. As such, it can reinforce the authority to coordinate across and throughout government. Such a unit could, according to the Committee, also be given monitoring and reporting responsibilities.

The vast majority of South Asian countries have given a single government mechanism or unit overall responsibility to coordinate and oversee the implementation of children’s rights, normally across ministries and departments, and in most cases various levels of decision-making. However, coordination has not always been effective, partly due to limited resources and the position of several of these units within relatively weak ministries.

South Asian regional documents have supported the idea of national coordination of the implementation of children’s rights. For example, the 1996 Rawalpindi Resolution on Children of South Asia mentions the need for intersectorial cooperation, including with civil society. This position is reiterated in one of the key recommendations in the Assessment of Progress in the South Asian Association for Regional Cooperation (SAARC) Decade of the Rights of the Child (2001–2010) report. Similarly, the South Asian Initiative to End Violence Against Children (SAIEVAC) Workplan stresses national coordination between sectors and levels in the area of the protection of children from violence.

### General Measure 5: Key findings, achievements and challenges

Significant results	Notable results	Some results	Little or no results
Bhutan India Nepal	Bangladesh Pakistan Sri Lanka	-	Afghanistan Maldives

The results are based on average scores. For more details, see the indicator list at the end of this section and the Appendix.

### **Key findings: achievements and challenges**

Most South Asian countries have followed up on the Committee's recommendation to set up specific coordination units for the implementation of children's rights. As such, primary responsibility for coordination has been given to a specialised entity at the national level – whether a board, commission, council or group. In some cases, these coordination entities have been either established by law or, as in Bhutan, legally reinforced at a later stage. In Afghanistan and Maldives, however, there are currently no over-arching coordination mechanisms for children's rights in operation.

Coordination entities in the region have formal mandates that include coordinating horizontally across ministries and departments – or representatives of multiple ministries/ departments sit on the boards/committees of the entities. Most of the existing mechanisms also have the authority to coordinate vertically between levels of government. Some entities, such as the one in Nepal, even have local-level offices. In terms of engagement with civil society, half of the coordination entities in the region include representatives from civil society, such as NGOs, the media, social workers or others.

Despite strong mandates, in practice it has often proved challenging to coordinate implementation across the numerous ministries, departments and levels of government whose work impact on children. Partly, this has to do with the fact that several coordination units come under the authority of ministries responsible for women and children or social welfare issues, which are typically those with less political clout within the government. Moreover, only one of the entities reports directly to the Prime Minister or President (Bangladesh). In other cases, the availability of sufficient resources is a challenge for effective coordination.

### **AFGHANISTAN**

There is currently no unit or body responsible for coordination of the implementation of the CRC across and throughout government, and no ministry has formally been given

this authority. However, plans are underway to establish and operationalise permanent structures for coordination, including a Child Rights Commission under the President's office and a Child Protection Secretariat under the Ministry of Labour, Social Affairs, Martyred and the Disabled. Cabinet approval and external financing will likely help the Secretariat becoming fully operational. The Committee on the Rights of the Child (2011) has urged the government to ensure that any such oversight body has the full authority and capacity to coordinate across ministries and other government agencies.

### **BANGLADESH**

In Bangladesh, the National Council for Women and Child Development is the highest policy and oversight body for children's rights. Established by a notification of the Cabinet Division under the President's Order in 2009, the National Council resulted from the merger of the National Women Development Council and the National Children Council (NCC). As a result of the establishment of the new National Council, both the NCC and the Standing Committee on the CRC, a previously active coordination body for children's rights, have become more or less defunct according to the government.

The National Council is chaired by the Prime Minister and not situated under any particular ministry, although it receives secretarial support from the Ministry of Women and Child Affairs. Its members include representatives from various other ministries but civil society is not represented. Even so, according to its Terms of Reference, the council has the authority to coordinate policy-making and development activities among ministries, departments and organisations, although not explicitly to coordinate across different levels of government. District Child Rights Monitoring Committees have also been formed in all districts. However, these committees are not formally linked to the National Council, nor do they have explicit coordination mandates. The National Council has so far had limited success in effectively coordinating the implementation of children's rights in the

country, partly due to the limited number of and irregularity of meetings.

It should be noted that the Ministry of Women and Child Affairs also leads a committee of child focal persons. The committee includes representatives from relevant ministries and national and international NGOs, and regularly contribute to planning, research, policy formulation and monitoring and evaluation of children's rights issues.

### **BHUTAN**

Bhutan has assigned primary responsibility for coordinating the implementation of children's rights to the National Commission for Women and Children (NCWC) and its dedicated Children's Division. Although the National Commission was initially established by a government order, the 2011 Child Care and Protection Act has outlined some of the Commission's responsibilities. The NCWC is not positioned under any particular ministry, yet its 11 members include ministerial representatives as well as civil society – including the media, academia and the business sector. The Minister of Education currently chairs the Commission. Although the National Commission does not have local-level offices, it has been given the authority to coordinate among different government levels on issues pertaining to women and children. For example, coordination with the Royal Bhutan Police in developing district women and children protection mechanisms is among the strategic activities of the NCWC in the country's Tenth Five Year Plan. Although funding for the commission's activities is regularly allocated through the Five Year Plans, support from external agencies is still necessary.

The National Commission is working to set up a more systematic coordination mechanism to address children's rights, and has thus far built on a National Gender Focal Point Network in government ministries, established in 2005. Nevertheless, coordination of implementation of children's rights has not always been effective, partly due to limited participation and knowledge of child rights of partner organisations. That said, recent years have seen increasing willingness of the commis-

sion and its partners to engage with children's issues, including with representatives from various government sectors taking on child protection focal person roles.

### **INDIA**

In 2005, a National Coordination Group (NCG) was established by a government order under the then Department of Women and Child Development as the primary oversight body for children's rights in India. In 2007, the government expanded the Terms of Reference of the group, which currently includes coordination of CRC implementation, including its Optional Protocols, with other concerned ministries, departments, state governments and NGOs. Its Terms of Reference also includes monitoring the implementation of the 2005 National Plan of Action for Children. The NCG is composed of representatives of various ministries and civil society, and currently chaired by the Minister for Women and Child Development.

However, the National Coordination Group has not been as active as initially envisaged. The very low number of meetings since 2005 suggests an inability to effectively coordinate the implementation of children's rights. To address this issue, the Ministry of Women and Child Development plans to undertake a review of the role and functioning of the group. Among other things, it is hoped that a reformed NCG would have a regular schedule of activities and meetings. The strategic plan of the ministry (2011–2016) also proposes creating thematic sub-groups or working groups under the NCG and facilitating coordination between the national group and the independent National Commission for the Protection of Children Rights.<sup>1</sup>

### **MALDIVES**

In Maldives, currently there is no unit or regulatory body responsible for coordination and implementation of the CRC. In 1991, a National Council for Children was established under the Ministry of Gender and Family. The Council, which included members of government ministers, was responsible for overseeing

<sup>1</sup> Ministry of Women and Child Development (n.d.), Five Year Strategic Plan (2011-2016), p. 218.

the implementation of the CRC and coordinating services provided by intersectorial action on the rights of children across government ministries and between different levels of decision-making. However, in 2008, this body was dissolved with the enactment of the new Constitution of Maldives. The Strategic Action Plan (2009–2013) – the country’s paramount development plan of former President Nasheed – provides for the reconstitution of the National Council through a Cabinet decision, but this has not been implemented.

In this context, the main responsibility for implementation of the CRC, as well as other human rights treaties, is vested upon the present Ministry of Gender, Family and Human Rights. However, the ministry mandate does not explicitly mention its coordinating role for the implementation of the CRC in Maldives.

### NEPAL

Coming under the authority of the Ministry of Women, Children and Social Welfare, the Central Child Welfare Board (CCWB) is Nepal’s key national-level focal point for children’s issues. The board is a statutory body created by the Children’s Act (1992) and is mandated to coordinate child-related policies and practice across line ministries, civil society, development partners and others. According to the Children’s Act, the CCWB should consist of a maximum of 21 members (including social workers, child psychologists and teachers). Current members of the board include representatives of the National Planning Commission and the Ministries of Education, Health and Population, and Finance, the minister of Women, Children and Social Welfare being the chair. The CCWB also has district-level chapters (District Child Welfare Boards – DCWBs) that are responsible for the coordination of children’s programmes at the local level.

The CCWB and the DCWBs are active, respected and present across the country through local offices. Even so, the Committee (2012) has expressed concern about the limited funding available to the Ministry of Women, Children and Social Welfare and

the multiplicity of other child-related bodies, especially at decentralised levels. For example, in many districts the activities of the district boards may overlap with those of the Women and Children Offices (under the Department of Women and Children) and the District Child Protection and Promotion Sub-Committees. According to the government, the district boards are coordination bodies whereas the Women and Children Offices are more focused on implementation.

### PAKISTAN

Established by a Parliament Resolution in 1980, the National Commission for Child Welfare and Development (NCCWD) is the key national-level body responsible for coordinating the implementation of children’s rights in Pakistan, although its focus has mostly been on child protection. By virtue of its position within the Ministry of Human Rights since 2011, it has a mandate to coordinate activities of ministries, divisions and provincial governments, and a budget that covers the running costs of the Commission. The National Commission still depends on funding from external agencies however. Prior to the 18th constitutional amendment according more power to the provinces, there were provincial chapters in direct coordination with the NCCWD and frequent interaction between the two levels of government. Although these Provincial Commissions for Child Welfare and Development are still in existence in most provinces, today the National Commission seeks direct support from the offices of the regional directorate of human rights in all provincial headquarters. Moreover, in the constitutional amendment scenario the provinces are expected to establish their own children’s institutions. Thus far, the provinces of Khyber Pakhtunkhwa and Sindh have established a Child Protection and Welfare Commission and a Child Protection Authority, respectively.

The adoption of a bill to upgrade the National Commission to an independent body (the National Commission on the Rights of Children Bill) has been delayed and is still pending since 2001, a concern already expressed by the Committee (2009). Pakistan also accepted



the recommendation to strengthen efforts towards establishing such an independent commission during the country's latest Universal Periodic Review in 2012/13. The Committee also raised concerns about the limits of coordination among child-related actors at the federal, provincial and territorial levels, partly due to limited human and financial resources of the National Commission

The National Commission has made notable efforts to engage with NGOs and children themselves, however. NGOs and children are involved in various consultation processes. For example, the government submitted Pakistan's Universal Periodic Review report following a consultative process at different levels, in which it incorporated feedback from NGOs. In the Child Protection and Welfare Commission in Khyber Pakhtunkhwa province, a managing committee has been constituted with NGOs involved as members. However, at the national level, NGO engagement has not been systematised, nor is there an official mandate that requires such engagement.

### **SRI LANKA**

In Sri Lanka, the National Monitoring Committee (NMC) for child rights is the key national body responsible for coordination and monitoring of the implementation of children's rights. The committee was initially set up by a presidential order in 1991 to monitor the Charter on the Rights of the Child,

a policy document that draws heavily on the CRC. Currently, the NMC functions under the Ministry of Child Development and Women's Affairs, the Chairman being the ministry Secretary. Committee meetings used to be regular but have become sporadic since 2007, especially in the last couple of years. Most government ministries participate in the meetings of the committee, although NGOs are no longer regularly invited.

In addition, decentralised chapters of the National Monitoring Committee, composed of representatives from various local authorities as well as NGOs, were established at the provincial, district and divisional levels from 2000, linking up to the national committee. It should be noted that since the NMC never focused on child protection issues, a National Child Protection Authority was established in 1999, as well as District Child Protection Sub-Committees the year after. From 2003 onwards, there was a move towards amalgamating the various committees on children at the district level (there were also early childhood and child labour committees) into one unified body – the District Child Development Committee under the Ministry of Child Development and Women's Affairs. However, this still has not been implemented in all districts, which has resulted in some confusion – although communication between the various monitoring committees are still functional if not always regular.

Indicator table: General Measures of Implementation No. 5: National coordination mechanisms<sup>1</sup>

	Afghanistan	Bangladesh	Bhutan	India	Maldives	Nepal	Pakistan	Sri Lanka
1	N	Y	Y	Y	N	Y	Y	Y
2	N	Y	Y	Y	N	Y	Y	Y
3	N	N	Y	Y	N	Y	Y	Y
4	N	Y	N	N	N	N	N	N
5	N	N	Y	Y	N	Y	N	N

Y=yes, N=no

- 1 The Committee on the Rights of the Child's General Comment No. 5 primary source of indicators.
- 2 Authority means either a formal mandate to coordinate across ministries and departments, or that representatives of ministries/departments are, in practice, represented on the board/committee of the entity
- 3 Authority means either a formal mandate to coordinate across levels of government, or the coordination entity has offices at local government levels.
- 4 Or civil society organisations have designated seats on the managing board/committee of the entity

## General Measure 6: Awareness-raising, training and dissemination

Promoting and maintaining awareness, understanding and appreciation of children's rights is a fundamental responsibility for State Parties to the Convention on the Rights of the Child. Respecting children's rights is everyone's responsibility, hence the importance of making them known widely. In other words, awareness-raising paves the way for cultural change and the recognition of children as rights holders in society at large. Conversely, States' actions and accountability for the fulfilment of children's rights stem not only from government processes, but also from demands and claims made by civil society, including organisations, the public and children themselves. This General Measure of Implementation is therefore closely connected to the justiciability of children's rights, among others.

Article 42 of the CRC specifies that State Parties are to make the Convention widely known "by appropriate and active means". This may imply adequate, accessible format and language for example. The Committee on the Rights of the Child insists that awareness-raising should not merely consist in one-way provision of information, but rather involve dialogue and interaction, in order to nurture social change. A central step is education. The Universal Declaration of Human Rights and the CRC both hold that education should be directed towards fostering respect for human rights, which includes the rights of children. Yet strategies should also target adults, especially those more directly involved in the implementation process, including government officials, members of the judiciary and pro-

fessionals such as teachers and social workers. The Committee highlights the importance of incorporating learning about the Convention in professional training. The media also plays a major role in the dissemination of the CRC and the Committee welcomes its engagement. The role of NGOs is also highly recognised.

South Asian countries have highlighted the importance of training and awareness-raising and undertaken some notable efforts. For example, almost all have translated the CRC into official languages, most have developed child-friendly versions of the CRC, and half of the countries have included children's rights in the school curriculum. All have also to some extent trained teachers, the police, members of the judiciary and other professionals in child-rights-related issues. However, much of the in-service training of those working with or for children is not yet systematic. In addition, the efforts towards raising awareness of reports under the CRC, to children and adults alike, have so far been rather limited.

In the region, the legally binding South Asian Association for Regional Cooperation (SAARC) Convention on Regional Arrangements for the Promotion of Child Welfare in South Asia calls on states to give wide publicity to international child-related instruments, and the South Asian Initiative to End Violence Against Children (SAIEVAC) Workplan highlights the need for awareness-raising, public information and media campaigns to disseminate information on the rights of the

General Measure 6: Key findings, achievements and challenges

Significant results	Notable results	Some results	Little or no results
India	Maldives Nepal Pakistan Sri Lanka	Afghanistan Bangladesh Bhutan	-

The results are based on average scores. For more details, see the indicator list at the end of this section and the Appendix.

child to both adults and children. The Work-plan, which has been approved by the SAARC member states, also requires training of professionals who work with or for children.

### **Key findings: achievements and challenges**

In the region, some notable actions have been taken towards increasing the awareness of children's rights, including among children. First, all countries have to varying degrees conducted high-profile national awareness-raising campaigns on child-rights-related issues, often with the help of the media. Targeting children, half of the South Asian countries have incorporated learning about children's rights into the national school curricula and some, such as Afghanistan and Maldives, have plans to do so. Most countries have also developed child-friendly versions of the CRC and almost all have translated the Convention into all official, national languages – some, such as Nepal, have translated the Optional Protocols as well.

Dissemination of reports produced in the context of the CRC reporting process, however, needs more attention in most of South Asia. This includes translating reports under the CRC and Optional Protocols into all official, national languages and developing child-friendly versions of such reports or the Committee's Concluding Observations. Likewise, several countries in the region have yet to make both the CRC and reports under it readily available on the website of the key child-related ministry or body. It should also be noted that other efforts to disseminate the CRC, its Optional Protocols and reports have been rather limited.

With respect to training and capacity-building of government officials and those working with or for children, all countries have taken action. Often, as in India, activities have involved both the key child-related ministry/body and the country's human or children's rights commission. It is notable that in some countries national curricula for the pre-recruitment training of police officers and/

or teachers include children's rights training – and sometimes aspiring members of the judiciary are also required to undergo courses that cover children's rights. Despite these efforts, pre-recruitment training on children's rights is often short and, as highlighted by the Committee, needs to be more systematically followed up through regular in-service training for all persons working with or for children.

### **AFGHANISTAN**

The Ministry of Education has announced that a new national school curriculum, which is meant to include training on the CRC, is in progress. Previously, external agencies have supported including the subject of children's rights in the curricula of some public schools. Even so, children's rights have not yet been formally incorporated into the national school curricula. Although the government has yet to make translations and child-friendly versions of the CRC itself and first two Optional Protocols available, child-friendly versions of the country's latest report under the Convention (2009) have been developed in both Dari and Pashto, the two official, national languages of Afghanistan.

The government has launched national awareness-raising campaigns on child-rights-related issues. For example, in 2008, a campaign was undertaken together with civil society to eliminate violence in schools. The Afghanistan Independent Human Rights Commission is currently spearheading an Outreach to Religious Leaders Programme, which includes sending messages about rights of children, and a Child Education Programme for teaching children about human rights.

Training on children's rights for government officials and professionals working with or for children has somewhat progressed in Afghanistan. For example, aspiring officers at the police academy have been receiving a few hours of human rights training that include child rights as part of an evolving curriculum, and soon special juvenile police will have child rights training required by the government. It should also be noted that the human rights commission conducts training for government officials and professional groups, including

teachers and judges, on violence against children every year, in addition to having published an educational book on children's rights distributed to teachers and others. However, the Committee on the Rights of the Child (2011) has expressed concern that training on child rights issues reaches only a limited number of professionals working with or for children.

### BANGLADESH

The new revised and finalised national school curriculum for Grades 1–X in Bangladesh contains a section on child rights issues. The government has also developed a child-friendly version of the CRC (in Bengali, the official, national language), and translated the Convention not only into Bengali but also into the Marma, Chakma and Tripura minority languages. However, translations into Bengali and child-friendly versions of the two Optional Protocols ratified by Bangladesh and reports under them and the CRC are yet to be developed by the government.

The Ministry of Women and Children Affairs and other ministries have disseminated the CRC and the latest report under it (2007) among a wide range of stakeholders within government and beyond, including children's organisations. In addition, immediately after the Concluding Observations were issued in 2009, the ministry organised a dissemination workshop in the presence of a member of the Committee on the Rights of the Child. Despite these efforts, the CRC and Bangladesh's latest report under it have not been made readily available on the website of the key child-related ministry/body. The Committee (2009), although welcoming the country's efforts in translating and disseminating the Convention, has also expressed concern that outreach has been restricted to Bengali speakers.

When it comes to training on children's rights, a number of in-service training initiatives have taken place in Bangladesh. These have included training of judges and lawyers on juvenile justice at the Judicial Administration Training Institute and the Bangladesh Bar Association, and capacity-building on child rights for government officials at the Bangladesh Public Ad-

ministration Training Center and elsewhere. Police officers and teachers from public universities have also benefited from ad-hoc child rights training.

### BHUTAN

The Ministry of Education has developed the concept of child-friendly schools and introduced Education for Gross National Happiness into the national school curriculum, whose four pillars include sustainable development, cultural continuity, natural environment and good governance. While children's rights underlie these dimensions, they are not explicitly included. In 2012, law clubs were also introduced in 24 schools to create awareness of children's-rights-related laws. In addition, the government has translated the CRC (but not yet its Optional Protocols) into Dzongkha, the official, national language, as well as the minority language Nepali. The country's latest CRC report (2007) was not translated by the government, although it is readily available for download on the website of the National Commission for Women and Children.<sup>1</sup> The report has also to some extent been shared with organisations within the government and non-government sectors, as have the Concluding Observations.

Furthermore, the National Commission has carried out some national awareness-raising campaigns. For example, a Know Your Law to Protect Your Rights campaign began in 2004 and, reflecting the fact that the child-related section of the country's Tenth Plan calls for media advocacy on the CRC, a CRC radio campaign has also been carried out with KU-ZOO FM, the national radio station. Even so, the number of awareness campaigns on child rights issues has been limited due to a lack of human resources at the National Commission.

As for training and capacity-building, the National Commission has, for example, conducted briefings on the CRC for parliamentarians and local government representatives, and provided training for the judiciary and the police on child-sensitive approaches. Moreover, the policy academy curriculum includes train-

<sup>1</sup> The government plans to translate the upcoming periodic report under the Convention once finalised.



ing on procedures for addressing children's issues in a child-friendly manner. Efforts are also underway to address child protection issues in the clergy where children make up more than half the enrolment in monastic schools and institutions. Notably, an introductory class on the CRC has also been included in the national curriculum of the Colleges of Education for teachers.

## INDIA

In India, human rights education, which includes the rights of the child, has been included in the national school curriculum for class 7 onwards as part of the social science textbook. To make children's rights documents accessible, the government has also translated the CRC, its first two Optional Protocols and India's latest reports under these documents (2011) into Hindi and English, the two official, national languages. The government has also translated the CRC into 13 additional languages. Even so, child-friendly versions of most of these documents are yet to be developed by the government – although the National Commission for Protection of Child Rights has developed child-friendly Child Right and Equality Manuals that cover important aspects of the Convention.

In addition, the government has carried out a number of national child-rights-related awareness-raising campaigns. For example, the Ministry of Women and Child Development and the National Commission have led campaigns on child marriage, early childhood development, sexual abuse, exploitation and violence against women and children. These include notable campaigns focusing on the adverse sex ratio and the survival of girls, including "Save the Girl Child".

Some progress has been made in terms of training and capacity-building of government officials and professionals by the multitude of central- and state-level institutions responsible for pre-service and in-service orientation and training. For example, The National Institute of Public Cooperation and Child Development, under the aegis of the Ministry of Women and Child Development, functions as a nodal resource agency entrusted with the responsi-

bility of training various government functionaries and NGO representatives in child rights, child protection, early childhood care and child development. When it comes to professionals working with or for children, police and judicial training on different children's-rights-related issues take place at the central and state levels, notably through the police academies/training schools, the state judicial academies and the National Institute head office as well as its regional offices. In 2006, a Parliamentary Forum on Children was also constituted to enhance awareness and engage the Members of Parliament on children's wellbeing.

## MALDIVES

In their 2007 report under the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography, Maldives indicated an ongoing process of incorporating child rights into the national education curriculum. However, this process has not yet been finalised. Nevertheless, a child-friendly version of the CRC has been developed and distributed by the Ministry of Gender, Family and Human Rights. The CRC and its first two Optional Protocols have also been translated into Dhivehi (the official language) – although reports under these documents have not. The CRC and the Optional Protocols are available on the website of the ministry (website of the old ministry) in both English and Dhivehi, together with the country's latest report under the CRC.

In 2010, as for national awareness-raising campaigns on children's-rights-related issues, the Human Rights Commission of Maldives launched an "Every Neglect is an Abuse" campaign to mark the World Day for Prevention of Child Abuse. In addition, the Ministry of Health undertook a "Can You Hear Us?" campaign in phases, aiming to make the public understand why children in difficult circumstances get to where they are and to prevent stigmatisation.

Maldives has included an introduction to the CRC in the national curriculum for basic pre-recruitment training of the police. Moreover, all social service workers must have a diploma in social work, whose curriculum

includes children's rights. Annual trainings that includes children's rights are also organised for social workers by the Ministry of Gender, Family and Human Rights. In addition, Maldives has launched numerous ad-hoc training initiatives. For example, in 2011 the Family and Child Protection Department began a training and awareness-raising programme for government officials on the issue of child abuse, sexual assault and domestic violence, engaging thousands of officials throughout the country. However, during the late 2010 Universal Periodic Review the government admitted that there is still a significant capacity gap between the demand for interventions to protect children and the availability of appropriately-trained staff.

### NEPAL

Nepal has incorporated children's rights into the national school curriculum (grades 6 to 10), which is currently being reviewed to better reflect the rights of the child. As for making key documents accessible, the CRC and its first two Optional Protocols, as well as the Committee on the Rights of the Child's latest Concluding Observations on Nepal's reports under the Convention, have all been translated into Nepali (the official, national language) by the government, although child-friendly versions of these documents and corresponding reports are yet to be developed. The government translations are part of a compilation of all the international and regional human rights instruments to which Nepal is a party. This compilation has been circulated in all the 75 districts of the country.

The 2012 National Children Policy contains provisions on raising awareness of child protection issues with the help of NGOs, schools and child groups, as well as the media. Previously, the government has undertaken awareness-raising campaigns on children's rights in Nepal, including a nationwide campaign in 2010 to raise public awareness on the issue of discrimination and violence against women and children.

With respect to training and capacity-building, children's rights issues have been incorporated into the national pre-recruitment curric-

ulum for the police. The contents include, for example, the status of children in Nepal, the CRC and other international instruments related to children, national legislation related to children and crimes against children. The National Judicial Academy has also incorporated child-rights-related contents into their pre-recruitment training course. Although the teachers' training module does not yet include explicit content on children's rights, topics related to corporal-punishment-free education and child-friendly teaching and learning have been added. Other initiatives to train officials and professionals in children's rights have included the Central Child Welfare Board in partnership with the National Judicial Academy conducting training on children's rights and juvenile justice for judges from all 75 District Courts.

### PAKISTAN

In Pakistan, the main concepts related to child rights have been incorporated into relevant subjects as part of the national school curriculum. Furthermore, the government has translated the CRC, although not yet the Optional Protocol on the sale of children, into Urdu (the official, national language), as well as local languages such as Pashto, Sindhi, Balochi and Punjabi. The government has also made a child-friendly version of the CRC available. Reports under these documents are available in Urdu and there is a child-friendly version of the Committee on the Rights of the Child's latest Concluding Observations (2009) – but these were developed by NGOs independently of the government.

When it comes to proactive awareness-raising, the country's National Plan of Action for children includes explicit provisions on awareness-raising of children's rights issues where civil society and the media (radio, television, print and electronic media) are important actors. Indeed, a number of national awareness-raising campaigns have been undertaken by the government in the last five years. Notably, based on the results of a Knowledge, Attitudes and Practices (KAP) study into violence against children, which included consultations with children, the National Commission for

Child Welfare and Development launched a national campaign against child abuse in 2008.

In relation to in-service training on the CRC, learning about the Convention has been added to a one-week training module on issues related to violence against women and children at the National Police Academy, and children's rights concepts have been included in teachers' training materials. In addition, juvenile justice is now part of the training curriculum at the Federal Judicial Academy, which caters to civil judges, additional district and sessions judges, sessions judges and senior civil judges. Numerous other in-service training initiatives have also been undertaken by the government, including teachers' training at the provincial level through the Provincial Institutes for Teachers' Education.

### SRI LANKA

In Sri Lanka, the CRC and its first two Optional Protocols have been translated by the government (with the assistance of international agencies) into the official, national languages Sinhala and Tamil. A child-friendly version of the Convention has also been developed. Although the government has not translated its latest reports under these instruments, nor developed child-friendly versions, it should be noted that the Child Rights Advocacy Initiative, a coalition of NGOs, initiated the development of a simplified version of

the Committee on the Rights of the Child's latest Concluding Observations (2010).

According to the Committee, children's rights training has not been incorporated into the national school curriculum. At the same time, some training on human rights in general has been included in the subject of citizenship education. The national curricula for police and teachers that govern pre-recruitment training include children's rights and related knowledge. In addition, the Human Rights Commission has provided in-service training, organising programmes for child rights officials and held workshops targeting probation officers, child rights promotion officers, Women and Children Desks officers and staff at children's homes. Although noting these efforts, the Committee (late 2010) is concerned that training activities do not adequately include all the principles and provisions of the Convention and are not offered to all professionals working for and with children.

Government-initiated national awareness-raising campaigns on children's-rights-related issues have included the "Stop Child Sex" campaign (2006–2008) against child sex tourism and the "Bring Back the Child" campaign (2008–2009) heralding the ban on and effective end of child conscription. Both of these campaigns were high-profile and used multiple media including roadside billboards, TV and radio spots, and print media advertisements.

Indicator table: General Measures of Implementation No. 6: Awareness-raising, training and dissemination<sup>1</sup>

	Afghanistan	Bangladesh	Bhutan	India	Maldives	Nepal	Pakistan	Sri Lanka
1	N	Y	N	Y	N	Y	Y	N
2	Y	Y	Y	Y	Y	Y	Y	Y
3	N	P	N	P	P	N	P	P
4	N	P	P	Y	Y	Y	P	Y
5	N	N	N	Y	Y	N	N	N
6	P	N	N	N	N	N	N	N
7	P	N	N	Y	N	P	N	N
8	N	N	Y	Y	Y	N	N	Y
9	Y	N	P	Y	P	Y	Y	P
10	Y	Y	Y	Y	Y	Y	Y	Y

Y = yes, N = no, P = partial result (where the indicator contains a third option in addition to yes/no)

1 The Committee on the Rights of the Child's General Comment No. 5 primary source of indicators.

2 Optional Protocols ratified by the State Party.

3 Optional Protocols ratified by the State Party.

4 Latest reports under the CRC and its Optional Protocols ratified by the State Party.

5 Latest reports under the CRC and its Optional Protocols ratified by the State Party.

## General Measure 7: Data-collection and impact assessments

Successful policies for the implementation of children’s rights critically rely on an in-depth knowledge of the situation for children within their jurisdictions. Systematic data-collection is a prerequisite for informed decisions. Data-collection and monitoring of the Convention on the Rights of the Child are two sides of the same coin: having accurate data will enable a country to understand whether existing policies, laws and institutions for children are functioning as they should. Furthermore, data-collection, and in particular data disaggregation, can serve to highlight situations where children’s rights are being violated, or where certain groups of children are falling behind. Data-collection therefore represents an important means to identify and combat discrimination. Yet it is only meaningful if accompanied by adequate data analysis and dissemination strategy. A country’s data-collection system typically involves national sample surveys such as Demographic Health Surveys on the one hand, and administrative data collected by ministries and agencies, such as censuses and civil registries, on the other. This study lays the emphasis on the former as information on administrative data is limited and difficult to compare. Survey data also tends to be further disaggregated than administrative data.

As part of the General Measures of Implementation framework, the Committee on the Rights of the Child specifically recommends

the establishment of systems of coordinated data-collection, disaggregated to detect discrimination and covering the period up to the age of 18. It also routinely mentions the need for data-collection systems and nationally applicable indicators in its Concluding Observations and General Comments. The Committee believes that data should be analysed in order to assess progress, identify difficulties in implementation, and inform policy development. Annual reports on the state of children are another important component of data analysis and dissemination. The participation of children themselves in the data-collection process helps ensure that information collected reflects children’s experiences. According to the Committee, participation is crucial to establishing whether children’s rights have been realised.

Beyond data-collection, ensuring that laws and policies have the anticipated effect on children’s lives implies an assessment and evaluation of their impact. The Committee therefore requires States to undertake a continuous process of child impact assessment and evaluation of both proposed and implemented laws and policies.<sup>1</sup>

<sup>1</sup> The Committee’s General Comment No. 5 defines child impact assessments as “predicting the impact of any proposed law, policy or budgetary allocation which affects children and the enjoyment of their rights” and child impact evaluations as “evaluating the actual impact of implementation”.

### General Measure 7: Key findings, achievements and challenges

Significant results	Notable results	Some results	Little or no results
-	Bhutan India Maldives Nepal Pakistan Sri Lanka	Afghanistan Bangladesh	-

The results are based on average scores. For more details, see the indicator list at the end of this section and the Appendix.



South Asian countries are making progress in this area as disaggregated survey data on health and education, as well as some aspects of child protection, is available. In most countries the key child-related ministry or body is conducting research on children's-rights-related issues and annual reports on the state of children are published by a few governments. However, data on child protection remains limited and mechanisms or processes for child impact assessments and evaluations are also yet to be established in the region.

The need to improve data-collection and establish databases are mentioned as important for the implementation of the South Asian Association for Regional Cooperation (SAARC) Development Goals, many of which relate to children. The South Asian Initiative to End Violence Against Children (SAIEVAC) Workplan, as well as the assessment report of the SAARC Decade on the Rights of the Child, also highlights the importance of systematic, disaggregated data for evidence-based action and progress assessment, and to draw attention to the plight of marginalised children.

### **Key findings: achievements and challenges**

While South Asia, like all regions of the world, has some way to go to establish a comprehensive data-collection system that covers all aspects of the CRC, national surveys (often undertaken in collaboration with external agencies) are now providing disaggregated data on some of the key child-related sectors and issues. As such, all countries in the region provide fairly regular survey data on children's health and education that is often disaggregated by age/age group, sex, origin (e.g. region) and socio-economic status (usually mother's education or wealth quintile). In general, the governments also provide administrative data in these three areas taken from various censuses and ministerial or departmental data-collection.

When it comes to child protection, however, national disaggregated survey data is available

for some issues. Every South Asian country provides at least some survey data on child marriage and child labour, and Afghanistan is the only country that provides national data on corporal punishment. Data on these other aspects of child protection is usually available from police reports and, sometimes, from national child protection bodies. It is also common in the region for governments to have undertaken research studies on child protection issues, often in collaboration with external agencies. However, few countries have included children as researchers or data-collectors for national surveys.

In most countries, the key child-related ministry or body has undertaken research studies on children's-rights-related issues in the last five years (2007–2012), although the number and breadth of these studies are sometimes limited. In addition, Nepal is publishing annual reports on the state of children's rights in the country – and India and Pakistan have both published one or more such reports. However, centralised national databases that cover broad aspects of children's rights are rare in the region. Finally, no South Asian country has mechanisms or processes in place for undertaking systematic child impact assessments or evaluations.

### **AFGHANISTAN**

In Afghanistan, the Central Statistical Organisation collects national child-related data through, notably, the National Risk and Vulnerability Assessment (NRVA) and Multiple Indicator Cluster Survey (MICS) household surveys, the most recent from 2007/08 and 2010/11, respectively. Although data cannot be compared because of differences in methodology, both NRVA and MICS provide national data on different aspects of children's health and education. In particular, MICS provides data on birth registration, education (school attendance, educational attainment, etc.) and children's health (vaccinations, care of illness, etc.) that is disaggregated by age/age group, sex, origin (region), residence (urban/rural) and socio-economic status (mother's education, wealth quintile). Administrative education and health data is also available

from the Information Management Systems run by the Ministries of Health and Education. In addition, the Vital Statistics Unit at the Ministry of Information has established a database for birth registration (the provinces are linked to a central database in Kabul).

As for child protection, the National Risk and Vulnerability Assessment includes some national data on child labour and the Multiple Indicator Cluster Survey data on child labour, early marriage and corporal punishment (violent child discipline), as well as orphaned children. Data on other aspects of child protection is collected through the provincial Child Protection Action Networks, which receive information on sexual abuse and exploitation that is not collated or analysed centrally. Moreover, in 2008 the Human Rights Commission conducted research on the situation of children in the justice system in 22 provinces.

The Committee on the Rights of the Child (2011) has called on Afghanistan to do more to provide disaggregated data that allows for analysis of the living conditions of children, particularly girls, children in poverty or children with disabilities. The government has established the Afghan Info database, which contains information on human development, although there is as yet no centralised database on children's rights.

## BANGLADESH

The Bangladesh Bureau of Statistics is the country's statistical office, responsible for the Bangladesh Demographic and Health Survey (BDHS, latest in 2011) and Multiple Indicator Cluster Survey (MICS 2006), among others. These surveys provide national data on birth registration (MICS), children's health (BDHS: vaccination, etc.; MICS: care of illness, etc.) and education (MICS: attendance and intake rates, etc.) disaggregated by at least age/age group, sex, origin (division), area (rural/urban) and socio-economic status (mother's education, wealth quintile). The Household Income and Expenditure Survey (latest in 2010) also includes disaggregated data on children's health and education.

National survey data on child marriage and child labour disaggregated as above can be drawn from the 2006 Multiple Indicator Cluster Survey (MICS). This survey also includes data on child disability. In addition, the bureau of statistics has conducted a number of specific child labour-related surveys.<sup>2</sup> Although no national level disaggregated data is available on corporal punishment/violent discipline of children, it should be noted that the 1996–2001 demographic and health survey, and the 1999–2001 MICS, include data on female genital mutilation/cutting. There is no record of any child-rights-related research studies conducted by the Ministry of Women and Children Affairs in the last five years (2007–2012).

The concept paper on the proposed National Child Rights Commission Act includes the function of preparing and maintaining a national database on child issues. However, no such database is yet in existence.

## BHUTAN

Bhutan's National Statistical Bureau collects survey data on birth registration, children's health and education through, notably, the Bhutan Multi Indicator Survey (latest in 2010), which is based on the Multiple Indicator Cluster Survey. This survey data includes Primary and Secondary School Participation, and Oral Rehydration Treatment, and is disaggregated by at least age/age group, sex, origin (region) and socio-economic status (mother's education, wealth quintile). A Living Standard Survey (latest in 2007) is also being carried out by the statistical bureau. It should also be noted that the Population and Housing Census (latest in 2005) provides data in these three areas. As for child protection, early marriage and child labour are covered by the multi indicator survey disaggregated as above. In addition, children have been involved in collecting data in Bhutan. A survey in 2012 on youth-related issues, which was piloted in the capital city, involved children as researchers.

<sup>2</sup> For example, the 2002/03 National Child Labour Survey, the 2002/03 Baseline Surveys on Working Children in Automobile Establishments and Child Workers in Welding Establishments and Battery Recharging/ Recycling, the 2005 Baseline Survey for Determining Hazardous Child Labour Sectors in Bangladesh, and the 2010 Pilot Survey on Working Children in the Dry Fish Industry in Bangladesh.

The National Commission for Women and Children, the country's key children's right body, has included the establishment of a comprehensive data management system in the upcoming Eleventh Five Year Development Plan. That said, a centralised child rights database is yet to be established. The National Commission has also recently conducted child-rights-related research, including the Assessment of Protection Factors for Vulnerable Children in Bhutan and the Situation of Child Labour in Bhutan – A Rapid Assessment. In addition, the statistical bureau conducted a two-stage child disability study among children aged 2–9 years in 2010/11.

## INDIA

A large number of comprehensive national surveys in India provide data on birth registration, education and health, disaggregated by at least age/age group, sex, origin and socio-economic status. Notably, the Sample Registration System, which claims to be the largest demographic survey in the world, regularly provides child-related data on, for example, under-five mortality, sex ratio at birth and of children aged 0–4 years. In addition, the 2005/06 round of the National Family Health Survey provided birth registration, children's health and nutrition data for India's periodic CRC report, although this survey has since been discontinued. As for education, a national survey is conducted every 2–3 years to establish the quality and reliability of the administrative District Information System for Education (DISE) data. It should be noted that DISE enables collection and compilation of district- and sub-district-level administrative school data (e.g. grade- and level-wise enrolment of children on a yearly basis). Although much of this data pertains to government-run or aided schools, national out-of-school surveys (latest in 2005) have also been undertaken by the government.

When it comes to child protection, for example the family health survey provides disaggregated data on early marriage, whereas the 2005/06 Demographic Health Survey covers child labour. It should also be noted that the National Crime Records Bureau and the State Crime Records Bureaus regularly collate data

on other aspects of child protection, such as crimes against children, including kidnapping and abduction of girls, molestation and sexual harassment. Moreover, a national database on missing children is maintained through ZIPNET, a programme of the Home Ministry on which information relating to missing children is displayed. Setting up a management information system on child protection is an integral component of the Integrated Child Protection Scheme, which is to act as a child tracking system from village to state and national level. Some pilots have been initiated in this regard by the Ministry of Women and Child Development.

The Ministry of Women and Child Development has conducted research on children's-rights-related issues, including a 2007 national research study on child abuse (another comprehensive study is being discussed). Although national reports on the state of children have not yet been published by the government on an annual basis, the Central Statistics Office has developed two Children in India reports since 2008 – the latest in 2012.<sup>3</sup>

The Five Year Strategic Plan (2011–2016) of the ministry includes explicit calls for child impact assessments, and the Twelfth Five Year Plan mentions impact assessments in relation to child budgeting. In addition, the new 2013 National Policy for Children provides for development of a continuous process of indicator-based child impact assessment and evaluation on the situation of children in the country, which will inform policies and programmes for children. Nevertheless, although evaluations are being undertaken for some child-related laws (such as the 2000 Juvenile Justice Act),<sup>4</sup> there are as yet no systematic mechanisms or processes in place for child impact assessment or evaluations of all laws or policies affecting children.

3 Central Statistics Office (2012), *Children in India 2012 – A Statistical Appraisal*.

4 Implementation of the Juvenile Justice Act is monitored regularly by a nominated High Court Judge or a Committee of High Court Judges as per a decision taken during a Conference of Chief Justices held in 2006.

## MALDIVES

In Maldives, the Demographic and Health Survey (latest in 2009) by the Ministry of Health provides national survey data on birth registration, children's health and education disaggregated by, where applicable, at least age group, sex, origin (region) and socio-economic status (wealth quintile and/or mother's education). Data is also disaggregated by residence (urban/rural). The survey covers immunisation and common diseases affecting children, as well as primary and secondary school enrolment, and dropout rates. In Maldives' decentralised approach to data-collection, the various ministries also provide administrative data in these areas. For example, all schools send annual enrolment data and data on the number of teachers trained, among other information, to the Ministry of Education.

When it comes to child protection, the Demographic and Health Survey provides some disaggregated national data on early marriage and child labour. In addition, the government has carried out a number of studies on sexual abuse and exploitation in collaboration with external agencies, including the 2009 National Study on Violence Against Children. The Maldives Child Protection Database was established in 2010 in collaboration with external agencies as well as, for example, the Ministries of Health and Family, and Education. The database provides a medium for case management and tracking of child abuse, juvenile delinquency and gender-based violence, connecting relevant sectors, for example the Child and Family Protection Services, the FCPD Child Protection Police and the Juvenile Justice Unit of the Ministry of Home Affairs. This database is still building its information and access will be extended to the Juvenile Court and the Human Rights Commission.

In addition, the Ministry of Health and Family has undertaken research studies on children's-rights-related issues. For example, in 2008, a study on the provision of social service in relation to child and family protection services was carried out in collaboration with the University of Newcastle, Australia. As to the recommendations of this study, a supervi-

sory system was established to reduce human error in child protection services across all Family and Children Service Centres and, further, a Code of Conduct for social service workers was enforced.<sup>5</sup>

## NEPAL

In Nepal, the Central Bureau of Statistics undertakes surveys such as, notably, the Nepal Demographic and Health Survey (NDHS, latest in 2011) and Nepal Living Standards Survey (NLSS, latest in 2011). These surveys provide data on birth registration (NDHS), children's health, including immunisation and nutrition, and education (NDHS and NLSS), including primary and secondary school enrolment, disaggregated by at least age/age group, sex, origin and socio-economic status – as well as by some country-specific criteria such as ecological zone (mountain/hill/Terai). It should also be noted that the annual Flash Report of the Department of Education, derived from the information collected through the Educational Management Information System, provides extensive administrative data on education in Nepal. The latest population census was undertaken by the government in 2011.

As for child protection, the demographic and health survey provides data on early marriage disaggregated as above and the living standards survey provides disaggregated data on child labour. Child labour is also covered by the 2008 National Labour Force Survey, which includes a chapter on economic activities of children. Although there is no national survey data on corporal punishment, the 2010 Multiple Indicator Cluster Survey (MICS), which is limited to the mid-west region, covers violent discipline. As for other aspects of child protection, some studies on trafficking have been undertaken by government bodies, and police and court reports are also available. Moreover, the Central Child Welfare Board undertook a "Monitoring of Child Care Homes" study in 2008 and, in 2006, the Ministry of Women, Children and Social Welfare conducted a research study on commercial sexual exploitation.

<sup>5</sup> The Code of conduct for Social Service Workers was endorsed by the Maldives Health Sciences Board in 2010. The Board gave six months to implement the Code of Conduct which would be followed by a review.



Nepal's 2004 report under the CRC mentions plans to establish a database on children's rights within the bureau of statistics, although such a database has not yet been created. The government, however, publishes annual reports on the state of children's rights throughout the jurisdiction: the State of Children in Nepal report.

### PAKISTAN

National surveys conducted by the Pakistan Bureau of Statistics provide data on birth registration, children's health and education. Notably, the Pakistan Demographic and Health Survey (latest in 2006/07) provides data on birth registration, children's health and education disaggregated by age/age group, sex, residence (urban/rural), origin (province) and socio-economic status (mother's education, wealth quintile). Moreover, the Pakistan Social and Living Standards Measurement Survey (latest in 2010/11) includes information on education (attendance, enrolment rates, literacy, etc.) and health (pre- and post-natal care, immunisation, etc.). The National Database and Registration Authority is responsible for the administrative registration on births.

In relation to child protection, the demographic and health survey provides national survey data on early marriage, which is disaggregated by age group, origin, sex and socio-economic status (educational level of mother). Moreover, the Labour Force Survey (latest in 2010/11), which excludes the Federally Administered Tribal Areas, provides some data on child labour. Information on other aspects of child protection, such as external or cross-border trafficking, may, however, be obtained from the Federal Investigation Agency. Although there is as yet no centralised database on children's rights in the country, a Child Protection Monitoring and Data Collection System has been established under the authority of the National Commission for Child Welfare and Development. However, the Committee on the Rights of the Child (late 2009) has expressed concern about whether the National Commission has the necessary resources to fulfil this task.

A number of child-related research studies have been undertaken by the Ministry of Human Rights. One annual report on the state of children's rights throughout the jurisdiction has also been published by the Children's Complaint Office at the office of the federal Ombudsman. With the assistance of external agencies, the complaint office prepared and launched the first report in April 2012, which included both primary and secondary research. As for child impact assessments and evaluations, like the rest of South Asia there are no systematic mechanisms or processes in place. This situation may evolve as a bill to establish an independent national commission on the rights of children drafted in 2009 includes provisions on that institution having the authority to require the government to issue a child impact statement on the extent to which legislation complies with the CRC and promotes the best interests of the child.

### SRI LANKA

In Sri Lanka, national surveys provide data on birth registration, child health and education. Notably, the Demographic and Health Survey (latest in 2006/07) provides data on birth registration and child health (e.g. infant and child mortality, vaccinations, diseases and nutrition), which is disaggregated by at least age group, sex, origin and socio-economic status (wealth quintile, mother's education). It should also be noted that the Annual Report of the Family Health Bureau provides administrative child health data disaggregated by age, gender and origin (province/district). When it comes to children's education, the Demographic and Health Survey contains some information on school attendance rates, but this information is not disaggregated as above. In addition, the Sri Lanka Education Information, published by the Ministry of Education (latest in 2011), provides administrative data on all government schools and private schools regulated by the Ministry of Education (data on students, teachers, student-teacher ratios, etc.), disaggregated by age, gender, ethnicity and origin. In addition, the Bulletin of Vital Statistics (latest in 2010) also provides administrative data on birth registration on annual returns furnished by District Registrars to the Head



Office, disaggregated by sex and origin (district, province).

In relation to child protection, the Demographic and Health Survey provides some data on early marriage disaggregated as above and the Child Activity Survey (latest in 2008/09) includes disaggregated data on child labour. The primary source for data on corporal punishment and other aspects of child protection remains police reports.

Although involvement of children in data-collection has not taken place for the national

surveys, a number of research studies on children's-rights-related issues have been undertaken by agencies under the Ministry of Child Development and Women's Empowerment. These include a 2008 study of street children in three provinces by the Probation Central Office and a 2011 study on the causes of delays in child abuse cases in the High Courts of the Western Province by the National Child Protection Authority. In general, studies have been carried out in collaboration with research institutes and universities in Sri Lanka, though mainly on an ad-hoc basis.

Indicator table: General Measures of Implementation No. 7: Data-collection and impact assessments<sup>1</sup>

	Afghanistan	Bangladesh	Bhutan	India	Maldives	Nepal	Pakistan	Sri Lanka
1	Y	Y	Y	Y	Y	Y	Y	Y
2	Y	Y	Y	Y	Y	Y	Y	Y
3	N	N	N	N	Y	N	N	N
4	N	N	Y	Y	Y	Y	Y	Y
5	N	N	N	P	N	Y	P	N
6	N	N	N	N	N	N	N	N

Y = yes, N = no, P = partial result (where the indicator contains a third option in addition to yes/no)

1 The Committee on the Rights of the Child's General Comment No. 5 primary source of indicators.

2 The Committee's General Comment No. 5 defines child impact assessments as "predicting the impact of any proposed law, policy or budgetary allocation which affects children and the enjoyment of their rights" and child impact evaluations as "evaluating the actual impact of implementation".

## General Measure 8: Independent human rights institutions for children

Independent Human Rights Institutions have spread rapidly across the globe, in particular since the 1990s. They provide independent monitoring for States' actions and have the mandate to promote and protect human rights. In General Comment No. 5, the Committee on the Rights of the Child makes a clear distinction between governments' self-monitoring of their actions through assessments and evaluations, and independent monitoring performed by parliamentary committees, civil society and human rights institutions.

These institutions are public but independent bodies. Their role is especially important with respect to children's rights because children have few opportunities to participate in decision-making to defend their interests and have limited access to redress in case of violations of their rights. Furthermore, by carrying out comprehensive monitoring, these institutions are able to take into consideration the full range of rights contained in the Convention on the Rights of the Child. In some cases, states have established specialised Children's Ombudspersons or Commissions, while in others, a child rights focus is included in an institution with a broad human rights mandate. Such Independent Human Rights Institutions for children can wield important influence over public decision-making and discourse. The key to their success is independence – to be able to act on their own initiative without receiving orders from the government. Importantly, these institutions do not directly provide for CRC implementation. They instead

strengthen the efforts of government and civil society by helping them to be more effective in realising children's rights – in other words, they operate like the “oil in the system”.<sup>1</sup>

In 2002, the Committee released a General Comment on the role of Independent National Human Rights Institutions in the promotion and protection of the rights of the child, drawing on the UN's 1993 “Paris Principles”, which represent the core international standards for human rights institutions. According to the Committee, State Parties are required to establish such institutions, which should have transparent appointment procedures, include representatives from civil society and involve, among others, children's organisations in their work. Setting up a division or commissioner for children within an existing human rights institution, rather than as a separate entity, is recommended when resources are scarce.

The Committee stresses that the mandate of these independent institutions should be legally entrenched, with a broad scope for promoting and protecting human rights, and include specific functions, powers and duties linked to the CRC. In addition, the importance of independence when monitoring state progress towards implementation is highlighted, which requires reasonable financial provision, as is the ability of the institution to provide remedies for children's rights abuses – and ensure that other remedies, not necessarily provid-

<sup>1</sup> UNICEF Office of Research (2012), *Championing Children's Rights – A Global Study of Independent Human Rights Institutions for Children*.

General Measure 8: Key findings, achievements and challenges

Significant results	Notable results	Some results	Little or no results
India Afghanistan	Bangladesh Maldives Nepal Sri Lanka	Pakistan	-

The results are based on average scores. For more details, see the indicator list at the end of this section and the Appendix.

ed by the institution itself, are available to children. For example, the institution should have sufficient powers to investigate breaches on its own initiative or following an individual complaint. Human rights institutions should also proactively strive to be geographically and physically accessible to all children and, in light of article 12 of the CRC, to ensure that the views of children are expressed and heard on matters concerning their human rights and in defining issues relating to their rights.

All South Asian countries but one (Bhutan)<sup>2</sup> have established Independent Human Rights Institutions that are working on children's rights to varying degrees. A few have strengthened the focus on children with a specific section, division or identifiable commissioner, and all but one have legislative and/or constitutional mandates that include the power to investigate human rights abuses following complaints or on their own initiative. Even so, the institutions in Afghanistan and, especially, in India are the only institutions whose legal mandate explicitly mentions functions and powers for the protection and promotion of children's rights.

Calls for the establishment of Independent Human Rights Institutions are relatively rare in most regional child-related documents. However, the cross-cutting recommendations from the 2005 Regional Consultation on Violence Against Children, for example, include the establishment of a Children's Ombudsman in each South Asian country.

### **Key findings: achievements and challenges**

In most countries of the region, independent human rights institutions do not have specific children's sections, divisions or identifiable commissioners and children's rights are assumed to fall under human rights in gen-

<sup>2</sup> In Bhutan, the National Commission for Women and Children (NCWC) is the key body responsible for the implementation of the CRC in the absence of a ministry for women and children issues. Therefore, in the South Asian Report, the NCWC is considered as a government coordinating mechanism (the fifth General Measure of Implementation) for child rights and will, thus, not be considered as an independent human rights institution.

eral. Nevertheless, all are to varying degrees working proactively on children's rights. A few countries have set up specific children's sections or office within the human rights commission or Ombudsman. India has established a specialised national children's commission that is entirely separate from the human rights commission.

The independent institutions in South Asia have different mechanisms for appointing members and Chairpersons. Still, most are directly appointed by the highest level of government (usually the President), often on the advice of the constitutional council or a government-led selection committee, and occasionally, as in Maldives, on the advice of the Parliament. Most often the members and Chairperson of the institution must (and do) have human rights experience, and in practice members often come from a civil society background. As for funding, government funding to all but one institution (Afghanistan's) include operational costs in addition to office space and equipment, although it is still common for external agencies to provide some financial or technical assistance.

Official mandates of the independent human rights institutions in the region are based in law and/or the Constitution in all cases, except the Ombudsman in Pakistan. Competencies included in these mandates reflect to some extent the Paris Principles and General Comment No. 2 – all having the power to investigate human rights abuses based following complaints or on their own initiative; and nearly all explicitly recognising the power of the institution to access care and justice institutions for investigation (although not necessarily unannounced visits, which may be important for the effectiveness of policies). Some also have the power to take cases to court on behalf of children. The functions of nearly all institutions include promoting harmonisation of national legislation with international human rights standards and promoting public awareness of human rights – and all include submitting recommendations, proposals or reports to competent bodies on matters concerning human rights. However, since only half of the independent institutions have

mandates linked to children's rights (by virtue of having a legal mandate to this effect or a specific children's section, division or identifiable commissioner), only these institutions are explicitly required to exercise the above and other powers and functions for the benefit of children – and report on their performance in this respect.

Despite notable efforts, the institutions in Bangladesh, Maldives and Sri Lanka only have a B status with the Sub-Committee on Accreditation of the International Coordinating Committee, which reviews and accredits institutions in light of their compliance with the Paris Principles. Conversely, institutions from Afghanistan, India and Nepal enjoy an A status, indicating strong compliance. The institution in Pakistan is not reviewed in this respect because it is a traditional Ombudsman.

### AFGHANISTAN

Established in 2001, the Afghanistan Independent Human Rights Commission has a specific Children Rights Support & Development section. The Commission also used to have a Children's Commissioner before her passing in 2011 (a replacement is yet to be announced). This unfortunate situation has had some negative impact on the Commission's focus on children. Some current members (who are appointed by the President) come from civil society.

The mandate of the Afghanistan Independent Human Rights Commission (AIHRC) is based on Article 58 of the Constitution of Afghanistan, and its functions and powers are further detailed in the 2005 Law on the Structure, Duties and Mandate of the AIHRC. The law, which includes a few child-specific provisions, states that the powers of the Commission include investigating breaches of human rights on its own initiative or following an individual complaint, and visiting detention centres to monitor the treatment of prisoners. In practice, this has meant that the children's section of the Commission accepts complaints by or on behalf of children and that the Commission has access to children in both care and justice institutions, including Juvenile Rehabilitation Centres and children's shelters.

The functions of the Commission include promoting harmonisation of national legislation and regulations with international human rights standards, providing the government and civil society with recommendations for promoting and protecting children's rights, and raising public human rights awareness. The children's section has carried out a number of awareness-raising campaigns directly targeting children. In addition, 394 Child Rights Field Monitoring missions that included interviews with 4,868 children were undertaken in 2010/11. However, the fact that the Commission is almost entirely funded by foreign donors (with the exception of the building) has led the Committee on the Rights of the Child (2011) to express concern about the financial support provided to the Commission and the expertise of its child rights field monitors. During the country's 2009 Universal Periodic Review, Afghanistan also accepted the recommendation to gradually increase financial resources allocated to the budget of the Commission.

### BANGLADESH

After a two-decade campaign, the National Human Rights Commission (NHRC) was established under the 2009 NHRC Act. Although there is no identifiable commissioner responsible for child rights or a specific children's section or division within the Commission, a Child Rights Committee consisting of seven members representing national and international NGOs, UN bodies and eminent human rights and child rights personalities meets bi-monthly.<sup>3</sup> Members of the Human Rights Commission are appointed by the President on the recommendation of a government-led selection committee. Although the current membership includes representatives from NGOs, lawyers, writers and former civil servants, among others, the Sub-Committee on Accreditation has expressed concern that the appointment process is almost exclusively government-led.

As for funding, a Human Rights Commission Fund has been created under the NHRC Act,

<sup>3</sup> In addition, the National Children Policy (2011) includes a provision for the appointment of a separate Ombudsman for children, and a law has been drafted to this effect.



although external agencies are also involved.<sup>4</sup> During the 2013 Universal Periodic Review, the Commission asked the government for additional resources and staff to strengthen its institutional functions, revise the NHRC Act, ensure its financial and administrative independence and allow it to investigate violations by law enforcement agencies.

The Human Rights Commission has the formal power to investigate human rights violations on its own initiative or following a complaint (in practice, children's complaints, too, though few of these have been lodged) and visit detention centres such as jails or places of correction, custody, treatment, or such other welfare. For example, the Commissioners have visited vagrant homes, safe homes, mother and child centres, orphanages and schools. The investigative powers of the Commission extend into allegations of human rights violations by armed forces. The functions of the Commission include verifying the conformity of laws with international human rights standards, providing necessary legal and administrative directions or recommendations to the government for the protection and development of human rights, and publicise human rights among various sections of society – though none of these explicitly relate to children's rights. Thus far, the efforts of the Commission to involve children has been limited, and the Committee on the Rights of the Child (2009) has expressed concern about the Commission's limited accessibility to children. Nevertheless, the government has sought to respond to the Committee's concerns by including the need for more accessible and child-friendly complaints procedures in the 2010–2015 strategic plan of the Commission.

### **BHUTAN**

In Bhutan, the National Commission for Women and Children (NCWC) is the key body responsible for the implementation of the CRC in the absence of a ministry for women and children issues. Therefore, in the South Asian Report, the NCWC is considered as a government coordinating mechanism (the

<sup>4</sup> For example, a NHRC Capacity Development Project, co-led by the government and UNDP, has led to a new five-year (2010–2015) strategic plan for the Commission

fifth General Measure of Implementation) for child rights and will, thus, not be considered as an independent human rights institution.

### **INDIA**

India is the only country in the region with a separate, independent human rights institution for children. The National Commission for Protection of Child Rights is mandated under the 2005 Commission for Protection of Child Rights Act (and the 2006 Rules under the Act) and funded by the central government. In addition, State Commissions for Protection of Child Rights have been established in many if not all states.

Both the Chairperson and members of the National Commission are appointed by the central government on the advice of a government-led three-member selection committee. The six members of the Commission must have experience in education, child health, care, welfare or child development – and at least two are required to be women. It should be noted that the Commission has set up several expert committees which have NGO representatives and the current Chairperson comes from a distinguished background in civil society.

The powers of the National Commission include investigating abuses of children's rights on its own initiative or after a complaint by or on behalf of a child. Since its formation, the Commission (which may receive complaints in any of the 22 languages recognised in the Eighth Schedule of the Constitution) has received and inquired into complaints related to working children, sexual abuse, corporal punishment and juvenile justice.<sup>5</sup> It may also inspect juvenile custodial homes, or any other place of residence or institution meant for children, and take cases to court on behalf of children. In addition, the functions of the Commission include analysing existing law, policy and practice to assess compliance with the CRC and comment on proposed legislation; make recommendations for the effective

<sup>5</sup> According to the Annual Report 2011/12 of the Ministry of Women and Child Development, during the year 2011/12 (up to December 31, 2011), the NCPCR dealt with 493 complaints of violations/deprivations of child rights. Out of those, 91 cases resulted in investigation.

implementation of existing policies, programmes and other activities on child rights and submit annual reports to the government; and spread child rights literacy among society. In addition, the Commission has directed the states to ensure that schools and care and justice institutions include forums for child participation.

The National Commission has also been assigned the responsibility of monitoring the 2012 Protection of Children from Sexual Offences Act and the child's right to education under Section 31 of the 2009 Right to Education Act. This has resulted in a large number of complaints regarding violations of the right to education.

### MALDIVES

Established in 2003, The Human Rights Commission of Maldives received its legal mandate with the passing of the 2006 Human Rights Commission Act and the Constitution of Maldives in 2008. Although a specific section, division or identifiable children's commissioner is yet to be established within the Commission, a Child Focal Group comprised of representatives of all departments has been established. In addition, the Committee on the Rights of the Child (2009) has welcomed the fact that the Commission has emphasised children's rights in its work. The members and Chairperson of the Commission (the President puts forth names to the People's Majlis, the main legislative body, which makes the final selection) may not be employed in the government or in the private sector. They are appointed from human rights organisations and among persons who are active in promoting human rights in social and technical fields. The Sub-Committee on Accreditation has, however, found that the composition of the Commission, in particular the request that all members be Muslim, did not provide for guarantees of pluralism in line with international standards.

The powers of the Human Rights Commission include investigating human rights violations on its own initiative or following a complaint (in practice, children's complaints,

too).<sup>6</sup> In addition, the Commission has the power to, without prior notice, inspect any premises where persons are detained under a judicial decision or a court order. Again, in practice this has included, for example, children's shelters.

In relation to functions, the Human Rights Commission may identify violations of human rights standards in current laws and regulations; make recommendations to government agencies in relation to, for example, the formulation of laws and regulations, and submit annual reports to the President and Parliament; and increase awareness on human rights. Although these functions are not explicitly concerned with children's rights, in practice the Commission has on occasion exercised them for the purpose of children. For example, it has submitted comments on a proposed Bill on Juvenile Justice and marked awareness days on ending violence against children.

### NEPAL

The National Human Rights Commission (NHRC) of Nepal was established in 2000 under the 1997 Human Rights Commission Act, which has been repealed in favour of the new 2012 NHRC Act. In addition, in accordance with the 2007 Interim Constitution, the Human Rights Commission is a constitutional body. Although there used to be a Child Rights Protection Desk within the Commission, this office has been abolished and there is currently no specific section, division or identifiable children's commissioner. The five members, including the Chairperson, are appointed by the President on the recommendation of the Constitutional Council, and representation from women as well as "all fields" is required. Members must also have been actively involved in and made an outstanding contribution to human rights or social work.

The Human Rights Commission has the power to investigate lodged complaints or initiate its own investigations into violations of human rights – in practice also includ-

<sup>6</sup> In 2010, out of 712 human rights complaints 13 related to children's rights violations, though other categories would also indirectly include children's complaints (e.g. Special protection to children, young children, the aged and people with special needs, and Right to education).

ing children's rights, though few complaints have been submitted so far.<sup>7</sup> The powers also include inspecting public and private institutions, such as prisons and places that serve to protect human rights. Although the Commission does not yet have the power to take direct court action on behalf of children, a 2013 Supreme Court verdict has had the effect of obliging the Attorney General to take cases to court if the Commission so recommends. As for the functions of the Commission, it shall, for example, review prevailing laws relating to human rights on a periodic basis and recommend necessary reforms and amendments; submit annual reports to the President and forward recommendations to concerned authorities on the prevention of violations of human rights; and promote public awareness of human rights by working jointly with civil society and undertaking studies and research.

Although none of its formal functions or powers explicitly relate to children, the Human Rights Commission has been rather active on children's rights. For example, it has started awareness-raising activities with the government and other relevant stakeholders on the Third Optional Protocol to the CRC on a communications procedure; provided feedback to the government on its periodic CRC reports; and organised interactions with civil society on supplementary reports under the Optional Protocol to the CRC on the Sale of Children. The Commission has also undertaken a series of awareness-raising activities on the need for banning all forms of corporal punishment of children, and reviewed the new draft Act Concerning Children, which is pending Parliament approval.

## PAKISTAN

Established by a 1983 government order, the federal Ombudsman (Wafaqi Mohtasib) is the only independent government body with a human rights mandate at the national level in Pakistan. Each province also has its own Ombudsman, with jurisdiction over, for example, education, health, social welfare, juvenile

justice and labour in accordance with Pakistan's decentralised system of governance. In early 2009, a Children's Complaint Office was established within the federal Ombudsman (and some of the provincial Ombudsmen) with a separate staff of five people, although without an official legislative or governmental mandate. The President appoints the federal Ombudsman, which in turn appoints the head of the complaint office. A recent study co-developed by UNICEF and the Ombudsman office found that the appointment process lacked the legislative safeguards needed to ensure that it would not be misused.<sup>8</sup> While the Ombudsman is government-funded, the complaint office is entirely funded by external agencies, save for office space and equipment.

The powers of the federal Ombudsman include conducting investigations relating to maladministration following individual complaints or of its own motion, although focus has been on the former.<sup>9</sup> The complaint office received around 200 complaints from children in its first 18 months of operation. Although having access to care and justice institutions are not mentioned explicitly, the Ombudsman has the power to form inspection teams and enter and search any premises. The Ombudsman's functions are strictly related to the investigation of complaints (and making recommendations when breaches have been identified). In practice, however, the complaint office within the federal Ombudsman has been involved in much more than following up complaints. It has, for example, conducted research on federal government agencies' compliance with the CRC; organised a number of workshops on child rights and engagement with NGOs (targeting the federal and provincial Ombudsmen Secretariats, government agencies, NGOs, the media and others); undertaken awareness-raising campaigns targeting children; and worked with relevant government ministries to speed up compliance with CRC by setting up an interministerial Steering Committee.

7 From July 2010 to July 2011, only 12 complaints of alleged children's rights violations were registered by the NHRC. Nevertheless, as of 12 April 2012 there were 192 cases of alleged such violations under investigation by the NHRC.

8 Office of the Federal Ombudsman, UNICEF (n.d.), International Study of Best Practices in Monitoring Children's Rights, p. 67.

9 Regulations of the Ombudsman's powers in relation to investigation and disposal of complaints were adopted in 2003.

**SRI LANKA**

The Human Rights Commission of Sri Lanka was set up under the 1996 Human Rights Commission Act. A specific section, division or identifiable children's commissioner has yet to be established. The five members of the Commission, including the Chairman, are appointed by the President on the recommendation of the Constitutional Council, which is obliged to take into account minority representation and the candidate's knowledge of, or practical experience in, human-rights-related matters. According to the Human Rights Commission Act, any offence of contempt committed against, or in disrespect of, the authority of the Commission will be punishable by the Supreme Court as though it were an offence committed against that Court. The Committee on the Rights of the Child (late-2010) has expressed concern about the independence of the Commission and so has the Sub-Committee on Accreditation, which has also questioned its impartiality and lack of accessibility to specific groups of the population. During the country's late-2012 Universal Periodic Review, Sri Lanka accepted recommendations to, for example, strengthen and ensure the independence of the Human Rights Commission, adopt necessary legal measures to ensure that the Commission is in line with the Paris Principles, and enable additional resources to the Commission.

The powers and functions of the Human Rights Commission relate to human rights in general – not explicitly to children. Nevertheless, the Commission has the power to initiate investigations into violations of fundamental rights on its own or following a complaint in English, Sinhala or Tamil by any individual person or group or a person/group acting on his/her/their behalf. Child-related complaints have been filed. The powers of the Commission also include monitoring the welfare of persons detained either by a judicial order or otherwise. In practice, this has included visiting child detainees, and consultations on, for example, visiting mechanisms have been held with the Institute of Human Rights, an independent NGO. As a body corporate, the Commission can further act as the plaintiff and file proceedings in any civil court on behalf of children, although this does not apply in criminal cases.

In addition, the official functions of the Human Rights Commission include advising the government on national laws and administrative practices' compliance with international human rights norms and standards; recommending to appropriate authorities that prosecution or other proceedings be instituted against violators of fundamental rights and submitting annual reports to Parliament; as well as promoting awareness of, and providing education in relation to, human rights.

Indicator table: General Measures of Implementation No. 8: Independent human rights institutions for children<sup>1</sup>

	Afghanistan	Bangladesh	Bhutan	India	Maldives	Nepal	Pakistan	Sri Lanka
1	Y	P	Y	P	P	Y	P	Y
2	Y	Y	Y	Y	Y	N	Y	Y
3	Y	P	Y	P	P	Y	P	Y
4	Y	P	Y	P	P	N	P	N
5	Y	P	Y	P	P	N	P	Y
6	Y	P	Y	P	P	Y	P	Y
7	Y	P	Y	P	P	N	P	Y
8	N	Y	Y	Y	Y	Y	Y	Y
9	Y	N	Y	N	Y	NA <sup>4</sup>	N	Y

Y = yes, N = no, P = partial result (where the indicator contains a third option in addition to yes/no), NA = not applicable

- The Committee on the Rights of the Child's General Comment No. 5 primary source of indicators, General Comment No. 2 on the role of independent national human rights institutions was also consulted, Bhutan's National Commission for Women and Children (NCWC) is not considered as an independent human rights institution in the South Asian Report, as the country's key body responsible for the implementation of the CRC.
- Child-specific mandate means a written legislative mandate that mentions children or a general human rights mandate in an institution with a specific section, division or commissioner for children.
- In addition to land, buildings, office equipment and the like.
- The institution in Pakistan is not reviewed in this respect because it is a traditional Ombudsman.



*Child Rights Defender Gokul Pandey:  
Everybody needs to know about child rights!*

**“Every decision that the government take affects children. So if I could decide I would make it my main priority to ensure that all government sectors involve children. I would involve children in urban and rural areas and in particular children in remote areas as they face big challenges with violence. Children can help the government to end violence against children.”**

Today, not enough is done to involve children, not even by organisations that work with children’s issues. And every day children are directly affected by different forms of violence. There are so many challenges: children are exploited and used in political strikes, drug trafficking, as child labour and in many other ways that violate their rights.

Still, changes have also happened in the last few years. More children are getting involved in child clubs and other organisations to talk about their problems and find ways to end violence against children. Many more children know their rights. Therefore, adult organisations should follow up and support children’s work and their own priorities. They should listen to children as children know their own situation, challenges and state of mind best. Children also want to hear from the government and be respected. The main priorities for children in South Asia are protection, counselling and a child-friendly environment. Girls need to be supported and everybody needs to know about children’s situation and rights.

*Gokul Pandey, 17 years, Nepal*



My

Voice

COUNTS

I  
Want

TO MAKE

A  
DIFFERENCE



# Chapter 3 – Children’s right to be heard

The adoption of the Convention on the Rights of the Child (CRC) in 1989 challenged the way in which important actors looked upon children – as largely immature, passive and vulnerable. The CRC and new research on childhood recognised children’s rights and their role as social actors who make social and economic contributions in families, communities, schools and society.<sup>1</sup> From this new perspective, children’s participation was seen as a catalyst to realise other rights, to transform power relations between children and adults, and to challenge the discriminatory structures where adults simply decide what is best for children without consulting them.

Children’s participation can be understood in the broader context of realising children’s civil and political rights and, most importantly, the right to participate in decisions and policy-making affecting their lives. This is in line with the basic principles of human rights, citizenship<sup>2</sup> and good governance which are centred on the idea that everyone should have a say in decisions that shape and govern their lives. Moreover, children’s right to be heard in article 12 of the CRC<sup>3</sup> is one of the four general principles of the Convention – as such underlining the basic principle of children’s right to be involved at almost all levels of society.

Children’s participation has been defined as “an ongoing process of children’s expression and active involvement in decision-making at different levels in matters that concern them. It requires information-sharing and dialogue between children and adults based on mutual respect, and requires that full consideration of their views be given, taking into account the child’s age and maturity”.<sup>4</sup>

This report notes that a gradual and positive change is taking place in South Asia, which needs to be sustained if it is to translate into a reality for children. For instance, research into legal, policy and procedural entitlements shows that there have been many ad-hoc – and some more systematic – initiatives by governments to support children’s participation in the school and community, in local governance and in policy and law-making. Child-related laws, policies and plans of action increasingly affirm the right of children to have their voices heard in matters that concern them and children are gradually becoming empowered with skills, platforms and opportunities to enhance their participatory potential. It is likewise important that the Constitutions in South Asia guarantee all citizens their rights to speech, expression and association and that the regional association of SAARC considers the participatory rights of children as vital for achieving economic and social development in South Asia.<sup>5</sup> Children have also organised themselves and taken collective action to promote child rights and act against rights violations. As such, child participation is part of a broader movement demanding accountability from those in power.

Nevertheless, there is still a need for legal frameworks accompanied with guidelines and principles for engaging with children that make children’s participation explicitly mandatory in con-

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1 Theis, J., and O’Kane, C. (2005) Children’s participation, civil rights and power. In J. Ensor and P. Gready (eds) *Reinventing Development? Translating Rights Based-Approaches from Theory into Practice*. London: Zed Books.

2 Citizenship is the collection of rights (including participation rights) and obligations that define the members of the community.

3 UN Committee on the Rights of the Child (2009) General Comment No.12: The right of the child to be heard.

4 Lansdown, G. (2011) *Every Child’s Right to be Heard: A Resource Guide on the UN Committee on the Rights of the Child*. General Comment no. 12. Save the Children and UNICEF.

5 SAARC Convention on Regional Arrangements for the Promotion of Child Welfare in South Asia

sultative and decision-making processes in local and national governance, school governance, in the community and in family-level decision-making. Children continue to be discriminated against because of their age, gender, ethnicity, class and religion, obstructing the goal of realising their right to participate and be heard. Children are also disenfranchised by their lack of right to vote, and efforts by governments to make long-term financial and political commitments to enhance children's rights to expression, information, participation and association have been limited. Additionally, children outside of the formal institutional mechanisms – such as out-of-school children, children without parental care and children living in the street or in institutions – will have fewer opportunities to benefit from policy and law reform encouraging child participation. Other key obstacles include traditional beliefs and power structures, and a limited understanding of the positive impact on society of including children and realising their participation and citizenship rights.

Thus, in spite of clear advances, South Asian children are still largely viewed as the property of adults and childhood is seen as a stage of learning, with adults being the primary source of experience and knowledge. While governments have been proactive in amending laws and policies, mostly it is civil society and non-governmental agencies that have pushed for children's participation and developed models and approaches for engaging with children in appropriate and meaningful ways.

*The South Asian Report on the Child-friendliness of Governments* takes a two-pronged approach towards analysing children's right to participate and be heard in South Asia. The first part of the analysis – measuring laws, policies and procedures for involving children – is divided into three domains focusing on legal entitlements to participate in decision-making, children's access to information and children's opportunity to influence agendas.<sup>6</sup> A background on children's right to be heard is also provided. The information was collected by researchers from each country and verified by child rights experts.

The second part is presented in the next chapter and consists of a child survey on "Children's perspective on their wellbeing and citizenship roles". The survey is based on interviews with 180 girls and boys between 12 and 18 years of age from different backgrounds in South Asia. The sample is small and the findings cannot be generalised – rather, they serve to illustrate children's views and some major trends and changes in the roles and participation for some children. In their responses, children relate their experiences to their wellbeing and participation rights in the family and in school, in their relations with friends and in the community.

6 Lansdown, G. (2011) A Framework for Monitoring and Evaluating Children's Participation.

#### Key regional findings: Measuring laws, policies and procedures for involving children

Significant results	Notable results	Some results	Little or no results
-	India Bangladesh	Afghanistan Bhutan Maldives Nepal Pakistan Sri Lanka	-

The table results are based on average scores obtained on the basis of three domains: Legal entitlements for children to take part in decisions, Children's access to information and Children's opportunity to influence public decisions (for more details, see the indicator lists at the end of the chapter as well as the Appendix).

## Key regional findings: overall achievements and challenges

Overall, India's results have been most notable in terms of putting in place an enabling legal, policy and procedural environment for children to participate in society, notably in terms of enshrining the principle of the child's right to be heard in child-specific legislation, policy and in the court and care systems. India is closely followed by Bangladesh, Maldives, Nepal and Sri Lanka. Afghanistan, Bhutan and Pakistan have also taken some steps in the right direction. The opportunity for children to influence public decisions, especially in local and national governance, is the weakest link of children's participation in South Asia.

### Domain 1: Legal entitlements for children to take part in decisions

It is a good start for realising a more child-friendly society that child-related laws and policies formulated in recent years usually include children's rights to be heard and participate. In addition to various child-specific legislation including child participation, all countries in the region have a National Plan of Action for Children or Child Policy that includes child participation – and some of these plans and policies mention child participation as part of the CRC training for professionals working with or for children. In India, for example, child participation features in the Eleventh Five Year Plan and in the draft Twelfth Five Year Plan (2012–2017) documents. Similarly, the current National Plan of Action for children and the Child Friendly Local Governance Strategy in Nepal support child participation in local and national level decision-making.

Children may have the freedom to establish child clubs and informal networks in most countries in the region. However, they can only register their associations with the government authorities in Nepal and Sri Lanka. Thus, in the other countries children can only register their organisations if adults take the legal responsibility and manage the organisa-

tions on their behalf.

Children are legally entitled to be heard during court proceedings in most countries in South Asia. This is mostly a requirement for children in conflict with the law and does not always apply for child victims and witnesses. On the other hand, in India, several court judgements have recognised the testimonies of children who are witnesses or victims. Several countries have established mechanisms for recording court hearings, and children may receive legal information and representation. Furthermore, children are entitled to be heard in public care in most countries, although none have laws obliging parents to involve children in decisions affecting their lives. Schools in all countries have some form of school management councils with representation of parents and teachers. However, students are only regularly represented in these councils in some countries. Occasionally, representatives from child clubs are represented in the school management committees in Afghanistan, Nepal and Sri Lanka.

While notable and important progress in the formal systems and mechanisms has taken place in South Asia, the way in which the spirit and word of the law is interpreted by law enforcement agencies determines the degree and outcome of children's basic right to be heard. Children's opportunities to be heard in court, to get appropriate information and the use of technical equipment such as video recording depend on the availability of budgets, as well as upon the understanding, interest and commitment of lawyers, police and judges.

### Domain 2: Children's access to information

In most countries, primary education and in some cases also secondary education are legally obligatory and free. Yet it should be noted that even if education is obligatory and free in theory, not all children – and especially marginalised children – will in practice have the same opportunity to access the education system.



Some form of human rights education is provided in half of the countries in the region, and it is an explicit part of the school curriculum in Bangladesh, India and Nepal.

As for the media, both the government and private media agencies have generally tended to feature child rights issues on the radio and television and in the printed press, although the government media are less involved in Pakistan and Afghanistan. Media often report in relation to children's days, sports events and of course crimes by or against children; but there is also another trend of the media focusing on broader, child rights issues. Thus children may have access to information, and even more so now with the spread of television, mobile phones and the internet, but further research is needed to know the extent of the information and which groups of children are most likely to benefit from it.

Helplines for children are in place in all

countries in South Asia, although they do not always have national coverage and direct government involvement.

### **Domain 3: Children's opportunity to influence public decisions**

It is only in Bangladesh and Nepal that governments have established permanent procedures to consult with children when developing legislation and policies. Children are mostly not included in national and local governance, and they are rarely given the opportunity to give feedback on public services or to influence resource allocation. However, child representatives in, for example, Nepal and India have been invited to contribute to local governance. On the other hand, in practice children are supported to give feedback on many occasions, although mostly on an ad-hoc basis and with the support from civil society and non-governmental and UN agencies.

## **Background: children's right to be heard and their civil and political rights**

Children's rights to be heard is one of the four general principles of the CRC, which are expected to guide policy design and implementation. The first principle comprises non-discrimination and universality (article 2) and intends to cover all rights and public policies for all boys and girls in a country. The second principle is about the best interest of the child (article 3)<sup>1</sup> and implies that policies and resources shall be distributed in the best interest of the child to the maximum extent possible. The third principle is the right to survival and development (article 6) and thus the right to be alive and evolve growing capacities. Applying this principle requires paying attention to the outcome of policies, programs and services. The last principle is the right of the child to be heard (article 12), which requires creating legal structures and a systematic practice

of consulting children and listening to them in matters that affect them. It implies the state's obligation to produce an environment for others to be able to hear children's views and to create spaces for communication.

Children's right to be heard is also at the core of their civil and political rights.<sup>2</sup> Civil and political rights comprise the first part of the 1948 Universal Declaration of Human Rights and ensure citizens' ability to fully participate in the civil and political life without discrimination or political repression. Civil rights focus on people's physical and mental integrity, life and safety, protection from discrimination and individual rights such as privacy and the freedoms of thought, speech and expression, religion and movement. Political rights include procedural fairness in law, the rights of the

1 UN Committee on the Rights of the Child (2013) General Comment: The best interest of the child

2 Save the Children/O'Kane, C (2013) Pushing the boundaries: A guide to increasing the realization of children's civil rights and freedoms, Save the Children

accused and the right to a fair trial, the right to seek redress or a legal remedy, and rights of participation in civil society and politics such as freedom of association and the right to vote.

Civil and political rights are also included in the Convention on the Rights of the Child.<sup>3</sup> Together, they assert the status of the child as a subject of rights who is entitled to exer-

#### Related articles on the civil and political rights of children in the CRC:

In addition to the general principles of the CRC (non-discrimination – article 2, best interest – article 3, right to life – article 6, and children's participation – article 12), there are eight articles relating directly to the civil and political rights of children:

- Name and nationality (article 7)
- Preservation of identity (article 8)
- Right to freedom of expression (article 13)
- Right to freedom of thought, conscience and religion (article 14)
- Right to freedom of association and peaceful assembly (article 15)
- Right to protection of privacy (article 16)
- Right to appropriate information (article 17)
- Right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment (article 37)

cise these rights in accordance with evolving capacities. In addition, and unlike economic and social rights, the civil and political rights of children are not to be linked to a state's economic condition. These rights are to be guaranteed to all girls and boys, including stateless children, without discrimination. Governments are obliged to respect, protect and fulfil the right of children to express their views in all matters of concern to them, and to have them taken seriously.

The CRC does not use the term “child participation” but it has been widely used by the Committee on the Rights of the Child and the child rights community to describe the

3 Lansdown, G. (2011) Every Child's Right to be Heard: A Resource Guide on the UN Committee on the Rights of the Child. General Comment no. 12. Save the Children and UNICEF.

realisation of children's right to be heard and other related civil and political rights. The CRC Committee has also stressed that the right to participate applies to all children who can form views, however young, and it applies in all areas of their life. At the same time, it is important to acknowledge that children communicate actively from infancy and that their needs are to be met and respected accordingly.

The Convention on the Rights of the Child defines a child as a human being below the age of eighteen years<sup>4</sup> and State Parties are, according to article 2, to respect each child within their jurisdiction without discrimination of any kind. The child is to be registered immediately after birth and have the right to a name and nationality (article 7). As pointed out by the CRC Committee, every child living on a national territory, and not only those with a birth certificate and nationality, should be treated as a citizen from birth.<sup>5</sup>

#### Article 12 of the Convention on the Rights of the Child:

1. States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.
2. For this purpose the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or appropriate body, in a manner consistent with the procedural rules of national law.

Article 12 is a central article as it relates directly to the right of the child to express views about matters affecting them, and the right to be involved in decisions and actions that have an impact on her/his life.<sup>6</sup> Moreover, the State is to introduce active measures to enable the

4 Unless majority is obtained earlier as per national law.

5 Jaap Doek in Foreword of Invernizzi, A., and Williams, J. (eds) (2008) Children and Citizenship. London: Sage.

6 The term “children” consists of girls and boys, children of different ages and with different languages, children with disabilities, children living with HIV/AIDS and children living in poverty

child to be heard in, for instance, all judicial and administrative proceedings. The importance of children's participation in decisions and actions affecting them is acknowledged not only in article 12 but in the entire Convention. Participation is a substantive right and the child is thus entitled as a matter of principle to be listened to and taken seriously. Furthermore, it is also a procedural right through which children can act to promote the realisation of other rights.

Article 13 on freedom of expression relates to the right to hold and express opinions, and to seek and receive information through any media. The obligation of the State is to refrain from interfering and to protect the right to take part in communication and public dialogue. Article 14 recognises the right of the child to freedom of thought, conscience and religion. Children have according to this article the right to have their own thoughts and religious belief. The responsibility of parents (legal guardians) is to provide a direction to the child in a manner consistent with the child's evolving capacities and it must be in conformity with the CRC and not involve physical and emotional coercion.

The right to freedom of association and peaceful assembly in article 15<sup>7</sup> is an important vehicle for promoting the rights of children to express their views and pursue their rights. There are a growing number of child-led organisations and initiatives, including working children's unions, child groups, child clubs, children's councils and other structures where children meet with others in order to discuss and identify, analyse and plan action on issues affecting them. Children have greater power to defend and negotiate their rights through their collective strength, which is especially relevant to marginalised children, many of whose rights are violated on a daily basis. Children's associations also provide a structure through which girls and boys can select their peers to represent them in local

7 The Article 15 Project was created to support the capacities of children and young people to self-organise and fulfill their rights, in partnership with adults, by raising awareness around article 15 and children's right to self-organise, developing tools and supporting children and adults to work in partnership.

and national governance structures and influence decision-making on issues affecting them. The governments should promote the right to association and assembly and ensure that the legal framework is conducive to the establishment of such organisations.

Article 16 entitles the child to respect for privacy and confidentiality in order for them to be able to express their views safely, without retribution. Children's right to information through the media and other sources is explained in article 17 and is a prerequisite for the realisation of the right to express views. Governments are therefore requested to encourage the development of information in age-appropriate formats on all issues of concern to children including on laws, policies, services and complaints procedures. Article 5 addresses children's rights to exercise rights for themselves and they are to be supported by their parents (guardians). This support is to take account of the evolving capacities of the child and the parents must gradually allow the child to exercise their rights by themselves on the background of having acquired necessary skills, knowledge and understanding. Furthermore, articles 37 and 40 guarantee that children can participate in legal activities without being subject to degrading treatment and punishment. The child shall also be treated with respect if the child is accused of or recognised as having infringed the penal law.

Importantly, in 2000, in the Millennium Declaration, the commitment to work collectively for more inclusive political processes, allowing genuine participation of all citizens in all countries was underlined in article 25 of the Millennium Declaration. In 2002, the UN General Assembly adopted the "World Fit for Children", emphasising the need to increase the participation of children, and in 2009 the CRC Committee on the Rights of the Child developed a General Comment elaborating on the scope of article 12 and the child's right to be heard.

Thus, a comprehensive international legal and policy framework in the CRC exists to ensure children all citizenship rights except the right to vote before 18 years. Nevertheless, several

countries in other regions are giving children, and in particular young people, the right to take part in local elections and in national referendums.<sup>8</sup> It is worthwhile to remember the Universal Declaration of Human Rights from 1948 which affirms the right of young people to take part in national and local governance through the following statement: “Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.” However, while it is important for adolescents and young people to become part of the electorate, it is also of utmost importance for all girls and boys to be acknowledged as citizens with equal rights to be promoted and protected in the same way as adults.

Furthermore, it is a recognition that simply focusing on children’s participation in projects, consultations and programmes, which tend to involve limited numbers of children, is not enough. Unless efforts are undertaken to promote a legal and social context where child rights are respected, child participation initiatives will be short-term, isolated and ad-hoc pockets of good practice. Additionally, allowing children to participate in decisions is often regarded as conditional not upon the child’s maturity but upon the child’s behaviour and ability to avoid making mistakes. If the latter criteria were equally applicable to adults there would be few who would be free to exercise their right to freedom of expression.<sup>9</sup> While it is evident that younger children cannot be expected to fully exercise their active political rights, adolescents and youth are very well capable of forming political

views and engaging politically to defend their rights and pursue desired changes. With the encouragement of adults, the foundation for participation can be laid in the early years of the child and from the age of 11 many girls and boys have been seen as active social actors and citizens, improving their local and national communities.

Discrimination on the basis of age is not spelled out as one of the types of discrimination in the CRC and the International Covenant on Civil and Political Rights, which refer to “race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status” as the main forms of discrimination. Furthermore, most of the work of the human rights community concentrates on the discrimination of adults, making it difficult for children to participate in international human rights discussions. The CRC reporting guidelines also do not make specific recommendations with regard to reporting discrimination against children as a group on grounds of age. They merely refer to age differentiation of children in different situations, and by sex.

Thus, a more nuanced approach is fundamental to understand the societal factors and prevailing attitudes that discriminate against children and impact on their ability to exercise their rights.<sup>10</sup> Children are in the process of continuous development and with the right support they have the opportunity to develop to their full potential as engaged and active citizens.

8 Crinmail 1306, 2012.

9 Van Bueren, G. (2006) *Beyond Article 12. Essential Readings in Child Participation*. Bangkok: Black on White Publications

10 Plan (2009) *Children as active citizens: addressing discrimination against children’s engagement in political and civil society processes*. Discussion paper.

## Domain I: Children's legal entitlements to participate

Domain I: Key findings, achievements and challenges

Significant results	Notable results	Some results	Little or no results
-	India Maldives Nepal	Afghanistan Bhutan Bangladesh Pakistan Sri Lanka	-

For more details, see the indicator list at the end of the chapter:

### Key findings: achievements and challenges

Child-related legislation formulated in recent years usually includes children's right to participate, and children's right to be heard is introduced in national plans of action and policies for children. In spite of this, in only two countries are children able to register their own organisations – and only by way of non-legal registration. In relation to justice for children, children are legally entitled to be heard during court proceedings in most countries, although this usually only applies to children in conflict with the law. In addition, in most countries, children are entitled by law or policy to be heard when in public care. No South Asian country, however, has family laws obliging parents to involve children in decisions affecting their lives. School management committees or councils with the representation of parents and teachers are common in the region, but students' participation is more rare and only occasionally a requirement.

#### AFGHANISTAN

The Government of Afghanistan is taking legal and policy action to combat the low participation of children in society. The Afghan Constitution allows for all Afghans to express their thoughts through speech, writing or by other means. Children's right to participate is specified in the 2004 National Strategy for Children at Risk, and the country is currently discussing and drafting a comprehensive Child Act, which should include participation provisions. The child's right to be heard is also

covered in the 2005 Juvenile Code. Nevertheless, children cannot legally register their own organisations in Afghanistan.

According to the 2005 Juvenile Code – which is relevant to children in conflict with the law, children at risk and children in need of care and protection – the judge is only to issue his/her decision after hearing the child's own statements. The child also has the right to hear the statements of others except when it may be psychologically harmful. In that case, a summary of the trial is to be communicated to the child. The Juvenile Code further states the child's right to be heard in cases of separation, and children in public care are entitled to a legal guardian – although not to be involved in decision-making processes. The child can also request the juvenile court to see family members or his/her legal guardian. In addition, mechanisms have also been introduced for recording children's statements, and legal information is provided to the child by the police, social workers, the judge, his/her lawyer or the prosecutor. In spite of these entitlements, the CRC Committee (2011) has expressed concern that the right of children to be heard in judicial or administrative proceedings affecting them is rarely respected, especially when girls are concerned. The Committee also urged Afghanistan to amend its civil and criminal codes to better reflect the right of the child to be heard in proceedings affecting them.

The 2008 Education Law states that school councils are to be established in public and



private schools with representation from parents, students, teachers and the community. The role of the school councils is to give feedback on management, education standards and quality, and resolve challenges and discuss situations of misuse and abuse by students, teachers and the Ministry of Education. Thousands of school councils have been established in Afghanistan.

### BANGLADESH

The Constitution of Bangladesh contains explicit guarantees for a wide range of civil and political rights, including the freedom of expression for all citizens and special measures for children. Moreover, the 2011 Children's Policy embodies the principles of respecting children's participation and opinions and the 1974 Children's Act provides for the participation of children in all stages of the judicial process. In the National Five Year Development Plan, there is also a separate section on Children's Advancement and Rights that mentions child participation.

Child-friendly court procedures for child offenders, victims and witnesses are yet to be introduced in spite of the 1974 Children's Act (and the corresponding 1996 Children Rules) providing for child participation in the judicial process. Under the 1985 Family Courts Ordinance, the Family Courts have exclusive jurisdiction for settling family-related issues and the guardianship and custody of children, although the Ordinance does not specify children's rights to be heard.

There is as yet no legislation in Bangladesh requiring children in public care to be heard and there is a tendency to view children as not being sufficiently mature to take part in decisions at family and political levels. That said, the Ministry of Education has distributed a circular calling for the formation of Student Councils to ensure child participation and democratic norms in primary schools. However, School Management Committees are not required to have student representatives.

Children cannot register their own organisations in Bangladesh as it is only possible to register an organisation by persons having a

National Identity Card, which people get at the age of 18. However, the government has been part of facilitating children's organisations such as the National Children's Taskforce, the Child Parliament, the Child Brigade and child clubs.

### BHUTAN

In Bhutan, the National Plan of Action for Child Protection (2012) emphasises child participation in decision making as well as the formation of child forums. Child participation is also an obligation in the National Youth Policy, which promotes the participation of young people in the democratic processes, community and civic decision-making. However, this policy also covers young people over the age of 18 (13–24 years). Children can only form their own organisations under the umbrella of another adult organisation in spite of the Constitution giving all citizens the right to freedom of association.

According to the Child Care and Protection Act, children in conflict with the law are to be heard directly or indirectly in any judicial and administrative proceedings. Mechanisms for recording children's statements separately are currently being included in the Rules and Regulations under the Act. Children are also provided with legal information and representation. Furthermore, the Act makes it obligatory to consult children placed in public care and allows children to participate in decision-making on issues affecting them. However, the country does not yet have relevant standard operating procedures to guide this process. In addition, the Marriage Act in Bhutan states that children from nine years and above shall have the right to choose whether they wish to live with the father or the mother after a divorce. In the Child Adoption Act, it is mentioned that a child can only be adopted if he/she has been counselled and the opinion of the child has been given freely without coercion or the inducement of payment.

In Bhutan there is not any law that requires parents to involve children in decisions affecting them, but the National Youth Policy provides for greater participation of young people between 13 and 24 years in all areas

and empowers youth for their effective participation. In schools, students are appointed as captains to take the lead in respective areas but they are not involved in the running of the school – and there is no law that requires the establishment of democratic school councils involving children.

## INDIA

The Constitution in India, which came into effect in 1950, guarantees its citizens' fundamental rights. Moreover, child-specific legislation has been formulated in recent years, such as the Juvenile Justice Rules accompanying the Juvenile Justice Act and the Protection of Children from Sexual Offences Act 2012, and these Rules acknowledge and encourage children's right to be heard. When it comes to policies and plans for children, the child-related sections of the Eleventh (2007–2012) and the draft Twelfth Five Year Plan (2012–2017) mandate the fulfilment of children's rights to survival, development, protection and participation as the foundation of human development. They mention the need for institutionalisation of child participation by incorporating children's views into mainstream policy and programme formulation processes. The stand-alone National Plan of Action (2005) also includes information on training professionals, government officials, family members and others in the right of the child to be heard. In addition, the recent National Policy for Children (2013) underlines children's right to participation in all matters affecting them. In spite of these entitlements recognising children's participation, children are still not allowed to register their own organisations, the government's argument being that legal registration entails legal liability and children cannot be held accountable by law.

The 2000 Juvenile Justice (Care and Protection of Children) Act (amended in 2006 and 2011) and 2007 Rules articulate the child's right to be heard and respected at every stage in the justice process. They call for the creation of age-appropriate tools and processes to interact with the child and promote children's active involvement in decisions regarding their lives. Children's Committees are also to be

constituted in every public care institution and children are to be represented on the Home Management Committees. However, the role of child participation in public care is still not settled in practice and the central and state governments are currently responding to the issue. As for Children's courts catering to child victims, these have been set up in India as part of the Commissions for Protection of Child Rights Act 2005. Children have been evaluated as reliable witnesses in several judgements, including in cases of sexual abuse. Children are to be heard if the judge considers them as capable of understanding the questions and the importance of the oath of truth, and ascertains that they have not been influenced. Child-friendly court procedures and personnel are evolving. For example, in-camera proceedings are in place, and children's names are not to be divulged or permitted in the media. In addition, a child who has to file or defend a case shall be entitled to free legal services. There have been several landmark judgements where "the best interest of the child" has been decisive in cases of divorce or separation.

The personal law for different religions does not mandate parents to include children in decision-making. Finally, only rarely are children's representatives selected to School Management Committees, which consist of teachers, the school management and parents. Such representation is not mandated by the Right of Children to Free and Compulsory Education Act 2009.

## MALDIVES

The Constitution of Maldives recognises the rights of everyone to freedom of thought and to communicate opinions and expression that are not contrary to Islam. Child participation is also mentioned in the draft Child Act – although the current Law on the Protection of the Rights of Children (1991) does not cover the right of the child to be heard. In addition, child participation, but not child participation as part of the training of professionals, is mentioned in the child and family-related section of the Strategic Action Plan (2009–2013). In practice, the ministry responsible for chil-

dren's welfare has been carrying out child participation-related training for social workers and other professionals. Despite these legal and police entitlements, children are not able to legally register their own organisations, as only a person with an Identity Card obtained at the age of 18 can forward an application to the Ministry of Home Affairs.

According to the Family Act 2000, children are to be heard in all judicial hearings affecting them and the family court works closely with the ministry ensuring information to children. The 2009 Special Measures for perpetrators of child sexual abuse provides for children to be interviewed and give evidence in a separate building but such facilities are not yet ready. Under the Family Law the court is to seek the view of children above seven years on which parent they want to live with in custody cases. Adoption in the western sense is not practised. Furthermore, there is a Minimum Standard for Children's Institutions developed by the government ensuring the participation of children in the decision-making process.

The government has also recently instructed the establishment of School Boards. Under the Ministry of Education Official Guidance for School Boards, representation from child prefects is required. Criteria have been developed for which children can apply to become prefects: names are suggested by the teachers and the selected children run small campaigns and the other pupils vote for them.

### NEPAL

The 2007 Interim Constitution of Nepal recognises child rights as a fundamental right and guarantees everyone the right to freedom of expression. Child participation is not mentioned in the country's 1992 Children's Act, however, nor is the right of the child to be heard enshrined in any other child-specific legislation (although the current draft of the upcoming Children's Act does cover this issue). Even so, the 2012 National Child Policy, the 2011 Child Friendly Local Governance National Strategy and the 2004–2014 National Plan of Action for Children all promote child participation. The Child Policy also includes child participation as part of the training

component for professionals working with children.<sup>1</sup> The National Plan of Action for Children ensures child participation in local and national policy and decision-making, and in service delivery, and promotes the establishment of child clubs and networks.

The District Child Welfare Boards, the local-level coordination bodies for children's rights, provide a certificate to child clubs acknowledging their existence, although this service may also be provided by the Village Development Committees. The child clubs have to follow certain administrative procedures, have a board and deliver reports about their activities, although this is not a legal registration per se.

The 2006 Juvenile Justice (Procedure) Regulations, which are based on the 1992 Children's Act, ensure child-friendly court procedures and a child-friendly environment. The views of children shall be considered for children in conflict with the law, while no such specific child-friendly procedures exist in relation to child victims. The child is to receive legal aid if there is no guardian to follow up the matter. Furthermore, there is no clear provision in law to hear children in cases of family disputes and adoption, although the General Code requires parents to ensure education, shelter and food and to divide family property between all family members including children.

As for public care, the 2012 Standards for Operation and Management of Residential Child Care Homes highlight child participation in all matters affecting children. Children are to take part in developing activities related to education, health, sports, recreation and policy-making. The Child Friendly School National Framework underlines the importance of the participation of children, parents and the community. Some schools have child club representatives in the school management committees, although there is not a legal requirement to this effect.

<sup>1</sup> Higher learning institutions and universities have been directed to include this component, in particular in the education of teachers and the police.

**PAKISTAN**

The Constitution guarantees all citizens freedom of speech and expression. Furthermore, child participation is included in the 2006 National Plan of Action for Children and Child Policy, which outline initiatives to strengthen children's capacity to participate, implement and monitor. The document also covers the need to develop guidelines and modules to build children's capacities for participation as well as to raise the awareness of professionals working with children on child participation. That said, child participation is not yet an obligation in child-specific legislation in Pakistan. A requirement to register an organisation in Pakistan is that one has to have a National Identity Card, which only can be obtained at 18 years of age. Thus no child-led organisation has been legally registered.

Children may be heard in the courts and their statements recorded by the Magistrate, although there is no national law that binds courts to consider children's views. In practice, this will especially happen if there is a lack of other evidence. As for children in public care, the 2011 Khyber Pakhtunkhwa Child Protection Welfare Act states that the court shall obtain the views of a child at risk before making an order in respect of his/her custody and care. There are, however, no national laws to this effect.

In relation to education, all schools are required to have school councils consisting of parents and teachers. However, students are not represented and there may not be much discussion in the councils about how to create a child-friendly environment. However, in some districts the School Management Committee and the Parent Teacher Association are monitoring abuse by teachers and staff members as well as helping to improve quality of education and retain students in school.

**SRI LANKA**

The Sri Lankan Constitution guarantees the right of freedom of speech and expression to all. However, there is no record of child participation having been made as an explicit obligation in child-specific legislation. As for policies and plans, the 1992 Charter on the

Rights of the Child is explicit on child participation, although not on awareness-raising of child participation through CRC training for professionals working with or for children (in practice, however, the government has provided this kind of training to professionals as well as parents). The Rights of Children section in the National Action Plan for the Protection and Promotion of Human Rights (2011–2016) does not cover the right of the child to be heard in general, although other sections of the plan mention participation of children with disabilities. While not a legal acknowledgement, children's clubs can be registered by the Probation Commissioner.

Although courts are not legally obliged to consider children's views when deciding matters affecting them, in practice children are interviewed out of court by the Probation Officers in care and protection proceedings, who report to the court. Magistrates are not to act on the probation report alone but must also conduct a full inquiry to be satisfied with the facts. The right of parents to be heard is also recognised. These are all applications of a general right to be heard on the part of anyone affected by a judicial order. Police officers and magistrates have been trained to apply a child-friendly approach in court but these principles are still not practised as a norm. Moreover, it is a legal provision to obtain the statement of a child victim through video recording in the Colombo area, but this opportunity is not always properly utilised because of a lack of priority and capacity building.

Governmental standards for children in public care underline the important role of child participation in state and private institutions. However, this is still not practised as a norm and there is no periodic monitoring of compliance with these standards. The Roman Dutch Law is the common law of Sri Lanka and governs the relationship between parents, the child and the state. Although not a requirement, children are part of the School Development Societies and represented on the School Management Committees. Mostly, students are handpicked by teachers and head masters and not selected by student unions.

## Domain 2: Measuring the right of access to information

Domain 2: Key findings, achievements and challenges

Significant action taken	Notable action taken	Some action taken	Little or no action taken
Bangladesh India Nepal Sri Lanka	Afghanistan Bhutan Maldives Pakistan	-	-

For more details, see the indicator list at the end of the chapter.

### Key findings: achievements and challenges

Primary education is compulsory and free in most countries in the region. In Nepal and Bhutan, it is free but not obligatory. Some forms of human rights education are included in the national school curricula in life skills and civic education in half of the countries – although not always as a separate component. Both government and private media agencies in South Asia generally feature child rights issues on radio and television and in the printed press. There is also increasing access to information through the internet and mobile phones, especially in urban areas. Helplines for children are in place in all countries in the region, although they do not always have national coverage and direct government involvement.

#### AFGHANISTAN

Education is compulsory and free for children in primary school and human rights education is included in some schools – although not in all. The Ministry of Education has announced that a new national school curriculum, which is meant to include training on human rights and the CRC, is in progress.

In general, few media programmes in Afghanistan feature children's rights issues on the radio and television and in the printed press. However, according to the 2008 Education Law the Ministry of Education shall provide and publicise, for example, educational and public awareness-related radio and TV programmes for children – in practice children

have a major role in producing and presenting these programmes. Moreover, the National Radio and Television have a special weekly programme broadcast for children. In 2011, the Afghanistan Independent Human Rights Commission designed a media campaign targeting a broad segment of the population, partnering with reputable media outlets. The campaign focused on human rights and civic responsibility issues.

A local helpline for abused children run by War Child Holland and supported by provincial authorities has been set up in the Western region. However, there is no helpline at the national level in Afghanistan.

#### BANGLADESH

Bangladesh provides free and compulsory primary education, which lasts for five years. According to the draft Fifth Periodic Report under the CRC, the length of compulsory education is to be extended to eight years. In addition, the Ministry of Education has revised the curriculum for primary and secondary school to include both human rights and child rights.

Both public- and private-owned television and radio – including Bangladesh Television and Bangladesh Betar (the state-run radio) – broadcast programmes on child-rights-related issues. These have included discussions and talk shows, children's news, single episodes and series drama, songs, filler/TV spots, debates on child rights and published news. In addition, the print media has been publishing



editorials and features related to child rights, in particular on the occasion of national and international child rights days.

Toll-free children's helplines operate in three divisions of Bangladesh, although they are only accessible by landline phones. The Ministry of Social Welfare is working to expand the service to other divisions.

### **BHUTAN**

Education until grade 10 is free (but not compulsory) for all children in Bhutan. At the same time, human rights are not yet incorporated into the school curriculum. When it comes to the media, government ministries and civil society organisations have occasionally supported media programmes featuring child rights issues.

There are currently no children's helplines in operation. That said, discussions on establishing such a helpline are underway within the National Commission of Women and Children, the country's key child rights body.

### **INDIA**

In India, education covering the 6–14 years age group is obligatory and free for all children. In addition, children have access to relevant information and support through media programmes featuring child rights issues from radio, television and printed press. Children also receive official information about human rights through their education. In addition, the Children's Film Society India (CFSI) is a nodal organisation of the government that produces children's films and TV programmes in various Indian languages. Established in 1955, CFSI functions under the Ministry of Information and Broadcasting. CFSI promotes films that provide healthy and wholesome entertainment for children to broaden their perspective and encourage them to reflect on the world around. With a catalogue of 250 films in 10 different languages, CFSI remains the prime producer of children's films in South Asia.

Childline, a toll-free child helpline service spread across the country, is available. Using the helpline, children or persons on their behalf can seek assistance in cases of abuse

and exploitation. Childline is a platform bringing together the Ministry for Women and Child Development, the Department of Telecommunications, street and community youth, non-profit organisations, academic institutions, the corporate sector and concerned individuals. The country's first toll-free tele-helpline for children in need of care and protection has grown into a national child protection service that operates in over 255 cities and towns in India.

### **MALDIVES**

In Maldives, education is obligatory and free until grade 12, but human rights has not yet been included in the school curriculum. The media feature children's issues particularly in connection with international and national days for children. A radio series covering many aspects of the CRC was broadcast in 2010.

A national toll-free child helpline, managed under the Ministry of Gender, Family and Human Rights, was established in 2009 and is operational atoll-wide. Calls are followed up by visits by social workers if required.

### **NEPAL**

Primary education is free but not obligatory in Nepal and learning about human rights has been included in the school curriculum. Most of the electronic and print media, government and private, produce programmes, information and news on child rights. In addition, civil society organisations are supporting children with valuable information, such as about child rights and social services. Some child and youth clubs have also been involved in spreading such information.

A toll-free helpline is in place for children to complain and seek redress in cases of abuse. The helpline is run in cooperation between the government and CWIN, a national child rights organisation.

### **PAKISTAN**

In Pakistan, primary education has been made compulsory and free and the government is also providing free books and uniforms in some areas. Compulsory and free education is even a Constitutional right as this was insert-

ed in 2010, in article 25a, for children aged between five and sixteen. However, human rights learning are yet to be included in the school curriculum. Both government and private agencies are promoting child rights issues on the radio and television and in the printed press, though in a limited way. Such programmes mostly focus on education and vaccination issues. However, the print media is continuously used by writers and child rights activists to raise awareness on child rights issues through articles and letters.

The NGO Madadgar, supported by UN agencies and the government (indirectly), runs a

national helpline for women and children with headquarters in all provinces. The helpline provides telephone counselling, face-to-face counselling to walk-in survivors, crisis intervention, guidance, legal advice, legal aid and referral services to children and women.

**SRI LANKA**

Education is compulsory and free in Sri Lanka, and civics and citizenship including human rights are part of the curriculum. Both government and private owned media agencies are known to have featured child rights issues.

A toll-free, national child helpline is run by the National Child Protection Authority.

## Domain 3: Children’s opportunities to influence public decisions

Domain 3: Key findings, achievements and challenges

Significant results	Notable results	Some results	Little or no results
-	Bangladesh	-	Afghanistan Bhutan India Maldives Nepal Pakistan Sri Lanka

For more details, see the indicator list at the end of the chapter.

**Key findings: achievements and challenges**

In only a few countries have governments established mechanisms or processes to consult with children when developing legislation and policies, and no country has such mechanisms or processes for children’s feedback on public services for children. In the vast majority of countries, children’s participation is also not required in national and local governance. Nevertheless, in practice, children are on many occasions supported to give input and feedback on an ad-hoc basis, mostly with support from civil society and international agencies.

**AFGHANISTAN**

In Afghanistan, children may be able to influence public decisions for specific purposes, as for instance in the 2007/08 National Risk and Vulnerability Assessment household survey, for which children from various regions gave feedback to the government. Mostly, this happens when NGOs and UN agencies step in to support the government in the process. However, although children were involved in the development of the 2006 National Strategy for Children at Risk, there are no permanent mechanisms or processes in place for consulting children on government legislation

and policies, and for collecting children's feedback on public services for children – nor is it a requirement for children to be represented on local and national governance bodies. As a result, according to Afghanistan's latest CRC report (2009) and the CRC Committee (2011), children's opportunities to influence decision-making processes in public forums are very limited. However, the government believes that this is slowly changing due to the establishment of School Management Councils that are required to include children (see Theme 1 above).

### BANGLADESH

When laws, policies and actions concerning children are formulated at national and sub-national levels in Bangladesh, children are consulted by the government through the two main mechanisms of the National Children's Task Forces (NCTFs) and the National Children's Parliament. The active participation of children was, for instance, obtained when developing the 2011 National Children's Policy, the Prevention of Domestic Violence against Women and Children's Act and the National Plan of Action to Eliminate Child Labour – as well as when revising the 1974 Children Act (recently completed). The NCTFs comprise children between 12 and 18 years of age and about 20,000 children are involved from 64 districts. These Task Forces are also represented on the District Child Rights Forum Committees headed by the Deputy Commissioner, who is the chief executive of a district. As for the National Children's Parliament, 128 children aged between 13 and 16 from all over Bangladesh select a steering committee which initiates and involves children in all relevant discussions including budget allocations, government policy decisions and activities against violence. However, there are no established mechanisms or procedures for collecting children's feedback on the quality of public services for children.

### BHUTAN

In Bhutan, children have been involved in law- and policy-making on an ad-hoc basis, including in the drafting of the Constitution and the National Youth Policy. However, there are no

permanent mechanisms or processes in place for consulting children in local and national law- and policy-making – nor is children's representation on local and national governance bodies a requirement. In addition, there are no mechanisms and processes for inviting children to give feedback on public services for children.

However, the importance of involving children in decision-making is slowly gaining recognition in Bhutan. For example, the National Youth Policy states that all youths (which include children from the age of 13 to 18) have the right to contribute to policy formulation and implementation – and the Department of Youth and Sports is planning to create Youth Parliaments.

### INDIA

Permanent mechanisms or processes have not been established in India for consulting children regularly on the development of legislation, policies and services – but consultation is happening more and more on an ad-hoc basis. For example, children were consulted in the development of the 2005 National Plan of Action for children. NGOs and UN agencies have been the drivers in organising children's consultations and in lobbying the government to include children's views and recommendations in law- and policy-making, as well as when evaluating service delivery for children.

In some Indian states, such as Karnataka and Kerala, children are represented in local-level governance on specific issues – although there are no national or local-level requirements to this effect. When children do participate in such mechanisms, they are generally not able to meaningfully influence the decision-making.

### MALDIVES

In Maldives, children's consultation in policy-making has taken place on an ad-hoc basis. For example, the development of the country's Strategic Action Plan (2009–2013), with its Strengthening Family Ties (Child & Family Protection) section, included consultations with children and those working with them, including staff at the Department of Gender and Family protection services. Even so, the

government has not yet made it a requirement to involve children in local and national governance, and there are no permanent mechanisms or processes in place for consulting children when developing laws and policies or when evaluating public services for children.

### NEPAL

The 2011 Child Friendly Local Governance Operational Guidelines under the Ministry of Local Development and the 2012 National Child Policy both underline that all responsible entities are to consult with children in relation to local governance, resource allocation and services. Children are also to be represented on local bodies for programme planning, implementation and evaluation – although in practice this only happens in some areas. Nevertheless, research suggests that a system of enlisting children's organisations in the District Child Welfare Boards (DCWBs) has been formalised and reached very good coverage – even representation of children on DCWBs has become common.<sup>1</sup> However, children's representation is not explicitly mentioned as part of the official functions, duties and powers of the DCWBs as outlined in the Children's Act and Rules.

Programmes conducted under the Child Friendly Local Governance Operational Guidelines should go through an annual social audit or public hearing organised by district child networks in coordination with local authorities.

In spite of this, no permanent mechanisms or processes for consulting children on law- and

policy-making, or collecting children's feedback on public services have been established. That said, children are consulted in policy-making on an ad-hoc basis, for example during the development of the National Plan of Action for children in 2003/04 and during the midterm review and revision of this plan in 2010/11.

### PAKISTAN

In Pakistan, there are no permanent mechanisms or processes for consulting children at local or national levels on new legislation and policies, nor for getting children's feedback on public services. That said, when the 2006 National Plan of Action for children and Child Policy were being developed, consultations were carried out at district, regional, provincial and national levels – including with children.

### SRI LANKA

In Sri Lanka, children are consulted in decision-making on an ad-hoc basis – but there are as yet no permanent government mechanisms or processes in place to consult children on local and national legislation, policies or public services. In addition, children's representation on local and national governance bodies is not required, although this has happened in practice on a few occasions. For example, some steps have been taken to take children's voices into account in the lower-level monitoring committees for child rights. Also, with the help of external agencies, children's participation in some provincial monitoring committees was ensured for a number of years, although no longer. Some of the district monitoring committees or District Child Development Committees also regularly invite children to their meetings.

<sup>1</sup> The Central Department of Population Studies, Tribhuvan University (submitted to Plan) (2008), Final Evaluation of CCWB and DCWBs Strengthening Program (September 2005 – December 2007), pp. 15–16.

Indicator table: Children's right to be heard

		Afghanistan	Bangladesh	Bhutan	India	Maldives	Nepal	Pakistan	Sri Lanka
1	Child participation made as an obligation in the Constitution and child-specific legislation [yes/no/partial (some of the above documents)]	P	P	P	P	P	N	N	P
2	Child participation made as an obligation in the National Plan of Action for Children/Child Policy [yes/no]	Y	Y	Y	Y	Y	Y	Y	Y
3	Children's participation is mentioned in the National Plan of Action for Children/Child Policy as part of the CRC training for professionals working with or for children - [yes/no]	N	N	N	Y	N	Y	Y	N
4	Children have a legal right to register their own organisations - [yes/no/partial (non-legal registration)]	N	N	N	N	N	P	N	Y
5	Courts are legally obliged to consider children's views when deciding matters affecting them - [yes/no]	Y	Y	Y	Y	Y	Y	N	N
6	Children in public care are entitled to be involved in decision-making processes affecting their lives - [yes/no]	N	N	Y	Y	Y	Y	N	Y
7	Family law includes provisions on parental obligations to involve children in decisions affecting them - [yes/no]	N	N	N	N	N	N	N	N
8	All schools are required to establish school management committees (or equivalent) with the representation of students - [yes/no]	Y	N	N	N	Y	N	N	N
9	Primary education is compulsory and free for all children - [yes/no/partial (free but not obligatory)]	Y	Y	P	Y	Y	P	Y	Y
10	Human rights education is included in the school curriculum - [yes/no]	N	Y	N	Y	N	Y	N	Y
11	National child help lines are in place for children to complain and to seek redress in cases of abuse - [yes/no/partial (not national coverage)]	P	P	Y	Y	Y	Y	Y	Y
12	Mechanism(s) or process(es) in place for consulting children in local and national law- and policy-making (yes/no/partial (mechanism(s) at local OR national levels)	N	Y	N	N	N	N	N	N
13	Children's representation on local and national governance bodies is required - [yes/no/partial (national OR local governance bodies)]	N	P	N	N	N	P	N	N
14	Mechanism(s) or process(es) in place for children's feedback on public services for children (yes/no)	N	N	N	N	N	N	N	N
	Legal and policy entitlements								
	Access to information								
	Influence public decisions								

Y= yes, N=no, P = partial result (where the indicator contains a third option in addition to yes/no)



## *Child Rights Defender Muhammad Hassan Mangi: Violence against Children is a power issue*

**“Unfortunately, women and children in Pakistan are still vulnerable and exposed to violence and cruelty. The scarcity of resources, an inefficient justice system, the lack of education, outdated social norms, values and above all the societal acceptance of some forms of violence are the evils that are plaguing our society.”**

I have worked as the Director of the National Commission for Child Welfare and Development (NCCWD) for years. The NCCWD is an advisory body to the government of Pakistan promoting child rights and protection strategies, policies and plans for children.

Violence is found in every society and is connected to the crude parts of human nature. Without doubt, power is the source of violence, for with power comes the ability to exercise authority over the weak and vulnerable. Defining new norms and values in a fast-changing traditional society is only one amongst Pakistan's many economic and social challenges. However, changing the perception and attitudes towards children and their rights is a herculean task and requires a long-term struggle. It must be acknowledged that social problems are not simply addressed through new laws and mechanisms at the national level.

In many Western countries, laws define the social role and responsibility of parents and children. Pakistan has yet to develop such child-friendly legislation at the national and provincial levels, to comply with the Convention on the Rights of the Child ratified in 1990. A draft Child Protection Law Amendment bill has recently been approved by the Cabinet, rising the minimum age of culpability of the child to 12 years besides addressing child abuse, trafficking, cruelty to children and pornography. However, it requires passage by the Parliament to become a law. Of the provinces, Baluchistan has not yet enacted any relevant child rights legislation, though in Punjab, Khyber Pakhtunkhwa and Sindh some legislation such as the Punjab Destitute and Neglected Children Act 2004, the Sindh Child Protection Authority Bill 2009 and the Khyber Pakhtunkhwa Child Welfare and Protection Act, 2010 have been adopted. But these laws are not enough to promote child rights and protection. Legal experts and some government bodies defend the lack of appropriate legislation with the argument that the Pakistan Penal Code already covers most of the UNCRC. However, child rights activists are not buying this argument as specific laws that clearly translate the articles of the CRC into domestic law are required. Lack of proper implementation of existing laws such as the Juvenile Justice System Ordinance 2000 is also an area which needs reform and effective implementation through strong lobbying, advocacy and capacity-building measures.

In addition, terrorism is not only a challenge for the state – it is also affecting children. Schools are being destroyed, children are killed in bomb blasts, and thousands of children are traumatised in such incidents. There are many children like Malala Yousafzai who are fighting the extremists just to be able to complete their education. These children must be supported by all.

There is a need to establish an autonomous, resourceful National Commission for Child Rights and promote child-friendly budgeting to address children's issues. Fortunately the government has prepared a draft bill through an extensive consultation process for such a Commission which along with other bills is required to be passed by the forthcoming National Assembly.



# Chapter 4 – Children’s perspectives on their wellbeing and citizenship roles

In a child survey conducted for this report, 180 children across South Asia were interviewed about their views on the child-friendliness of their societies, their rights and feelings of wellbeing, and on their citizenship roles.

There are positive indications that more children in South Asia than ever before know that they have a right to participate in the family, in school and in the media. According to the survey, children feel that teachers and community leaders have become better listeners and they feel more safe and supported. The increased level of children’s participation is closely linked to the support by non-governmental organisations but governments have also developed programmes to involve children. Additionally, the involvement of children in child clubs, child-led organisations and in consultations has been important for children’s empowerment. Increasingly, information technology and the education system are also transmitting information about rights and participation.

However, the survey also suggests that substantial efforts are needed to move from children’s participation in the domestic and school environment into the public arena. Children are increasingly speaking out – but they are not necessarily heard and their influence on decision-makers at the national and local levels remains very limited. What is more, children’s own involvement in local and national governance is low, even though they believe that they are key stakeholders in decision-making at both these levels. Another issue raised by the children in the survey is that their involvement in activities needs to be on their own terms and conditions in order to be ethical and have a broader impact. Discrimination in child participation based on economic status, gender and disability remains another serious concern.

This chapter starts with a short description of the methodology, limitations and experiences of the child survey, followed by a summary of the regional achievements and challenges as seen from the point of view of the 180 child respondents and on the basis of focus group discussions commenting upon the findings. Thereafter, the empirical findings from the interviews with the children are presented in detail and the chapter concludes with a statistical presentation.

## Methodology

The views and statements in this chapter are based upon interviews with 20 children from each country in South Asia (40 from India). The child respondents were first identified and interviewed by 28 young researchers using a questionnaire, followed by a focus group discussion with around 10 of the children. Finally, evaluations of the findings were organised by the young researchers in each country.

The child respondents were mostly aged between 12 and 18 years with equal numbers of boys and girls. In addition, the number of children from urban and rural areas was almost the same, and the respondents represented a range of economic backgrounds and all major religions – including Islam, Christianity, Buddhism and Hinduism. The respondents also included child workers, children who had dropped out of school, children living in children's homes or on the street, children with disabilities and children from untouchable and indigenous communities.

The survey was divided into the themes of happiness, rights, school, family, friends, community, organisations and local governance, and was based upon a set of questions, outlined in a questionnaire, with responses ranging from 0 to 10. The responses were processed further into four main categories of completely, partially, somewhat and not at all (no response has also been listed). Subjective questions were added to supplement the ranking.

## Limitations of the survey

The limitations of the survey include the small size of the sample and the conscious selection of survey sites and respondents, rather than using the scientific method of random selection. Thus, the findings cannot be generalised – but they do illustrate some major trends and

The 28 young researchers from the countries in South Asia were selected on the basis of previous experience with child rights and participation at national and regional levels. They were between 14 and 18 years and some lead researchers were just above 18. Slightly more girls than boys acted as young researchers and they came from different backgrounds, including the disabled.

The young researchers were involved in the research from the beginning, helping to design the child survey, the research tools, the indicators and the questionnaire. They identified the survey sites to ensure that the selection of the 180 respondents included children from different backgrounds and settings, and balanced the need to include children without any specific prior training in child rights with those who had previously been part of such awareness-raising activities. In addition, a “DOs and DON'Ts” list was developed to ensure the safety of the young researchers. The young researchers allocated enough time to guide the child respondents through the questions and some even interviewed the children over two days. Lastly, the researchers shared the final draft of the survey report with most of the child respondents for a final validation of the conclusions and findings.

The children included in the focus group discussions were selected from among the children who were interviewed and in particular from among those who were directly involved in child clubs, child organisations and movements for the promotion of child rights.

changes in the roles and participation of some children.

The survey was a challenging task for the young researchers. Numerous issues were discussed with each respondent. In some

cases, the child respondents became emotional while responding to the questions and in others it was necessary to provide support when filling out the questionnaire. It was also challenging to explain the scaling system of the responses, and a few children were not able to understand the questions. Some did not have an opinion at all. Another limitation was related to some of the questions requiring the respondents to analyse changes that they had witnessed up to five years ago.

However, at that time many of the children had not reached the levels of maturity necessary to notice and comprehend such factors. Hence, there are several missing responses.

Other challenges included parents who did not allow the young researchers to fully interact with their children, and the use of local translators may have slightly modified the children's responses.

## The enriching experience of being a young researcher

Being involved in the survey led to both challenges and opportunities for the young researchers. Overwhelmingly, they felt that being researchers was an enriching experience, enabling them to learn more about the issues related to child rights and the situation of children in different parts of their countries. The survey was also an opportunity for the young researchers to build friendships with the child respondents. The young researchers reported that they learned the skills of communicating with children from various backgrounds and situations, and that they had the experience of leading a research process, enhancing their leadership skills. As the survey was facilitated by young people and the respondents were also from similar age groups, the young researchers felt that the interaction and data collection was easier (in a peer-to-peer approach).

The young researchers assured the respondents that their responses would only be used

for the purpose of the research. During the course of the interviews, the families of some respondents became involved, which helped them to develop some understanding of child participation. By contrast, the researchers noted that the survey became more challenging when the parents did not encourage their children to participate.

The evaluative observations of the young researchers were along the same lines as the findings from the study of the questionnaires and the focus group discussions. In addition, the young researchers noted that those children living in children's homes and on the street are more vulnerable compared with other children. It was also observed that discrimination between girls and boys is still present in schools, decision-making, marriage and resource allocation. Finally, the young researchers appreciated the support from non-governmental organisations, making them more aware of the issues related to children.



## Key regional findings: overall achievements and challenges

The majority of the 180 children participating in the study felt happy, safe and supported most of the time. However, poverty and lack of basic services – including health and education, and discrimination based on economic status, gender and disability – are key areas of concern.

A large majority of the child respondents are aware that they have rights and particularly their rights to protection from exploitation and abuse. However, they may not always know about their rights in detail. Half of the respondents have some awareness of their rights to participate in the family, in school and in community activities. They also feel that opportunities to participate in these spheres have increased over time. Reasons for these improvements included increased awareness of rights among children and families, increased access to education, the growing number of organisations working with children and the growth of information technology.

The survey suggests that because of the increased awareness of the importance of child participation among family members, there is increased participation of children in making decisions in the family and in children's homes. Children's opinions regarding their education

and career choices are increasingly sought in order to make family decisions.

The majority of the child respondents are treated well and listened to by their friends and classmates. However, about half of the respondents are concerned that children from different backgrounds, in particular children from poorer backgrounds and those with disabilities, are treated differently by other children.

About half of the children in the survey feel that they are treated well and listened to in their communities while the other half does not feel this way. Children are usually listened to in the course of informal discussions but less so when official community decisions are being taken. There is a relatively high percentage of children who do not feel safe and free to walk outside their homes because of crime and violence, although there are children who feel safe because of their knowledge of how to deal with dangerous situations.

The majority of the children say that they are treated well and listened to in class by their teachers because of increasing awareness of child rights among teachers. About half of the children feel that teachers are better listeners today compared with the past; the teachers are

### Key regional findings

Theme	Regional Overview			
	The overall situation is very good	The situation is good	The situation is fair	The situation is alarming
Children's reflections about their happiness		■		
Awareness of child rights	■			
Children's role in the family or children's home		■		
Children's experience with friends		■		
Children's role in the community (village/neighbourhood)			■	
Child-friendliness in schools		■		
Children's participation in child organisations/networks			■	
Children's involvement in local governance				■

more supportive and child-friendly and the use of corporal punishment is decreasing.

About half of the respondents report that children are given the opportunity to meaningfully participate in children's organisations/networks. More child clubs and child-led organisations have been established and children are involved in different groups in their schools and communities. However, about half of the respondents do not feel that children are given the opportunity to participate since their families believe that schoolwork is more important. Children with disabilities are not always able to participate at the same level compared to others. Also, the equal participation of all children is affected when adults interfere in the child organisation. While child organisations are occasionally provided with

some support by government bodies, the major source of support for child organisations remains non-governmental organisations.

The survey highlights the low level of children's involvement in local governance. A large majority of the respondents mention that local leaders do not usually listen to and accept what children and young people have to say. However, the majority of the respondents feel that local leaders are listening more to children today compared with the past, at least some of the time, mainly thanks to advocacy efforts by non-governmental organisations. The majority of the child respondents think it is important for children to participate in decision-making at national and local levels because they feel that they are among the key stakeholders of the nation.

## Focus group discussions: Children as change makers in the region

After the questionnaires were completed, focus group discussions took place in each country to comment upon and evaluate the survey findings. The children reviewed the findings and discussed the levels of child participation at present and previously.

These discussions also suggest that there is a changing trend of child participation in the region, as experienced by the respondents. Children are not just passive targets – they are active change agents themselves. The participation of children mostly takes place in discussions relating to child abuse, child labour and child rights.

*Compared with five years ago, the situation of child participation has improved.* In the past, children used to express only what they were told by adults; now, however, children are more skilled and aware, and parents are, thus, giving increased importance to their opinions regarding their education and career choices. Children have their own voices and are in a better position to express themselves. There are many examples of children acting against

child marriage, dowry practice, child trafficking, gender discrimination, corporal punishment and other forms of violence through actions and awareness-raising in schools and communities. Because more girls are attending school, their participation is also increasing. The number of non-governmental organisations working with children has increased, and, more than ever before, children in child-led organisations and child clubs are helping each other and raising their voices on behalf of those who have been subjected to violence and injustice. Furthermore, TV, radio and other means of mass communication have provided channels for children to be heard. When children are standing up against the violation of their rights, they are receiving some support from government agencies, which have several dedicated programmes to promote child participation and protection.

*Even though the situation of child participation has improved, more needs to be done to promote children's meaningful participation.* The children in the focus groups believe that even when children are consulted, the important decisions are often

taken by adults in the end. As such, discussions relating to laws and policies involve less participation of children and are often manipulated by adults. Discussions with children on complex issues require adequate homework and preparation on the part of children as well as the facilitators, which is often lacking. Children with disabilities, street children and children living with HIV/AIDS have fewer opportunities to participate, as do girls. Tokenistic participation and even in extreme cases manipulation of children's voices still take place. For instance, some organisations have used children's participation in order to promote their own names or issues. These children are trained to say certain things instead of encouraged to express their own opinions. Additionally, the privacy of children who have been through difficult circumstances has sometimes been violated when participating in sensitive discussions. Children's representation in different government mechanisms is low but the opportunities to participate are greater in urban than in rural areas.

*There is hope that the situation of child participation will further improve in the next five years.* The participants in the focus group discussions hope that the security situation in South Asia will improve so that children can be more

active in their communities. They believe that children increasingly will have a voice in deciding on their education, careers, marriages and lives within and outside the family. Furthermore, they hope that governments and the public at large will make more of an effort to promote child participation, child protection and child rights. The focus group participants also believe that corporal punishment in schools and families will come to an end and that families will come to understand and encourage child participation. They hope that more children will have access to education, be aware of their rights and be involved in the formation of policy. The participants place great importance and hope in that the voices of children from different backgrounds, including those with disabilities, will be heard and that all discrimination in participation will end. They also believe that the protection of children in an online environment (cyberspace) is of particular concern. They believe that "child-friendly participation" will be ensured in the future, supporting children to understand complex issues and express their opinion freely. Likewise, the focus group participants believe that more children will become child rights defenders and change makers to promote and protect child rights.

## Empirical and thematic analysis

### Theme 1: Children's reflections regarding their happiness

The study reveals that the majority of the child respondents feel happy, safe and supported most of the time because of the care of others and their own achievements, knowledge and skills. Most of them are listened to and their opinions are respected at least some of the time by their family, friends and teachers. However, the respondents do not always feel positive with regard to the future of girls and boys in their communities mainly because of poverty and the lack of basic services including health and education. Similarly, the life opportunities for children from different social and economic backgrounds are not the same because of economic inequality, gender discrimination and disability.

#### Feeling of happiness with self

*The majority (55.6%) of the respondents feel happy with themselves at least most of the time. Only 3.9 per cent of the respondents never feel happy with themselves.*

Some of the factors that contribute to the happiness of the respondents are love from the family, the opportunities for education and sports, past achievements, good performance in school, hopes about the future, the behaviour and methods of the teachers, membership in associations, religious knowledge and activities, participation in cultural activities and training, involvement in artistic and recreational activities, and being listened to.

The major factors that make the respondents unhappy include the lack of facilities and comfort of living (such as houses), poverty, loss

of parents, exposure to violence and difficult circumstances, violence and conflict, discrimination by friends, use of abusive language by others, and lack of opportunities for education because of poverty. Some respondents are discriminated against by their friends because of the occupation of their parents.

“My family respects my opinion. As I am the member of a youth federation, people listen to me and respect my opinion.”

A Child Respondent from Afghanistan

There are some who do not feel happy when they enter into arguments with their parents. Conflict between different members of the family is also a factor affecting the happiness of the respondents. Some children with disabilities do not feel happy about themselves because of the differences they see between themselves and other children. There are also respondents who do not feel happy when they are not able to perform well in their education. Some are not happy about the work they are forced to do because of their economic condition.

#### Feeling of being listened to and opinions being respected

*Almost all (84.9%) of the respondents feel that they are listened to and their opinions are respected at least some of the time, though only 12.2 per cent report that their opinions are respected all of the time.*

“Not all of my opinions are respected. My family did not listen to me during my younger sister's marriage. She was married at an early age against my opinion.”

A Child Respondent from Bangladesh

Friends and family members are among the key people who listen to the respondents. Teachers and community leaders are also among those who respect the opinion of the respondents. For some respondents, membership in associations helps them to have their opinions heard. Some respondents with special skills, including those related to technology, have experienced that their opinion in the respective field is respected by others.

There are several reasons why children's opinions are not respected. Some respondents feel that their voice is not heard because they are poor. There are families that are not aware of children's right to participation. Some respondents do not feel like sharing their opinion with others because of their negative experiences in the past when nobody took any notice of their opinion. Even within a family, the child who is able to support the family financially is listened to, whereas the children who do not have any income are ignored. As highlighted by some respondents, their opinions are respected in certain family affairs; however, the adults do not take their opinions seriously in more important discussions. In the case of some female respondents, their families do not want them to express their opinion; instead, their families take all the decisions for them.

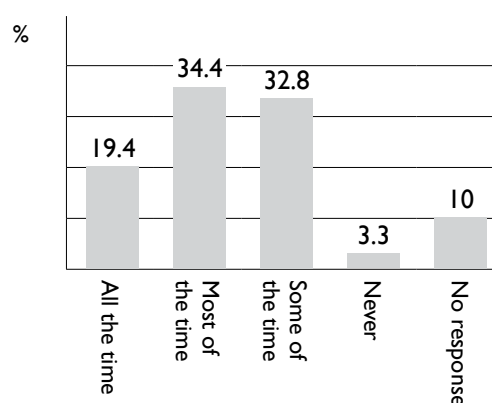
### Feeling safe and supported

*Almost all (86.6%) of the respondents feel safe and supported at least some of the time, though only a relatively low number (19.4%) feel this all the time.*

The care of the family, school and friends serve as the major sources of support for the respondents. The government, laws, and children's organisations are also seen as sources of support. The respondents from protection homes feel safe and protected because of the availability of a child-friendly environment, trained professionals for specialised support and child protection procedures in place. Some feel safe because of their own knowledge of how to stay protected in different circumstances.

On the other hand, the safety concerns for the respondents include the lack of safe shelter

Feeling safe and supported



for protection against difficult weather conditions, poor security situation, violence and conflict, lack of education, and people with abusive and criminal intentions in the community. Some feel unsafe due to harassment by police and others.

### Feelings about the future for children in the community

*Yet again, the vast majority (83.4%) of the respondents feel positive about the future for girls and boys in their community at least some of the time. However, a rather low number (10.6 %) always feel this.*

The improving education opportunities and increasing enrolment of girls in formal education are a major hope for the future. The opportunities for different types of support and services in the communities are expanding because of the increasing number of organisations working with children to address different issues. The growth of technologies is also seen as a determinant of a better future for the children.

Negative feelings about the future for girls and boys in their communities centre mainly on issues related to poverty. For some, this means that there is a lack of education opportunities. Some respondents come from rural communities that lack basic infrastructures such as road and electricity that makes them less hopeful about the future. There are communities that lack quality health services and recreational facilities. There are also no adequate employment opportunities. Because of poverty, some respondents are forced to work and generate income to support themselves



or their family. In some communities, many children are involved in agricultural or industrial work instead of attending school.

Poor security situation and violent conflict makes many children concerned about the future since conflict is a major threat to survival as well as education. Certain harmful practices and beliefs such as untouchability are still prevalent in some communities. There are also concerns because of the involvement of young people in drug abuse and anti-social activities.

#### **Chances to lead a good life for all children**

*Half (46.1%) of the respondents believe that only some children have equal chances to live a good life regardless of their social or economic status. However, a third of the respondents feel that most or all children have the same chance in life.*

Some respondents feel that the people who are aware of child rights are committed to ensuring equal opportunities for all children. They believe that because of increasing awareness of child rights, discrimination based on different factors is reducing.

Most respondents feel that children from poor economic backgrounds do not have the same opportunities as those with good economic resources. Children from rich families have access to better education from private schools that maximises their potential. Some children are deprived of education because they need to work to support themselves or their families; hence, they do not enjoy the same opportunities compared with the others who do not need to work. Some children with disabilities are discriminated against and abused by other children. Male children have more opportunities for sports and other activities compared with female children. Children affected by poverty are at risk of trafficking, labour exploitation and sexual exploitation. Children in the street and slum areas are more vulnerable and have lesser opportunities to lead a good life.

“If I get a chance to change something then I want to change people's thinking. I want to change the old system of ruling children.”

A Child Respondent from Nepal

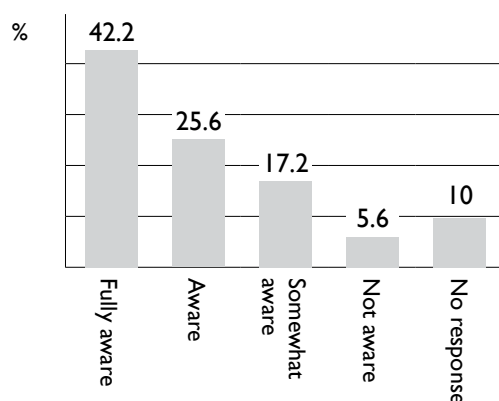
#### **Changes required to feel happy**

The respondents give priority to education and physical facilities at home for their happiness. If there was an opportunity to make changes to make them feel happy, the respondents would like to make certain changes in their own lives as well as in the outside world. The children staying in protection homes would like to make themselves independent so that they don't have to stay there anymore. Some would like to improve their education. Some respondents would like to improve the situation of poor children to provide better living conditions and education. They would aim at ending discrimination through effective laws and providing opportunities for both boys and girls to participate in the discussions and activities that are important for their survival and development both inside and outside their home. They would do this through children's organisations. They also feel the need to enhance the quality of education by making basic education free, using effective teaching materials, improving the sports facilities and strengthening the knowledge and skills of teachers. Since schools are not easily accessible for all children because of the distance and lack of transportation facilities, there is also the concern to improve the access to the schools. Maintaining peace and security is also a major priority. Some would also improve the infrastructure and services in their community, such as hospitals and media. Similarly, some are motivated to improve irrigation facilities, compost fertilisers and marketing of agricultural products.

#### **Theme 2: Awareness/knowledge of child rights**

The study shows that the large majority of the respondents (more than 80%) are aware of at least some of their rights. They are aware of

Knowledge of rights to be protected from violence



their right to be protected from violence and their right to participate in the family, in the school and in the community. The majority of the children feel that the children from different social and economic backgrounds have the same rights. They also feel that children can participate more now in school, family and media compared with the past because of the increased awareness of rights among children and families, increasing access to education, growing number of organisations working with children and the growth of information technology. Similarly, about one third of the respondents have regular opportunities to communicate their views through radio, newspapers, internet and television.

### Knowledge of rights

*A majority (80.6%) of the respondents feel that they know at least some of their rights. One in five feel that they know all their rights.*

The respondents understand their rights in many different ways. The rights are mainly understood as the things necessary for survival and to have a good life that mainly includes food, clothes, health, education and protection. The rights to survival, safety, participation, entertainment and family are also given priority. The freedom of speech and thought as well as the right to equality are also commonly cited rights. The love and care of fami-

lies and the duties and obligations towards the society are also considered as integral components of rights.

### Information on rights

The respondents get information about their rights mainly from books, media and newspapers, civil society organisations and teachers. Family members, community people, religious leaders, and government bodies and well as the movies and the internet are also some other sources of information. Those who are members of different clubs and groups in their schools and communities have access to such information from their meetings and discussions.

### Awareness of the right to participate

*A large majority (82.2%) of the respondents are at least partially aware of their right to participate in the family, in school and in community activities, while 7.8 per cent are not aware of this right.*

“Rights mean what we demand from the government for our survival, safety and participation.”

A Child Respondent from Bangladesh

### Awareness of the right to protection

*About half (42.2%) of the respondents are fully aware of their right to be protected from violence. Interestingly, this is the most positive response in the survey. Only 5.6 per cent do not know about this right.*

### Equal rights for all children

*A large majority (83.3%) of respondents believe at least to some extent that all children enjoy equal rights regardless of their social and economic background.*

However, the children from poor economic backgrounds are deprived of certain life opportunities including access to education. Loss of parents, disability of parents due to armed conflict and illiteracy of parents are some of the major reasons for children to work to support themselves or their families. The children from poor families are deprived of basic needs and this ultimately affects their survival and development.

Children with disabilities have fewer opportunities compared with other children. There are also cases of discrimination among children based on the dominant religion and caste of their community. Violence against girls is still prevalent in many communities. Many children are still on the street and many do not go to school.

#### **Opportunities to communicate views through mass media**

*Only a third (36.1%) of the respondents believes that children have the opportunity to communicate their views through the radio, newspapers, the internet or television most of the time. It is a matter of concern that a fair number (16.1%) claim that children never have such opportunity.*

Children have opportunities to participate in artistic performances on radio and television. There are also programmes dedicated for children on various radio and TV channels.

“NGOs organise different activities including radio and TV programmes to improve the leadership skills of children and give them the opportunity to express their opinion to the government.”

A Child Respondent from Maldives

Children living in urban areas have more opportunities to express their views using mass media. Access to the means of communication is also determined by their access to economic resources. In this regard, not all children may have the resources to meet the expenses for expressing their views through different means of communication. Indeed, not all children have access to electricity. Also, there are few programmes focused on the issues of children compared with the number of programmes

“All children have same rights but there may be problems that are preventing them from enjoying such rights.”

A Child Respondent from Bhutan

focused on entertainment or news. Even the programmes focused on the issues of children focus more on the participation of talented children rather than equal representation of all children from different backgrounds.

#### **Situation of participation in school, family and media compared with the past**

*More than 80 per cent of the respondents believe that children can participate more now in the school, family and the media compared with the past.*

There is increasing understanding among children regarding their right to participation. Children feel more confident to express their opinion and are in a position to be able to influence the adults. Even the security situation is improving, because of which children feel safer to go out of their houses to engage in different activities. Because of the increased awareness of different issues related to child rights, families have been more supportive and children's opinions are taken more seriously.

The children have more opportunities and support to express their opinion because of the increasing number of civil society organisations working with children. There is better access to education, because of which more children are able to participate in school activities. There has been more discussion in

“Children can express their ideas openly without fear. The adults consider children's issues more seriously than before.”

A Child Respondent from Sri Lanka

“I think the media is the main key to awareness. There should be a TV and radio channel where only children share their knowledge of child rights, good experiences and achievements.”

A Child Respondent from Pakistan

It should be ensured that the programmes involving children or the issues related to them should be child-friendly. It is important that parents involve their children in making decisions in the family. Children from different parts of the world

should come together on a regular basis to discuss their experiences.

recent years on the issue of children’s right to participation. Developments in the field of information technology have also enabled children to participate and express their views. Similarly, the growth in the number of media and their coverage has provided more scope for children’s participation.

However, not all opportunities that promote child participation are child-friendly. Children who engage in certain discussions with adults often find it difficult to understand what is being discussed. Further, the participation of children is yet to be promoted in the media.

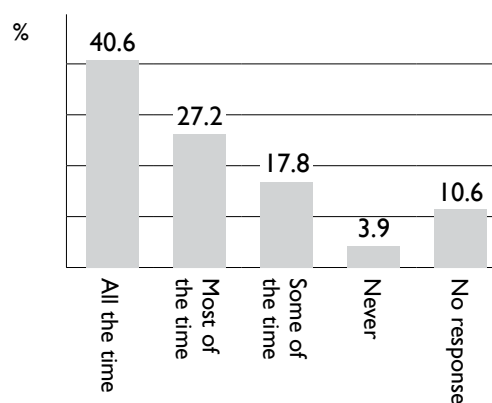
**Changes required to increase the awareness of right to participate**

The respondents have several opinions regarding what should be changed to promote children’s awareness regarding their right to participate. Promoting children’s access to education is regarded as the top priority. School teachers are regarded as the main actors who should be trained to promote children’s awareness of their rights. It should be one of the main objectives of the education system to promote child rights and activities in schools should be focused on promoting the awareness of these. Children should have more opportunities to participate in different training courses and workshops to know more about their rights. Children themselves are also very important actors who should come forward to promote the awareness of child rights through different forums at different levels. There should be more programmes focused on children on radio and television that can be run by children themselves. Equally important is to increase children’s access to information through the media. Cultural events will also be effective means for promoting awareness.

**Theme 3: Children’s role in the family or children’s home**

The study presents positive findings regarding the roles of children in their family/children’s home. The majority of the children are treated well by their parents/caregivers most of the time. Children’s opinions regarding their education and career choices are sought in family decisions most of the time. The children feel that they are treated in the same way as the other children in their family in the matters of basic needs, education and other provisions. The majority of the children are free to speak their mind and express their dissatisfaction, anger or other strong emotions in the family/children’s home most of the time. Because of the increasing awareness regarding the importance of child participation among family members, there is increased participation of children in decision-making as reported by the majority of the respondents.

Good treatment by parents/caregivers



**Treatment of parents/ caregivers**

*Almost all (85.6%) the respondents feel that they are treated well at least some of the time by their parents, with over 40 per cent feeling that they are always treated well. Only 3.9 per cent feel that they are never treated well.*

The respondents feel loved, supported and cared for by their parents. The parents put their best efforts into their protection, happiness and fulfilment of needs. The children learn many things from their parents and caregivers. The parents are polite with the children.

However, there are cases where children are subjected to physical punishments for making certain mistakes. They are also shouted at using rough words.

**Family seeking children's opinion in family decisions**

*About 80 per cent of the respondents state that their opinion is sought in family decisions at least some of the time.*

There are examples of children whose decision regarding what and where they want to study has been respected by the family. They have the freedom to decide and plan for the future they would like to have. They are involved in family conversations and their opinions are sought to solve the problems in the family. The older children of the family usually have greater influence in family decisions.

On the other hand, there are parents who believe that they know what is best for their children. Even though the children are consulted, their opinions are not always respected and the final decision is made by the parents/caregivers in many cases. In the case of children's homes, not all caregivers have the time and patience to listen to the children.

“My parents believe in equality amongst siblings; be it the food they provide or the clothes or the pocket money.”

A Child Respondent from Bhutan

**Equal treatment with the other children in the family/ children's home**

Almost two thirds (61.7%) of the respondents feel they are treated in the same way as the other children in their family at least most of the time. A surprisingly large number (15.6%) of children did not respond to this question.

In the cases of the respondents who feel that they are treated in the same way as the other children, the fulfilment of basic needs, provision of education and other support are equally distributed by the family. The qualities of such provisions are also reported to be the same among different children in the family. There is also equal distribution of household chores. Some respondents with disabilities have experienced more care and special treatment from their family.

There are instances when some respondents feel that their parents give more attention to their brothers or sisters. The child making economic contributions in the family gets more respect. There are female respondents who feel that the male children of the family are given more attention. While the male children go to schools, some female children are deprived of the opportunity for education and they are forced to focus on household chores. With regard to children's homes, not all children have experienced impartial treatment by the caregivers.

“There are many instances where the adults say that we are too small to understand something and make decisions. So most of the time they disregard our views.”

A Child Respondent from Sri Lanka



**Freedom of speech**

*Almost all (86.7%) respondents feel free to speak their mind in the family/ children's home at least some of the time. A few of them (3.9%) never feel this way.*

**Ability to express strong emotions**

*A large majority (82.8%) of the respondents feel they can express their dissatisfaction, anger or other strong emotions in their family/ children's home at least some of the time. However, 7.2 per cent never feel able to do so.*

**Participation in family/ children's home compared with the past**

*Almost all (83.9%) respondents think that children participate more in the family/ children's home in decisions about them compared with the past. Just 5 per cent disagree.*

In the past, children were mainly regarded as family labour force for agriculture. Now there are parents who show more willingness to listen to their children and consider them seriously. There is increasing understanding that children's opinions have a relevant importance. They are more aware of children's right to participation and how child participation contributes to children's holistic development. Even the children are more aware regarding their rights.

However, there are remarks that parents are busier compared with the past and there is hardly any time for participatory family decision-making. Children also spend more time with computers and mobile phones, playing games or engaging in social networking, isolating themselves from the family interactions. In the case of children's homes, children usually do not get to influence the management decisions.

**Changes required to increase children's participation in family/ children's home**

In order to increase the participation of children in making decisions in their family/ children's homes there are several changes to be made. A child-friendly environment should be created to enable child participation in different institutions including schools and families. Whenever children's opinions are not reflected in the decisions made, the adults should explain the reasons behind such decisions.

There should be more time for interaction between the family members so that the children are aware of the developments in the family. Conflict in the family as a result of the behaviour of any member, or relation between the members, should be avoided so that the family is able to work together. Families should be made aware of children's right to participation and they should engage children as much as possible without affecting their education and recreation. There are also opinions highlighting the need of legislative measures to make child participation mandatory in decisions relating to them. It is also important to gradually establish a culture where children's opinions are heard and respected. There is also the need of making caregivers more capable of responding to the needs and concerns of children in children's homes.

**Theme 4: Children's experience with their friends**

The participants of the study have positive experiences with their friends. The majority of the children are treated well and listened to by their friends and classmates and they are doing the same to their friends. About half of the respondents have seen changes in how their friends are treating and listening to them compared with the past. The study shows that more children are aware of the rights of all children and their duties towards others. However, about half of the respondents are concerned that the children from different backgrounds are treated differently by other children; the children from good economic backgrounds do not always treat the children from weak economic backgrounds and those with disabilities in a good way.

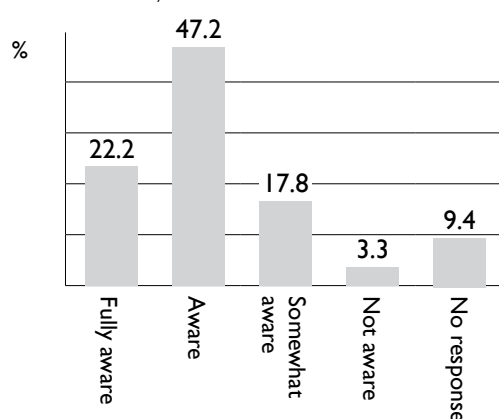
**Treatment by friends**

*Almost all (87.2%) of the respondents feel that they are treated well and listened to by their friends and classmates at least some of the time. About 3 per cent feel that they are never treated well by their friends.*

**Treatment to friends**

*Not unexpectedly, the majority (67.3%) of respondents feel that they treat their friends well at least most of the time.*

## Good treatment by friends

**Treatment by other children to those from different background**

*About 80 per cent of the respondents feel that children from different social and economic backgrounds are treated differently by peers at least some of the time.*

Children who are aware of child rights are sensitive towards other children, from whatever background.

Some children from good economic backgrounds prefer to make friends who have similar status; hence, they do not treat the children from weak economic backgrounds in a good way. However, the origin of such discriminatory attitude is the adults. If the parents discriminate between people of different social or economic status, their children learn to do the same. There are also occasional cases of abuse and sexual harassment. Not all children behave in a good way with the children with disabilities. Also, not all communities encourage children to be close to other children who belong to a different religious group.

“Many changes have happened compared with the past. I used to be angry all the time but now I am not. I do not beat my friends anymore.”

A Child Respondent from Bangladesh

**Changes in how friends are treating and listening to the respondents compared with the past**

*A large majority (75%) of the respondents have seen positive changes in how their friends are treating and listening to them compared with the past. But 10 per cent do not feel like this.*

The school-going and educated children usually treat other children nicely. More children are aware of the rights of all children and how the duties of one person relate to the rights of the others. There are many opportunities for children to participate in different activities, make new friends and strengthen their interpersonal and communication skills. Also, cases of bullying are gradually decreasing because of increasing support mechanisms for children.

“Both my friend and I treat each other nicely but the rich kids have formed a group and are really showing off to poor kids like us. I hate it.”

A Child Respondent from Bhutan

**Changes required for the children to better respect and listen to each other**

Education is highlighted as the key factor to bring about the change so that children can better respect and listen to each other. In order to promote access to education, the factors preventing children from going to school should be addressed, including reducing poverty. All the children need to be trained so that they are able to enjoy their rights, respect the rights of the others and maintain good interpersonal relationships with others. Teachers and par-

ents have important roles to play in order to socialise children so that they respect and listen to each other. For this, the teachers and parents should set examples by respecting and listening to others. Also, the older children should

“Children should have the freedom to interact with other children irrespective of any differences. In that way they can better respect and listen to each other.”

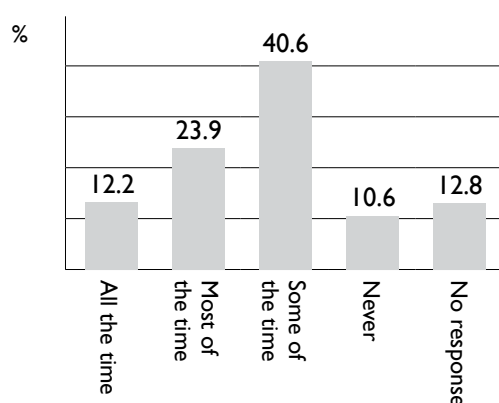
A Child Respondent from India

set good examples for younger ones. Children should have the freedom to interact with other children regardless of the differences between them and the adults should not be imposing their choice of friends on the children.

**Theme 5: Children’s role in the community (village/neighbourhood)**

The opinions of the respondents are divided with regard to the children’s role in their community. About half of respondents feel that they are treated well and listened to in their community most of the time while the other half do not feel this way; children are usually listened to in the course of unofficial discussions but less so during official matters in the communities. There is a relatively higher percentage of the respondents who do not always feel the safety and the freedom to walk outside their homes because of the presence of people with criminal intentions; but there are children who feel safe because of their knowledge on how to deal with dangers. Almost half of the respondents do not think that the children with different social and economic backgrounds are treated in the same way

Equal treatment for all children in the community



in their communities all the time; discriminations based on caste, class, religion and gender are still prevalent. A large majority of the respondents know whom to ask for help and support in their community at least some of the time; it includes, among

others, friends, family, police and teachers. The majority of the respondents feel that the children in their community are more listened to and respected by adults today compared with the past at least some of the time; this is mainly because of the increasing number of forums in the communities through which children can express their voice.

**Treatment by the community**

*A large majority (81.7%) of the respondents feel that they are treated well and listened to in the community. However, almost one in five feels that they are never listened to or did not respond to the question.*

The children who are active in community work feel that their involvement in the community encourages the community people to respect and listen to them. Children are usually listened to in the course of unofficial discussions but less so during official matters in the communities. Children have reported that they have access to community services.

Even when the children are listened to, their opinions are often ignored on the assumption that their knowledge and experience are not adequate to make a good decision. With regard to some children staying in children’s homes, their experience with the community people is not very positive.

**Feeling of safety and the freedom to walk outside**

*Three quarters (76.7%) of the respondents feel free to walk outside the home alone and feel safe doing so at least some of the time. Only 16.1 per cent feel this all the time.*

There are children who feel safe to go out because of their knowledge on how to deal with dangers. Children usually feel safe while walking with someone they know, particularly their

friends, family members or relatives. Children usually go outside with a purpose such as attending school, engaging in sports, etc.

Some safety threats for children in the community include road accidents, the presence of child abusers, gangsters, robbers and other people with criminal intentions.

“I feel safe to travel because I know what to do in a bad situation or when I am in danger.”

A Child Respondent from Pakistan

#### **Treatment for the children from different social and economic backgrounds in the community**

*Most (76.7%) of the respondents feel that children from different social and economic backgrounds are treated in the same way in their community at least some of the time. However, 10.6 per cent feel that children are not treated equally.*

The children from the families with good economic background and so-called higher caste groups are often treated well in their communities compared with the others. Girls feel more unsafe because of the harassments they feel on the streets. Discriminations based on caste, class, religion and gender are still prevalent.

“Due to the cases of child abuse we hear about in the society, when we are out of the home our parents always worry about our safety.”

A Child Respondent from Sri Lanka

#### **Knowledge of whom to ask for help and support in the community**

*Almost all (76.7%) of the respondents knew whom to ask for help and support in the community when they are in trouble. Almost a quarter of the children in the survey did not respond to this question.*

The most commonly known sources of help and support in the community are: friends, family, police, teachers, helplines and social workers.

#### **Whether or not children are more listened to in their community today compared with the past**

*A large majority (75.6%) of the respondents feel that the children in their community are more listened to and respected by adults today compared with the past.*

Since many children have the knowledge of new technologies which many adults do not, the adults listen to and respect children more than they did in the past. There are increasing numbers of community-based organisations, groups and child clubs that provide forums for children to express their voice. There is also increasing moral pressure among people to respect children's opinions.

#### **Changes required for children to be more respected and listened to in the community**

The respondents feel that the adults have to understand that the children have a right to be listened to; however, the adults have to look at the children as children and not as adults. The adults should be supportive of children to help them learn from their mistakes. There

should be more activities in the community to make the people aware of children's issues and the importance of listening to children. If the community listens to the children, the children will also learn to listen to the community and become good members of society.

Children should be encouraged to participate in the discussions regarding the community they live in so that they also feel responsible. Some other opinions include the formation of children's committees in the community and establishment of child-friendly services and institutions in the community.

### Theme 6: Child-friendliness in schools

The survey presents positive findings with regard to child-friendliness in schools. A large majority of the respondents enjoy going to school most or all of the time. Likewise, the majority of the respondents are treated well and listened to in class by their teachers most or all of the time because of the increasing awareness of child rights among teachers. The survey shows that the majority of the child respondents feel safe in school. It is positive to note that about half of the respondents feel that teachers are better listeners today compared with the past; the teachers are more supportive and child-friendly and the use of corporal punishment is decreasing. About half of the respondents think that teachers listen to and support children of different social and economic backgrounds in the same way most of the time while the other half do not feel this way; children of influential parents and the students who perform relatively better in the class receive more attention from the teachers. As reported by about half of the respondents, there are no schools councils where girls and boys can participate and give their opinion.

#### Whether or not the respondents enjoy going to their schools

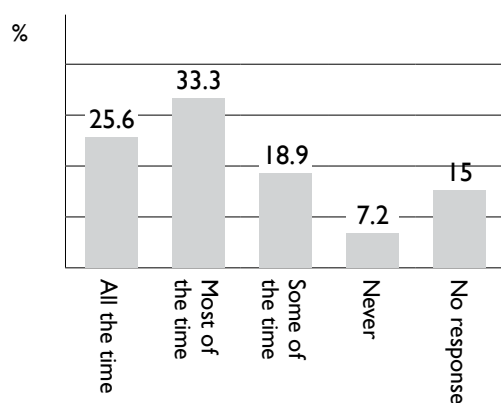
*A large majority (80.6%) of the children enjoy going to school. 12.8 per cent did not respond to this question.*

#### Treatment by teachers

*Almost all (77.8%) of the respondents feel that the school teachers treat them well and listen to them.*

Several factors determine what roles children

Teachers treating well and listening to the children



can play in their schools and how much they enjoy being part of the school system. One of those factors is the teachers' treatment to the children. A notable development is that many teachers have become aware about child rights and their respect for these rights is reflected in their child-friendly approach to teaching. They listen to the children, respect their views and respond to them politely as a friend. They make children comfortable to share their thoughts and the children feel the freedom to express their views. The teachers also accept the children's feedback to improve themselves and the school. Teachers are helping children to learn not only the course contents but also the matters important for children's development. They also show concern when children do not attend school or if they observe any difference in children's behaviour. There are also some good examples of teachers who consider the task of teaching to be not just their professional obligation but also a part of who they are.

However, there are also teachers who never respond well to the children's questions, as reported by some (7.2%) respondents. Some teachers do not like children talking back at them. They believe that they, and not the children, are the ones knowing what is right.

Not all children receive equal attention from their teachers. Some teachers give special attention to some selected children who perform well in the class. Also, some teachers are judgmental towards certain children who come from a particular social or economic background. The causes of dropout also include the behaviour of the teachers. There are also children reporting that the teachers use corporal punishment against them.

#### Feeling of safety in school

*Almost all (78.3%) children feel safe in school.*

Friends and the teachers are regarded as the source of protection in school. School is the second home for many children.

Children who feel unsafe do so because of the presence of bullies and abusers, and fights between children, as well as the punishment given by the school. Not all schools in the



region are very safe for the children. There are threats of suicide attacks and bomb blasts.

**Teachers listening to and supporting children of different backgrounds in the same way**

*About half (48.3%) of the respondents feel teachers listen to and support children of different social and economic backgrounds in the same way. However, 10 per cent of respondents feel that they never do so.*

The respondents generally feel that teachers usually do not discriminate between students based on their economic status, religion, gender, etc. There is also a practice of operating a welfare fund to support the poor students.

There are claims that the teachers are more supportive to the children of parents who hold influential positions such as senior government officials. Likewise, the children who perform relatively better in class receive more attention from the teachers in order to maintain the good reputation of the school through the performance of selected students. Children from poor families sometimes are not treated well since they are not able to meet certain requirements set by their schools that involve cost. The children feel that not all the teachers are well paid and they may have several personal problems because of their economic situation, which demotivates them to put their best efforts into their teaching. In some cases, children with disabilities are deprived of certain opportunities available to other children.

**Provision of school councils**

*Almost 40 per cent of the respondents mentioned that their schools have councils where girls and boys can par-*

“Teachers give the freedom to learn in peace and if I have any problem in learning, they help me as much as they can.”

A Child Respondent from Maldives

*ticipate and express their opinions. Almost 30 per cent of the respondents said that their school had no such council, and another 18.3 per cent did not respond.*

There are practices where the child representatives in the school council are selected by children themselves. The captain/leader/representative of each class is represented in the school council. The children can share their problems with their class representative who then carries them forward to the school council. The practice of having both male and female representatives is also reported. Even

“Corporal punishment is a primitive method of control.”

A Child Respondent from Bhutan

when there are no formal councils, child clubs exist as alternative mechanisms to respond to the children's concerns. The opinions of children are also received anonymously using a suggestion/complaint box or a problem box.

Some children are not sure if such councils exist in their schools. Also, the existence of a school council does not always mean that the representatives have been effective in representing other children's opinions. The representatives of the children are not always selected by the children themselves.

“Teachers treat the clever students and rich students better than the others at certain times but normally they treat everyone in the same way.”

A Child Respondent from Sri Lanka

## “Teachers have become friendlier and they do not use corporal punishment.”

A Child Respondent from Bhutan

### Whether or not teachers are better listeners today compared with the past

*Most (70.5%) of the respondents feel that the teachers are better listeners today compared with the past.*

With the increasing awareness of child rights, teachers have been more supportive and child-friendly. They give individual attention to the children as much as possible. The use of corporal punishment is decreasing. They are more skilled in making use of interactive learning techniques. Because the use of corporal punishment is decreasing, children do not have to hesitate to discuss their issues with the teachers. Teachers are involved not only in teaching course contents, but also in facilitating games and cultural activities.

However, not all teachers have received opportunities to enhance their knowledge and skills in dealing with children.

### Changes required to make the school environment more accessible and child-friendly

With regard to the changes required to make the school environment more accessible and child-friendly, the respondents have highlighted several factors. It is important to improve the relationship between teachers and students. Teachers should be provided with training opportunities for ensuring the protection of children in schools and for dealing with children in a friendly way. There should be mechanisms and programmes to promote teachers' motivation through the evaluation of services and recognition of excellent service. Teaching and learning can be made more effective by using fun methods and technologies. The number of classrooms and teachers needs to be adequate. There should be provision of free education, scholarships, electricity, computers and internet services, improved library and toilets, laboratory, drinking water, health and hygiene services and mid-day meal. Green plants, flowers, lawn, playground and boundary are also considered to be es-

sential. Children should have more opportunities to participate in cultural events and extra-curricular activities. Children's access to education can be in-

creased by having the provision of education in the local language. The school environment can be improved with the provision of a student's council where children can participate and express their opinions. It is important that the schools maintain the privacy of children. There should be involvement of parents in regular supervision of school activities.

### Theme 7: Children's participation in child organisations/networks

The study presents divided opinions regarding the situation of children's participation in child organisations/networks. About half of the respondents have reported that children are given the opportunity to meaningfully participate in children's organisations/networks most of the time. The study shows that children are participating mainly in school-based clubs and community-based children's organisations. However, about half of the respondents do not feel that children are given the opportunity to participate since their families believe that doing schoolwork is the only important thing to do. There are almost equal percentages of respondents who think that the children of different social and economic backgrounds are allowed to participate equally in child organisations most of the time and those who do not think this way. Children with disabilities are not always able to participate at the same level as others. Also, the equal participation of all children is affected when adults interfere in the organisation. The majority of the respondents say that the child organisations do not receive much support from national and local government; while child organisations are provided with some support occasionally by government bodies, the major sources of support are the Non-Governmental Organisations. The survey also establishes that there is an increasing trend of child participation in different child

organisations. More child clubs have been established in different schools and communities and children are involved in different groups in their schools and communities. The respondents find it important to participate in different child organisations/networks for their own development as well as to fulfil their duties towards their community.

### **Opportunity to meaningfully participate in children's organisations/ networks**

*About two thirds (63.9%) of the respondents are given some opportunity to participate in child clubs and child-led organisations. However, one third (36.1%) did not have such opportunity or did not respond.*

Children usually participate in school-based clubs and community-based children's organisations. Participation in child clubs and child-led organisations provides opportunities for children to improve their skills and show their talents. They can also discuss their issues in such forums.

Not all families encourage children to join such organisations: they believe that doing school-work is the only important thing to do. Some adults have difficulty in dealing with gender issues and children's advancement as they think it violates religious rules. There are more opportunities to participate in child-led organisations in urban areas because of the existence of a large number of such organisations.

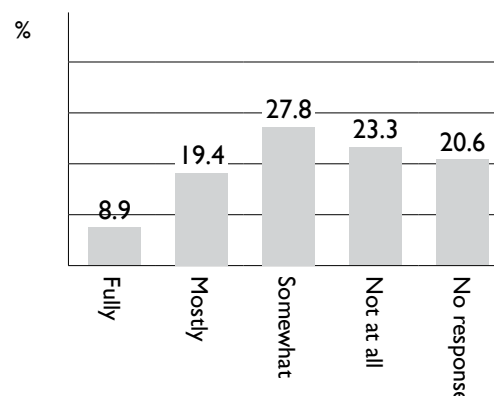
### **Equal participation of children from different backgrounds in child organisations**

*About 7 out of 10 respondents feel that children from different social and economic backgrounds are allowed to some extent to participate equally in child organisations.*

Children who come from a strong economic background usually have greater influence in the child organisations and they are able to obtain more benefits. Discrimination between children is common when adults influence the proceedings of the organisation. Children with disabilities are often not able to perform certain duties shared by all the members of the organisation, hence they may not be able to participate in the organisations at the same level as other children.

### **Support for the child organisations by na-**

Support for child organisations by national and local government



### **tional and local government**

*A majority (56.1%) of respondents feel that child organisations are given at least some support by national and local government. However, a quarter (23.3%) says they are never supported. 20.6% did not respond.*

Government officers sometimes participate in various events organised by child organisations. Child organisations occasionally receive financial and in-kind contributions from government bodies. Local Non-Governmental Organisations (NGOs) are the major sources of support for child organisations. The NGOs provide capacity-building opportunities for the members.

However, the local government bodies do not always have the resources to support the initiatives of children.

### **Whether or not more children are involved in child organisations compared with the past**

*A majority (69.4%) of the respondents believe that more children are involved in child organisations today compared with the past. 11.7% claim that they don't think the situation has improved. About one fourth of the respondents (18.9%) did not respond.*

There is an increasing trend of child participation in different child organisations. More child clubs have been established in schools and communities. Children are involved in different groups in their schools and communities. They are more aware of the benefits of being associated with different organisations, and are more often encouraged by their parents to be involved.

Not all adults are positive regarding the usefulness of children's organisations. They feel that children should concentrate on school activities without being involved in any groups or organisations. More boys than girls are involved in the organisations.

**Importance of child participation**

*A large majority (74.4%) of the respondents think that child participation through child organisations/networks is important. 19.4 per cent did not respond.*

The respondents find it important to participate in different child organisations/networks. Participation in such organisations provides them with opportunities to learn many things and gain useful experiences. They also feel that they can be a part of the community by helping some people or doing some work. Children's organisations are the best platforms for the children to come together to discuss their issues and express their opinions.

**Theme 8: Children's involvement in local governance**

The study highlights the low level of children's involvement in local governance. A large majority of the respondents have mentioned that local leaders do not usually ask children for their participation in decisions affecting them. Local leaders do not usually listen to and accept what children have to say, and the majority of the children are not usually provided with opportunities to participate in meetings about the future of their community. The majority of the respondents think it is important for children to participate in decision-making at national and local levels because they think they are among the key stakeholders of the nation. About one third of the respondents involved in the study feel that children of different backgrounds are treated differently by local leaders; the children who come from a strong economic background are treated in a more favourable way. Most of the respondents do not usually feel that children's issues are well considered by local leaders while planning and budgeting for their community since children do not have direct roles in electing the leaders. However, the study also shows

that the majority of the child respondents feel at least some of the time that the local leaders are listening more to children today compared with the past, mainly because of the advocacy efforts of non-governmental organisations.

**Whether or not local leaders ask children for their participation in decisions affecting their lives**

*A large majority (80.5%) of the respondents feel that local leaders, religious groups and politicians rarely or never ask children in decisions affecting their lives.*

**Whether or not local leaders listen to and accept what children have to say**

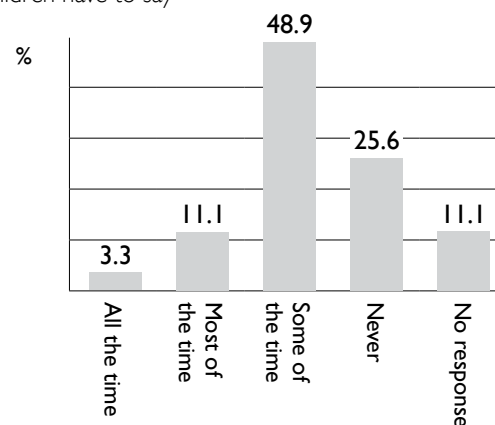
*Similarly, local leaders only rarely or never listen to and accept what children have to say as reported by a large majority (74.5%) of the children. 14.4 per cent of the respondents feel that they do so most or all of the time.*

**Participation of children in the meetings about the future of their community**

*A large majority (69.5%) of the respondents believe that children are rarely or never given opportunity to participate in the meetings about the future of their community.*

There are some examples of children participating in discussions regarding school management. However, few children are provided with opportunities to participate in meetings about the future of their community. Even when children participate in certain discussions, they are not encouraged to speak and their opinions are not given much attention.

Local leaders listening to and accepting what children have to say



In most of the cases, children are not aware of such meetings taking place and they receive no invitation to participate. Children from poor families are forced to spend their time working for survival; hence, they do not have any time to participate in community meetings.

#### **Importance of child participation in decision-making at national and local levels**

*Nearly all (83.4%) the respondents feel that it is important for children to participate in decision-making at national and local levels. 4.4 per cent do not feel that this is important.*

Children believe that it is their right to participate in the discussions affecting their lives. Similarly, what happens to a community in future has more impact on those who will live in the future and they are the children of today. The children are also citizens of today, hence they should participate in shaping the future of their community. Children are considered to have innovative ideas and the willingness to make changes. However, some respondents do not feel very confident that their opinions will be useful for making decisions at the national levels compared with those of adults.

#### **Equal treatment to children from different backgrounds by local leaders**

*A large majority (71.7%) of respondents feel that the children from different social and economic backgrounds are not treated equally by local leaders.*

The children who come from a strong economic background are treated in more favourable way compared with those from poor families by local leaders, religious groups and politicians.

“This country does not belong to the adults only; it is our country as well. So it is important to ask our opinion while taking decisions about the country. We should also know what is being done in our country”

A Child Respondent from Nepal

#### **Consideration of children's issues by local leaders during planning and budgeting of a community**

*A large majority (68.8%) of respondents feel that children's issues are rarely or never considered during planning and budgeting of the community by local leaders.*

“Leaders discriminate between rich and poor children. They don't listen to slum children.”

A Child Respondent from Bangladesh

The issues of children are not usually prioritised by local leaders. The leaders are more interested in the issues of adults since children do not have any direct role in electing the leaders.

#### **Whether or not children are asked for their views in the courts and in the course of solving community problems**

*A majority (61.7%) of respondents say that children are rarely or never asked for their views and opinions in the courts and in the course of solving community problems.*

Local leaders have listened to children when the problems shared by the children are com-

“As children do not have the right to vote, their issues are not treated with importance.”

A Child Respondent from India



mon problems of the community. However, children are not usually consulted by the leaders even if the problems are related to them. The leaders, together with the elders, usually decide on behalf of the children.

The leaders believe that they are the experts in solving the problems of the community. Even when the children are consulted, the leaders do not consider children's opinions seriously.

#### **Whether or not local leaders are listening more to children today compared with the past**

*Most (65.1%) of the respondents believe that local leaders at least to some degree are listening more to children today compared with the past. However, a third disagrees or did not respond to the question.*

Some leaders participate in the children's programmes while others are not interested in hearing children's opinions. Because of the advocacy efforts of Non-Governmental Organisations, the leaders are often brought together with the children in the same forums so that they can hear the opinions of children.

#### **Importance of listening to children by local leaders**

The children involved in the study have several explanations for why local leaders, religious groups and politicians should listen to children. Children have many issues that need to be addressed. Such issues need to be understood by the local leaders and they should also know children's opinions on how they should be addressed. It is important for the leaders

“The leaders should listen to us because the plans they are making for children should also be accepted by the children.”

A Child Respondent from Bhutan

to hear about the children's issues from the children themselves. It is also the responsibility of the local leaders to listen to everyone in their communities regardless of their age, sex or other criteria.

#### **Changes required for the local leaders to better listen to and respect the view of children**

The respondents have suggested several ways in which local leaders can better listen to and respect the views of children. The leaders need to make themselves more aware of children's issues and rights by participating in training, visiting different places and interacting with children. Children should have regular opportunities to meet and discuss with the leaders: these may involve group meetings, individual interactions or cultural events. Children also need to put additional efforts into presenting their views in the best way possible so that they can influence the leaders. There are also suggestions that there should be laws in place that require the leaders and politicians to consult with children on the issues affecting them. The leaders should acknowledge the fact that they do not know everything about children's issues and they need to consult with children for deciding how to address them. It would also be an effective strategy to form children's committees to provide advice to the local leaders.

## Statistical analysis of responses

Theme	Questions / Variables	Responses and Percentage of the Total					Total
		Com-pletely	Partially	Some-what	Not at all	No re-sponse	
Happiness	1. Do you feel happy with yourself? Explain in a few lines what makes you feel happy or unhappy	15.6	40	30	3.9	10.6	100
Happiness	2. Do you feel that you are listened to and that your opinions are respected? Explain in a few lines how you are listened to or how you are not	12.2	33.3	39.4	3.9	11.1	100
Happiness	3. Do you feel safe and supported? Explain in a few lines what makes you feel safe or unsafe	19.4	34.4	32.8	3.3	10	100
Happiness	4. Do you feel positive about the future for girls and boys in your community? Explain in a few lines why the future is good or not good	10.6	27.2	45.6	5.6	11.1	100
Happiness	5. Do children of different religions, genders (girls, boys), economic backgrounds (rich, poor, children living in shelter homes/slums/the street), castes and disabled children have the same chances to lead a good life? Explain in a few lines why children have the same chances or why they do not	7.8	24.4	46.1	10.6	11.1	100
Rights	7. Do you know your rights? What does a right mean to you? Explain in a few lines	19.4	30.6	30.6	6.7	12.8	100
Rights	9. Do you know that you have a right to participate in the family, in the school and in community activities?	33.3	27.2	21.7	7.8	10	100
Rights	10. Do you know that it is your right to be protected from violence?	42.2	25.6	17.2	5.6	9.4	100
Rights	11. Do you think that children of different religions, genders (girls, boys), economic backgrounds (rich, poor, children living in shelter homes/slums/the street), castes and disabled children have the same rights as you? Explain in a few lines how children have the same rights or how they do not	36.1	20	27.2	6.7	10	100
Rights	12. Do children have the opportunity to communicate their views through the radio, newspapers, the internet or television? Explain in a few lines how children have this opportunity or how they do not	16.1	20	37.2	16.1	10.6	100
Rights	13. Do you think children can participate more now in the school, family and the media than, for instance, five years ago? Explain in a few lines how children can participate more or how they cannot	12.2	38.3	30.6	8.3	10.6	100
Family / Children's Homes	15. Do your parents/carers treat you well? Explain in a few lines	40.6	27.2	17.8	3.9	10.6	100

Theme	Questions / Variables	Responses and Percentage of the Total					Total
		Com-pletely	Partially	Some-what	Not at all	No re-sponse	
Family / Children's Homes	16. Do your family/carers seek your opinion in family decisions, those that are about you? Explain in a few lines	27.2	27.8	27.2	6.7	11.1	100
Family / Children's Homes	17. Are you treated in the same way as your sisters and brothers or other children in your home? Explain in a few lines how you are treated the same or how you are treated differently	33.9	27.8	17.8	5	15.6	100
Family / Children's Homes	18. Do you feel free to speak your mind in the family/children's home?	28.3	35.6	22.8	3.9	9.4	100
Family / Children's Homes	19. Are you able to express dissatisfaction, anger or other strong emotions in the family/children's home?	18.9	37.2	26.7	7.2	10	100
Family / Children's Homes	20. Do you think children participate more in the family/children's home in decisions about them than, for instance, five years ago? Explain in a few lines how children can participate more or how they cannot	14.4	36.7	32.8	5	11.1	100
Friends	22. Are your friends treating you well and listening to what you have to say?	22.2	47.2	17.8	3.3	9.4	100
Friends	23. Are your class mates treating you well and listening to what you have to say?	21.7	45.6	17.2	3.9	11.7	100
Friends	24. What about you – are you treating your friends well and listening to what they have to say?	23.9	41.7	21.1	3.3	10	100
Friends	25. Do you think children of different religions, genders (girls, boys), economic backgrounds (rich, poor, children living in shelter homes/slums/the street), castes and disabled children are treated differently by other children? Explain in a few lines how children are treated the same or how they are not	16.1	24.4	42.2	5.6	11.7	100
Friends	26. Have you seen changes in how your friends are treating and listening to you compared with, for instance, five years ago? Explain in a few lines what has changed?	13.9	31.1	30	10.6	14.4	100
Community	28. Do people in your community treat you well and listen to what you have to say? Explain in a few lines	11.1	35	35.6	7.2	11.1	100
Community	29. Do you have the freedom to walk outside the home alone and feel safe? Explain in a few lines how you have the freedom or how you do not	16.1	23.9	36.7	10	13.3	100
Community	30. Do you think children of different religions, genders (girls, boys), economic backgrounds (rich, poor, children living in shelter homes/slums/the street), castes and disabled children are treated in the same way as you in your community? Explain in a few lines how they are treated the same or how they are not	12.2	23.9	40.6	10.6	12.8	100

Theme	Questions / Variables	Responses and Percentage of the Total					Total
		Com-pletely	Partially	Some-what	Not at all	No re-sponse	
Community	31. Do you know whom to ask for help and support in the community when you are in trouble? If so, who are they? Circle the ones that give you help/support from the list below or add your own	17.8	28.3	30.6	1.1	22.2	100
Community	32. Are children in your community more listened to and respected by adults today than, for instance, five years ago? Explain in a few lines how children are more listened to and respected or how they are not	11.7	26.7	37.2	9.4	15	100
School	34. If you go to school, do you enjoy it?	31.7	38.9	10	6.7	12.8	100
School	35. Do teachers treat you well and listen to what you have to say in class? Explain in a few lines how teachers treat you well and listen to you, or how they do not	25.6	33.3	18.9	7.2	15	100
School	36. Do you feel safe in school? Explain in a few lines how you feel safe in school or how you do not	32.2	28.3	17.8	5.6	16.1	100
School	37. Do you think teachers listen to and support children of different religions, genders (girls, boys), economic backgrounds (rich, poor, children living in shelter homes/slums/the street), castes and disabled children in the same way? Explain in a few lines how teachers support all children or how they discriminate	21.1	27.2	26.1	10	15.6	100
School	38. Does your school have school councils where girls and boys can participate and say their opinion? Explain in a few lines	13.9	20.6	17.8	29.4	18.3	100
School	39. Do you think teachers are better listeners today than, for instance, five years ago? Explain in a few lines	13.3	35	22.2	11.1	18.3	100
Child Organisations / Networks	42. Are children given the opportunity to meaningfully participate in these organisations? Explain in a few lines	15	30.6	18.3	18.9	17.2	100
Child Organisations / Networks	43. Do you think children of different religions, genders (girls, boys), economic backgrounds (rich, poor, children living in shelter homes/slums/the street), castes and disabled children are allowed to participate equally in child organisations? Explain in a few lines how all children are participating or how some are not	13.9	25	30.6	12.2	18.3	100
Child Organisations / Networks	44. Are child organisations in your area supported by the national and local government? Explain in a few lines how these organisations are supported or how they are not	8.9	19.4	27.8	23.3	20.6	100

Theme	Questions / Variables	Responses and Percentage of the Total					Total
		Com-pletely	Partially	Some-what	Not at all	No re-sponse	
Child Or-ganisations / Networks	45. Are children more involved in child organisations today than, for instance, five years ago? Explain in a few lines	12.8	23.3	33.3	11.7	18.9	100
Child Or-ganisations / Networks	46. Do you think child participation through child organisations/networks is important? Explain in a few lines	22.8	33.3	18.3	6.1	19.4	100
Local Gov-ernance	47. Do local leaders, religious groups and politicians ask children for their participation in decisions affecting children's lives?	2.2	6.1	54.4	26.1	11.1	100
Local Gov-ernance	48. Do local leaders, religious groups and politicians listen to and accept what children have to say?	3.3	11.1	48.9	25.6	11.1	100
Local Gov-ernance	49. Do children participate in meet-ings about the future of the commu-nity, i.e. new schools, safe roads/paths, playgrounds and hospitals; reporting about violence; setting up services for children? Explain in a few lines how they are invited or how they are not	3.3	15	37.8	31.7	12.2	100
Local Gov-ernance	50. Do you think it is important for children to participate in deci-sion-making at national and local levels? Explain in a few lines	27.8	25.6	30	4.4	12.2	100
Local Gov-ernance	51. Do you think children are treated differently according to religion, gen-der (girls, boys), economic background (rich, poor children living in shelter homes/slums/ the street), caste and disability/ability by local leaders, reli-gious groups and politicians? Explain in a few lines how they are treated differently or how they are not	8.3	22.8	40.6	16.7	11.7	100
Local Gov-ernance	52. Do you feel that children's issues are taken well care of when local leaders, religious groups and politi-cians are developing action plans and spending money for your community? Explain in a few lines how they are prioritised or how they are not	4.4	13.9	44.4	24.4	12.8	100
Local Gov-ernance	53. Are children offenders/victims/wit-nesses asked for their views and opin-ions in local courts and when local leaders solve community problems? Explain in a few lines how children are asked for their views or how they are not	3.9	20.6	37.8	23.9	13.9	100
Local Gov-ernance	54. Are local leaders, religious groups and politicians listening more to children today than, for instance, five years ago? Explain in a few lines	5.6	20.6	38.9	20	15	100



*Child Rights Defender Justice Muhammad Imman Ali:  
The state of child rights and law enforcement in Bangladesh*

**“Since February 2011, I have been a judge in the Appellate Division of the Supreme Court of Bangladesh, before which I spent ten years as a judge in the High Court Division (HCD). My passion for child rights grew as a result of seeing the lack of proper application of existing laws in favour of children and the neglect, apathy and disdain shown by those who come into contact with children in need of care and protection and those in conflict with the law.”**

The task of changing the attitudes of the police and the judiciary appears to be daunting. They seem to be of the view that adolescents are fully mature in their criminogenic activities and behaviour and hence should be shown no leniency. These two groups are insisting that the definition of a child should not be amended to include children between the ages of 16 and 18 years. It is the negative attitude of these two actors in the field of juvenile justice which is creating a barrier to the implementation of the beneficial provisions of the CRC and also causing the delay in the passage of the newly drafted Children Act.

Nevertheless, with the help of UNICEF, Save the Children and others, I have managed to conduct numerous training sessions for judges, lawyers, probation officers, police personnel and others who work in the field of justice for children. International and national NGOs have also taken positive steps to further the drive to increase awareness, with a certain degree of success.

I have also managed to put in place a mechanism for quicker disposal of cases relating to children within the existing court structure and legal system with the support of the former Chief Justice. Since 2006, while in the HCD, I delivered no less than a dozen judgments on various aspects of justice for children. All these decisions have been compiled into a book which will be published soon by Save the Children in Bangladesh. Various activities are also afoot in response to the decisions of the HCD with regard to working children, child domestic workers, children in education and children in detention facilities.

In the seminal case of Roushan Mondal in 2006, for example, in which a child offender was sentenced to death for raping and killing an eight-year-old girl, the HCD decided to pronounce a detailed judgment on juvenile justice in the context of domestic and international law, given that there was evidence of serious flaws in the application of law relating to child offenders. We also expressed the view that as a signatory to the CRC, Bangladesh should enact laws in conformity with the CRC. That time the government acted swiftly, which shows that the decisions of the courts sometimes have the power to bring about action towards changing child-related legislation.

Though it is still a struggle, we will continue to work hard for children’s rights to be taken seriously in the justice system in Bangladesh.



WORLD



# Chapter 5 – Non-state actors and CRC implementation

The state has the primary responsibility for respecting, protecting and fulfilling children's rights. However, article 45 of the Convention on the Rights of the Child (CRC) and the Committee on the Rights of the Child both stress that the state is to engage all sectors of society, including children themselves, in fulfilling children's rights and in monitoring the implementation of the CRC.<sup>1</sup> Governments are requested to give non-directive support and establish formal and informal relationships with non-state actors such as civil society organisations, human rights groups, child- and youth-led organisations, parents and family groups, faith groups, academic institutions, professional associations and the private sector. Furthermore, the Committee encourages the formation of child rights organisations, coalitions and networks.

Child-focused organisations and other non-state actors played a crucial role in drafting the CRC. The Convention established a framework for the realisation of child rights by State Parties, non-state actors and the international community, and clarified roles and responsibilities. As a result, the number of non-state actors promoting child rights has increased substantially since the adoption of the CRC in 1989. Furthermore, periodic reporting to the Committee on the Rights of the Child has provided a formal opportunity for governments and non-state actors to work together on the follow-up of the Committee's Concluding Observations. These and other recommendations from the Committee are based on information provided by State Parties – but also by non-state actors. The Universal Periodic Review has become yet another opportunity for governments and non-state actors to cooperate in monitoring compliance with human rights obligations.

This study suggests that governments in South Asia are increasingly including non-state actors when developing plans, policies and laws. This cooperation forms an integral part of the national system in some countries, while in others it is more on an ad-hoc level. In particular, the governments have encouraged the participation of child-focused NGOs to hold capacity building programmes, deliver services and be part of advocacy platforms and decision-making bodies. These organisations are, in particular, active in supporting the empowerment of children and girls.

At the same time, governments tend to ask non-state actors to carry out government responsibilities, which may diminish government ownership and reduce their ability to monitor and evaluate achievements. Non-state actors are also finding their activities regulated and restricted by governments, and they may also experience bureaucratic hurdles and political pressure when outspoken on critical child rights issues or trying to expand the field of governance. The national interests and security issues are among the factors raised by governments to curb legitimate non-state activities.

However, the governments do have a strong interest in promoting child rights as they often depend on non-state actors to provide essential services for children. Thus, the dynamics of expanding or restricting the space for non-state actors will vary according to internal and external political conditions. It is important to note that non-state actors can also play a negative role as a restricting or restraining force on states when, for instance, condoning harmful practices or other views incompatible with child rights. The impact of governments and non-state

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<sup>1</sup> Committee on the Rights of the Child (2003), General Comment 5 (2003): General Measures of Implementation of the Convention on the Rights of the Child (arts. 4, 42 and 44, para. 6), CRC/GC/2003/5.

actors on children has to be assessed in terms of transparency, inclusiveness, accountability and adherence to child rights.

In addition to civil society organisations (non-governmental organisations), this chapter includes non-state actors such as the media, academia, faith groups and the private business sector. In South Asia, non-governmental groups and organisations have contributed extensively to both the discourse on and practice of child rights. Through strong advocacy, civil society has developed and implemented approaches and models to address child labour, quality education, child participation and so on.

Charity work is an important activity of most religious groups and some faith leaders promote child rights. However, there is a general lack of government mechanisms or processes for engaging the main religious institutions in the promotion of child rights. Religious groups can also restrict children's roles in society. As for the media and education, nearly all countries have ethical guidelines for the media that include children's issues, and child rights has been included as a subject in human-rights-related degrees at masters and PhD levels in half of the countries in the region. When it comes to the private sector, all countries have national child labour legislation. However, there is still a lack of national laws, regulations or standards outlining the child rights responsibilities of business.

This chapter presents an analysis of how and to what extent the South Asian governments have facilitated the work of non-state actors to fulfil children's rights. First, the key regional findings are presented through the three identified domains of the legal and policy framework for non-governmental organisations, the gender aspect of civil society, and other non-state actors' role in child rights, followed by a conceptual background note. Each domain is then developed in three separate sections that include key findings and country-level details.

## Key regional findings: overall achievements and challenges

### **Domain 1: Legal and policy framework for non-governmental organisations**

Adult-led non-governmental organisations can register legally in all but one country – in Maldives registration with the Ministry of Home Affairs is sufficient, awaiting the adoption of a Civil Society Bill. As a general rule, foreigners, minors and non-citizens will not be accepted as founders of organisations in South Asia. All countries have one or more coalitions promoting children's issues – and human rights organisations have been supporting child rights in several countries. Furthermore, children are organised through child club movements, for example in Nepal. In every country, there is also informal cooperation between people and society groups that influence social norms and contribute to the wellbeing of children. Thus, children may be supported in their daily lives in both ad-hoc and well-organised manners.

Mostly, governments in the region are positive about the work of non-governmental organisations and invite their participation in developing National Plans of Action for Children, Child Policies and Child Acts. Non-governmental organisations form an integral part of the national systems in Nepal, India, Bangladesh, Bhutan, Pakistan and Maldives, where civil society participation is encouraged by the governments. For example, non-governmental organisations are represented on the Board of Commissioners of the National Commission for Women and Children in Bhutan and a representative from civil society chaired the process of developing the latest National Plan of Action for Children in Nepal. Other examples can be found in Bangladesh, where representatives from child rights coalitions serve as members of government consultative forums, and India, where non-governmental

organisations are represented on a number of government committees. In other cases, the process of cooperation may be more ad-hoc level or largely uncoordinated.

At the same time, South Asian governments have established rules and regulations to manage and monitor the activities of non-state actors. The governments are, in particular, cautious in relation to transfer of foreign funds, activities deemed illegal, national and political interests, and security issues. Non-governmental organisations may experience bureaucratic and political hurdles in getting and keeping their registration and they may be exposed to different forms of pressure when too outspoken about politically sensitive issues. Sometimes, legitimate civil society activities will be circumscribed in the name of fighting terrorism and anti-national activities. Governments may also try to control the internet for domestic political reasons. Lastly, many governments may depend on and invite organisations and foreign funding to provide essential services to children – while at the same time restricting organisations who are explicit in advocating and campaigning for child rights, good governance and the need to increase budgetary investments for children.

## Domain 2: The gender aspect of civil society

Non-governmental organisations working exclusively on girls' and women's issues have been established in every country in South

Asia. These organisations are focusing on child-rights-related issues, working on issues such as birth registration, early marriage, gender-based violence and other harmful practices – and on empowerment strategies including skills training. While a number of national policies articulate gender equality, social and religious practices often impede their implementation and hold girls back – in particular in rural areas. For instance, in Bangladesh, the majority of rural girls are faced with the reality of child marriage and having children before the age of 18. Many will also be sent out to work from an early age. However, there are also exceptions. Some girls in rural areas in South Asia are actively supported by their family and community members to participate in community life.

As a general rule, when girls are allowed to take part in community activities organised by non-governmental organisations, they participate actively. Girls tend to participate whenever an environment for them is created and supported, which, in turn, may lead to an improved situation for girls in the area. Increased access to education has also widened the awareness and opportunities for girls in the region. However, gender stereotypes in local communities, religious settings and in educational institutions are still an obstacle. Girls and women may even themselves internalise the stereotypical gender roles embedded in society. Another challenge is that some organisations working on girls' and women's issues may focus their work on women's participation rather than on girls' and children's rights in general.

Key regional findings, overall achievements and challenges

Significant results	Notable results	Some results	Little or no results
Bhutan India Nepal	Afghanistan Bangladesh Maldives Pakistan Sri Lanka	-	-

The table results are based on average scores obtained on the basis of three domains: legal and policy framework for non-governmental organisations, the gender aspect and other non-state actors' role in child rights (for more details, see the indicator lists at the end of the chapter as well as the Appendix).



### **Domain 3: Other non-state actors' role in child rights**

Governments or the federation of journalists or equivalent in all countries in South Asia except Bangladesh have introduced ethical guidelines for the media that include children's issues. However, it should be noted that, in Bangladesh, the non-governmental Management and Resource Initiative has developed a Handbook on Ethical Reporting on and for Children.

In most countries in South Asia, there are no government mechanisms or processes in place for engaging the main religious institutions in the promotion of child rights. Furthermore, none of the main religious institutions in South Asia have produced clear policies, guidelines and instructions in relation to child rights. However, the authorities in Bhutan and Sri Lanka have focused in particular on the issue of child monks in monastic institutions to ensure their safe accommodation, health, sanitation and non-violent environment. Quite a few religious leaders in, for instance, Afghanistan, Bangladesh and Pakistan have also been trained on child rights by non-governmental organisations and take up children's issues in their Friday prayers. Other good practices include the networking and sharing of knowledge between these leaders and their child-oriented contributions to communities – and the fact that the religious communities are also carrying out charity work and supporting orphanages, schools, hospitals and homes for homeless children. For example, the Coalition of Inter-Religions in Nepal has conducted child rights-based activities and a campaign for child protection. Some religious leaders have also been active against child marriage and other harmful practices in Nepal. Lastly, some religious groups in Pakistan are now running modern schools.

In Bangladesh, India, Nepal and Sri Lanka, child rights have been included as one of several subjects in human-rights-related degrees at masters or PhD levels. However, even when it is not, academia is active in several ways, linking up with the child rights agenda. For example, in Afghanistan, the government, civil society and academia have cooperated to set up a new social work degree. In Bangladesh, India, Nepal, Pakistan and Sri Lanka academia has conducted valuable research on child rights themes – on its own or in cooperation with civil society. In Nepal these actors have also cooperated on developing suggestions for government policies.

In all countries in the region, the private sector is required to respect legislation prohibiting child labour. However, the definition of child labour varies from country to country – and national laws, regulations or standards comprehensively outlining the private sector's child rights responsibilities are lacking in South Asia. Nevertheless, corporate social responsibility is encouraged in most countries. For example, in 2012, Bangladesh hosted a launch of the UN Global Compact: Children's Rights and Business Principles, a call to businesses to step up their efforts to respect children's rights. Larger national and multinational companies in the region are more inclined to promote child rights than smaller businesses, and in particular in relation to those in the informal sector. These large companies may support education, vocational training and child-care centres and often day-care centres for children of employees. Some may even start their own non-governmental organisations to support a particular cause. Telecoms companies are also providing a toll-free number for child helplines in several countries.

## Background: non-state actors and CRC implementation

The Convention on the Rights of the Child was the first international treaty to include non-governmental organisations in its legal provisions. Article 45 in the CRC declares these organisations to be a partner to the Committee on the Rights of the Child and the Committee in many of its General Comments and Concluding Observations refers to the non-state actors and the roles they can play.

Article 4 of the CRC requires State Parties to take all appropriate measures to implement the CRC. One such measure, according to the Committee's General Comment No. 5, is the obligation of governments to coordinate its activities with civil society and other non-state actors. The Committee recognises that responsibilities to respect and ensure the rights of children extend beyond the State and State-controlled services and institutions to include children, parents and wider families, other adults, and non-State services and organisations. While States are parties to the CRC and thus ultimately accountable for compliance with it, all members of society – individuals, professionals, families, local communities, inter-governmental and non-governmental organisations, as well as the private business sector – have responsibilities regarding the realisation of children's rights. State Parties should therefore provide an environment which facilitates the discharge of these responsibilities. Due weight is to be given to children's views in all matters affecting them, which plainly includes implementation of "their" Convention.

### **Terminology: civil society, non-governmental organisation and non-state actors**

The terminology related to non-state actors can be confusing. For instance, civil society and non-governmental organisations are concepts used interchangeably. Civil society participation, if legally organised, is a non-governmental organisation. The basis for a non-governmental organisation is that it is legally constituted, not part of the government

and not a conventional for-profit business. The term usually applies to organisations that pursue wider social aims and that are not part of political parties and agencies. Non-governmental organisations may be solely nationally based or be part of or supported directly by an international organisation. Inter-governmental organisations, on the other hand, are organisations composed primarily of sovereign states (member states), or of other inter-governmental organisations, and include for instance SAARC and the United Nations.

Article 45 in the CRC states that the Committee on the Rights of the Child may invite organizations to provide expert advice in matters of implementation and to submit reports on the implementation of the Convention. The Committee shall also transmit to organizations, as it may consider appropriate, any reports from States Parties that contain a request, or indicate a need, for technical advice or assistance, along with the Committee's observations and suggestions on these requests or indications.

Civil society is defined as citizens who act collectively and voluntarily in an organised way in order to express or promote a common interest or opinion. In South Asia, there are both informal civil society networks and civil society activities legally constituted as non-governmental organisations. A strong, diverse and vibrant civil society is considered as important for local ownership and for enabling citizens to contribute effectively to issues that affect their lives. An important role for civil society is to hold governments to account and support people to claim their rights. Civil society may also provide vital services and advocate and campaign on issues such as a child-friendly legal system and against harmful practices.

Non-state actors include all groups, organisations and individuals that are not working for the government, including the private business sector. However, non-state actors such as the media, academia, faith groups and the private business sector may have a more diversified set of interests than, for instance,

child rights-oriented non-governmental organisations. Profit interests may be more pronounced; they may serve more groups than children and have an explicit political interest.

### **The roles of non-governmental and non-state actors**

The work undertaken by, in particular, child rights non-governmental organisations and by other non-state actors is twofold: representing the interests of children as rights holders and delivering services in the interest of children. As part of its responsibility to implement the CRC, the state has to ensure that those with rights know their rights and that these rights are implemented. It also must provide space to hear children when rights are violated or not followed up. In addition, the state is to regulate non-state service providers and inform, consult and coordinate to ensure appropriate collaboration between the government and non-state actors.

Non-state actors play many roles, including as watchdogs – monitoring and reporting on the status of children, holding the government to account – and capacity builders. These actors may also advocate and take part in processes to improve policy and practice. As service providers, non-state actors work to provide outreach and support in order to increase children's and families' access to basic services. Thus, the work of non-state actors is important as it is contributing to promote a child-friendly society through working with families and community members, influencing changes in behaviour, advocating to decision makers, mobilising the public and encouraging child participation.

The international network of concerned individuals worldwide is growing at a steady speed and has become more influential. This is partly due to better access to the media and electronic communications. Importantly, the number of young people who are well-educated and informed is growing, raising hopes of more powerful civil societies in spite of violence, exploitation, global changes and, occasionally, repressive efforts from governments. Thus, civil society with its organisations, networks and

communication methodologies is an important factor in strengthening child rights, with a role that potentially can grow and contribute to an increased effectiveness of the system.

### **Non-state actors' behaviour and challenges**

Non-state actors function best in states where there is freedom of speech and free movement of people, and where there is a relationship of basic trust between the state and its people. The work of non-state actors is more challenging when the state tends to be oppressive, corrupt and weak.

Not all social involvement strengthens the interest of children, and the behaviour of non-governmental organisations and other non-state actors plays a central role in their effectiveness. Therefore, organisations and actors work best when they are open and inclusive, accountable, free from corruption and willing to share and collaborate.

Credibility increases when the representatives of organisations and institutions are well-informed about human rights and when their articulation of values is also practised internally. They gain trust when the information given to the general public and state actors is reliable. The active involvement of children should be a priority; and above all activities must do no harm and not put people and children's lives at risk. Lastly, according to the CRC, the work of non-state actors should complement and not take over the responsibility of the state or duplicate governmental efforts.

### **International support to non-governmental organisations and non-state actors**

Non-governmental organisations usually receive their financial support from the community, from governments and from external donors including external governments, the UN system, international organisations and development banks. In fact, external donors may even contribute to a large portion of the

budgets of many South Asian governments. Such arrangements can easily lead to dependency and conditional demands – the agenda to be pursued being that of the donors. Large inputs of resources channelled too rapidly into a country or community from outside may not always be the best way to ensure sustained development. Thus, the role of non-governmental organisations and institutions receiving funding and support from internal and external sources is important in ensuring local ownership and services. However, this depends on maintaining a very fine balance of receiving support and yet not becoming donor driven. The alignment with national and local governance and planning systems is equally important in ensuring ownership and accountability by the government of the progress towards a child-friendly society.

At the global level, in 2005, the Paris Declaration and Principles were developed to persuade recipient governments to set their strategies for poverty reduction, improve their institutions and tackle corruption – and

in return, donors would change their own behaviour, improving coordination and predictability of aid flows. In Busan, in 2011, progress was reviewed and new commitments were made to ensure that aid is effective in combating poverty and supporting countries to reach the Millennium Development Goals.<sup>1</sup> The Busan Partnership for Effective Development Cooperation broadens the application of the Paris Principles beyond aid to “development cooperation” by including new actors and contexts such as emerging donors, fragile states and the private business sector. In addition, non-governmental organisations were for the first time included in formal negotiations as development stakeholders in their own right. The Busan Declaration states that non-governmental organisations are to play a vital and independent role in enabling people to claim their rights, in promoting rights-based approaches, in shaping development policies and partnerships and in overseeing their implementation.

<sup>1</sup> <http://www.oecd.org/dac/effectiveness/fourthhighlevelforumonaideeffectiveness.htm>.

## Domain I: Legal and policy framework for non-governmental organisations

### Key findings: achievements and challenges<sup>1</sup>

Adult-led civil non-governmental organisations can register legally in nearly all countries, and in every country there are one or more civil society coalitions promoting children’s issues. In addition, informal cooperation between people and society groups takes place that looks into the wellbeing of children. An important factor is also the support to child rights from children’s groups and networks as well as from human rights entities. Mostly, governments are positive towards the work of non-governmental organisations and other non-state actors and invite their participation in developing National Plans of Action for Children, Child Policies and Child Acts. Many

<sup>1</sup> For more details, see the indicator list at the end of the chapter.

governments depend on and invite non-state actors and foreign funding to provide essential services to children while restricting activities when the child rights actors advocate and campaign for child rights, good governance and the need to increase budgetary investments in children.

### AFGHANISTAN

In Afghanistan, civil society can register their organisations with the Ministry of Economy under either the 2002 Law on Social Organisations or the 2005 Law on Non-Governmental Organisations, depending on how the organisation is categorised. In addition, civil society organisations need to develop a Memorandum of Understanding with the relevant ministry. The Ministry of Economy follows a strict monitoring system and blacklists organisa-

tions, including private orphanages, that are not registered or do not report properly.

There are a number of coalitions or forums of international and national non-governmental organisations working on child rights issues in Afghanistan. For example, in 2003 the Ministry of Labour, Social Affairs, Martyrs and Disabled, in collaboration with non-governmental organisations, established the Child Protection Action Network (CPAN). CPANs consist of government and non-government organisations performing field interventions in the area of child protection. This network functions in many of the 34 provinces of Afghanistan and the work of CPANs has contributed to the development of national level advocacy and policies. Indeed, non-governmental organisations working on children's issues have been invited to participate in the development of both the National Strategy for Children At Risk and the upcoming comprehensive Child Act. However, even though civil society participation in child-related law-making is required by law, it has so far only happened in an ad-hoc and uncoordinated manner.

## BANGLADESH

Civil society organisations in Bangladesh are registered with the Ministry of Social Welfare under the 1961 Voluntary Social Welfare Agencies (Registration and Control) Ordinance. If part of the revenue is made up of foreign funding, registration takes place with the NGO AB under the 1978 Foreign Donations (Voluntary Activities) Regulation Ordinance. The NGO AB was established in 1990 and is placed under the Prime Minister's Office with the status of a government department.

The size of the non-governmental sector in Bangladesh is remarkable, a large number being religious organisations.<sup>2</sup> There are few formal requirements or barriers to public statements and advocacy. However, foreigners, non-citizens and minors are prohibited from serving as founders. Mostly, the work of non-governmental organisations is respected

<sup>2</sup> According to Bangladesh's National Report submitted for the country's 2013 Universal Periodic Review, there are currently 2,170 NGOs operating in Bangladesh.

and supported by the government but some human rights defenders have been subject to threats and the delaying of approval of projects, an issue that has been raised by the Special Rapporteur on human rights defenders.<sup>3</sup> In 2012, the government suggested a shift in policy and the launch of a commission to look into the operations of non-governmental organisations, claiming that many were involved in "terror-financing and other anti-state activities". As a result, the registration of many thousands of non-governmental organisations was cancelled and laws were developed restricting the receipt of foreign contributions.

There are many organisations and civil society coalitions in Bangladesh working on child rights, including the Child Rights Governance Assembly – an advocacy network of children and youth organisations. In addition, a large informal sector works to improve children's well-being. Informal societies in villages and neighbourhood associations in the new urban areas are looking after the needs of the population, including children. Successive governments have recognised the importance of civil society and are consulting the organisations at various levels. The new Children's Policy (2011) recognises the contribution of non-governmental organisations and makes reference to the need for coordination. Non-governmental organisations were invited to the development of both the Children's Policy (including child-led organisations) and the country's upcoming comprehensive Child Act.

## BHUTAN

In Bhutan, the Civil Society Organisations Act enables non-governmental organisations to register with the Civil Society Organisation Authority. Bhutan has rather few non-governmental organisations working on child rights – and just recently the first coalition for child rights and protection was established, the National Action and Coordinating Group against Violence against Children, which is present in each South Asian country. Cooperation takes

<sup>3</sup> Human Rights Council (2013), Compilation prepared by the Office of the High Commissioner for Human Rights in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21: Bangladesh, A/HRC/WG.6/16/BGD/2, art. 45.



place through networking and informal interaction between organisations.

The government has invited representatives from civil society to comment and give feedback to legislation, and did so during the drafting of the 2011 Child Care and Protection Act, the 2012 Child Adoption Act and the Domestic Violence Prevention Bill. NGOs were also invited to participate in the formulation of the 2012 National Plan of Action for Child Protection.

## INDIA

In India, non-governmental organisations are registered at the respective districts / states under the applicable Societies Registration Act / Trust Act. Organisations may also register as non-profit companies under Section 25 C of the Companies Act.

Registered organisations who want to receive funds from foreign sources need to be registered at the Ministry of Home Affairs under the Foreign Contribution Regulation Act. Any organisation can register, provided it does not conduct illegal or anti-national activities, although no formal position of office can be held by minors. All child-care institutions are also required to register under the Juvenile Justice (Care and Protection of Children) Act, 2000, and the states of Delhi and Odisha have also issued notifications for the mandatory registration of all care institutions under this Act.

Restrictions have been imposed on non-governmental organisations in India, mostly in the name of national security or counter-terrorism. There have also been cases where the government has intimidated non-governmental organisations by restricting their access to foreign funding. Central to this is the Foreign Contribution Regulation Act, administered by the Ministry of Home Affairs, which monitors and controls foreign-funded organisations. A more recent phenomenon is the use of the provisions of the Information Technology law, where the government has sought to impose controls on the internet through service providers. Whether the government is restrictive or cooperative in its relations with non-governmental organisations largely

depends on the individual organisation or the political climate of the state in question.

Several issue-based coalitions and networks in India advocate for child rights and on issues such as child labour, education, the right to food, the rights of disabled children and child trafficking. For example, India Alliance for Child Rights largely works on child rights, including with alternative reporting under the CRC. These coalitions or specific children's rights organisations will often be invited to participate in policy-making on children's issues and to participate in the drafting committees of plans, policies and laws. For example, child-related NGOs were invited to the formulation of the 2005 National Plan of Action for Children, as well as the recently adopted 2013 Children's Policy and the 2012 Protection of Children from Sexual Offences Act. This kind of civil society participation in policy- and law-making is increasingly being encouraged in India. For example, recently the government has enabled civil society to comment on upcoming laws online.

## MALDIVES

Whilst a Civil Society Bill is awaiting endorsement in Maldives, civil society organisations must register with the Ministry of Home Affairs. To be able to register, an organisation is, for example, required to be favourable to Islamic Law and the applicants cannot be minors. The government works closely with civil society and with international organisations, as these are major financial contributors to important development programmes. Recently, the first civil society coalition for child rights and protection issues was established, namely a National Action and Coordinating Group against Violence against Children, which is present in each South Asian country. There are approximately 1,069 non-governmental organisations in Maldives, a very large number given the size of the country.<sup>4</sup>

Non-governmental organisations have been invited to participate in the development of

<sup>4</sup> Human Rights Council (2010), National report submitted in accordance with paragraph 15 (a) of the annex to Human Rights Council resolution 5/1: Maldives, A/HRC/WG.6/9/MDV/1/Rev.1, art. 78.

child-specific laws and policies. Notably for the country's upcoming comprehensive Child Act, in which civil society participation is mentioned as an important aspect of government policy-making for children, and the Strategic Action Plan (2009–2013) with its Strengthening Family Ties (Child & Family Protection) section.

### NEPAL

Under the Associations Registration Act 2034 (1977), a group of people can establish an association by submitting details, statutes and a fee. The organisation is registered with the District Administration Office and the registration has to be renewed every year. Child-led organisations are registered with the District Child Welfare Board. However, quite a few child-led organisations are not registered but still active at community level and recognised by local authorities. Nevertheless, most non-governmental organisations are registered and many cooperate quite closely with the government.

Encouraged by the government, there are many informal groups, coalitions, networks and committees in Nepal working on children's issues at the community level – such as mother's groups, village child protection committees and parent–teacher groups. Most of the child-focused coalitions in Nepal are issue-based, such as for protection, participation, trafficking, street children and education. Furthermore, there is a powerful child club movement and the human rights movement is also promoting child rights. The formal child rights movement in Nepal started in 1987 with the establishment of the Child Workers in Nepal Concerned Centre (CWIN). CWIN was the inspiration for many organisations to work with child rights. In addition, during the armed conflict period, a civil society movement called “Children as Zones of Peace” was established to protect child rights. In 2007, the Interim Constitution was enacted, being the most explicit regarding child rights in the region. With this as a basis, in 2009, more than 700 civil society organisations suggested specific child rights issues to be included in the upcoming National Constitution – with one million thumb-prints of children to back it up.

It has not always been easy for civil society to work in Nepal, however. Civil society groups were harassed and activities restricted during the Panchayat regime and later during the period of civil war (1996–2006). Recently, the government issued a directive to control the participation of public officials in non-governmental activities. In addition, international organisations sometimes face registration hurdles.

It is now an established practice by the government to involve child-rights-based organisations in the policy- and law-making process. The government may also appoint civil society representatives as experts, and the process of developing the National Plan of Action (2004–2014) was chaired by a representative from civil society. Often, child-rights-based organisations initiate new policy discussions by organising public meetings and lobby the government agencies. Nearly all policies, laws and plans related to children have been drafted with the active participation of civil society, including the upcoming comprehensive Child Act. Moreover, the present Child Act includes the participation of civil society as a member in the Central and District Child Welfare Boards.

### PAKISTAN

In Pakistan, civil society must register under the Voluntary Social Welfare Agencies Ordinance 1961 or with the Societies Act of 1860. There are few requirements, although the applicants need to have a Computerised National Identity Card (CNIC), which one gets at 18 years of age. Security issues sometimes affect civil society registration procedures.

There are many organisations in Pakistan working on child rights and also several coalitions, including the Child Rights Movement (CRM) Pakistan. CRM, which contributed to Pakistan's 2012 Universal Periodic Review, is a coalition of approximately 108 national and international organisations working for the rights of children in Pakistan.

The government has included non-governmental organisations when developing laws, policies and plans for children. For instance, when the 2005 National Plan of Action and Child Policy were being developed by the

government, consultations were carried out at district, regional, provincial and national levels with relevant stakeholders, including civil society, academia and, more importantly, children themselves. At the provincial level, the Khyber Pakhtunkhwa Child Protection and Welfare Commission has included representatives from non-governmental organisations in policy-making – and the Provincial Commissions for Child Welfare and Development and Provincial Social Welfare Departments engage non-governmental organisations in their activities.

### SRI LANKA

The Constitution in Sri Lanka guarantees the freedom of association for all citizens, including children. All non-governmental organisations receiving foreign funds and whose operation covers more than one district should be registered under the 1980 Voluntary Social Service Organisations (Registration and Supervision) Act (Amended in 1998), the process of which is governed by the National Secretariat for Non-Governmental Organisations (functioning under the Ministry of Defence). Other rules apply for registration of non-governmental organisations at lower levels (district and divisions).

Until the end of the civil war between the Government of Sri Lanka and LTTE, the government was cooperating constructively with civil society. However, currently civil society is facing a more challenging time. While the gov-

ernment has continued to rely on non-governmental organisations and foreign funding to provide services to special groups in need, its own approach to this sector remains ambivalent – shifting between encouragement of civil society activities and hostility towards them. Accordingly, the secretariat for non-governmental organisations established in 1996 and housed by the Ministry of Social Services was moved to the Ministry of Defence in 2010.

Several community groups and networks in Sri Lanka deal with family and community issues supported by networks of social workers and professionals. In addition, a number of registered organisations and one coalition – the Child Rights Advocacy Network (CRAN) – work on child rights. CRAN is a large civil society network with a membership of approximately 150 organisations and representation across multiple districts in Sri Lanka.

The government has invited non-governmental organisations to participate in the formulation of laws and policies in Sri Lanka. Notably, the National Plan of Action for Human Rights, which includes a thematic children's rights section, was developed through a lengthy drafting and consultation process that involved non-governmental organisations. Moreover, the organisations have been invited for a number of consultations in the process of revising the 1939 Children and Young Persons Ordinance.

## Domain 2: The gender aspect of civil society

### Key findings: achievements and challenges<sup>1</sup>

Non-governmental organisations working primarily on girls' and women's issues have been established in every country in South Asia. These organisations focus on issues such as birth registration, early marriage, gender-based violence and other practices harmful to women and girls, and on empowerment strategies, including skills training. In general, social and

religious practices are holding South Asian girls back, in particular in rural areas. However, some rural girls are actively supported by their families and communities to participate in community life. Girls tend to participate actively whenever an environment for them is created and supported. Increased access to education has also widened the awareness and opportunities for girls. However, gender stereotypes in local communities and in educational institutions are still an obstacle.

<sup>1</sup> For more details, see the indicator list at the end of the chapter.

## AFGHANISTAN

Many non-governmental organisations work with gender issues in Afghanistan and some concentrate mainly on girls' and women's issues. For example, the non-partisan and non-profit Afghan Women's Network (AWN) represents more than 65 women's organisations and individual members. AWN, which has a strong presence throughout the country, also conducts advocacy work on issues such as gender-based violence, youth empowerment and girls' education.<sup>2</sup> Even so, girls in Afghanistan are not always given the same opportunity as boys to participate in community activities and non-governmental organisations.

## BANGLADESH

In Bangladesh there are several organisations working primarily on girls' and women's issues, including the Bangladesh National Women Lawyers' Organisation, established in 1979. Even so, in general and especially in rural areas, girls are prevented from actively taking part in community life in Bangladesh. The majority of rural adolescent girls are faced with the reality of child marriage, and having children before the age of 18 limits their access to education and participation in social life. In addition, many boys and girls are sent out to work from an early age. Child labour and child marriage are two key issues limiting child participation. On the other hand, the scenario is different when children take part in group activities initiated by civil society organisations at national, district and union (ward) levels. In these situations, girls and boys generally participate in community activities on an equal basis – for instance in child parliaments and the National Children's Task Forces (NCTFs).

## BHUTAN

In Bhutan, there is one non-governmental organisation that focuses mainly on women's and girls' issues: RENEW. RENEW – which stands for Respect, Educate, Nurture and Empower Women – is dedicated to the empowerment of women and girls in Bhutan, especially the victims and survivors of domestic violence, through services such as shelter homes,

counselling, Community-Based Support Systems, legal services and reintegration programs.<sup>3</sup> In Bhutanese society, girls are increasingly taking part in community activities.

## INDIA

Many non-governmental organisations work primarily on girls' and women's issues in India, including the non-governmental organisation Breakthrough, which focuses on challenging violence against women everywhere and in all its forms, including domestic violence, early marriage and sex-selective elimination.<sup>4</sup> The strong presence of women activists and non-governmental organisations in India continues to project and promote gender issues and women's rights in the public arena. These individuals and organisations have been at the forefront in the campaign for social, political and economic rights of women, including the issues of women's agency, protection from violence, livelihood security, property rights and representation in legislative bodies at different levels. Action taken by the government has in many cases been influenced by their sustained advocacy.

Patriarchal social norms and safety issues are deterrents to the mobility, visibility and participation of girls in India. While girls' participation is influenced significantly by a range of factors – including their socio-economic background (caste, class and religion and the economic status of their family) and where they live (rural, semi-rural, urban, semi-urban areas) – experience shows that girls tend to participate actively wherever an environment for them to participate is created and encouraged. Several development programmes of the government as well as of non-governmental organisations seek to empower girls through a range of activities, including life-skills enhancement and peer engagement. For example, in 2010 the Ministry of Women and Child Development launched the Rajiv Gandhi Scheme for Empowerment of Adolescent Girls on a pilot basis in 200 districts.

2 Afghan Women's Network (2011), Afghan Women's Network Official Website, <http://www.afghanwomensnetwork.af>, viewed on 25/04/2013.

3 RENEW Bhutan (n.d.), RENEW, <http://www.renewbhutan.org>, viewed on 25/04/2013.

4 Breakthrough (2013), Mission, <http://breakthrough.tv/about-us/mission/>, viewed on 27/04/2013.

## MALDIVES

In Maldives, there are at least two civil society organisations focusing on the rights of women and girls, including the non-governmental organisation Hope for Women. In general, girls' involvement in civil society in Maldives is limited, partly due to cultural restrictions. The Committee on Civil and Political Rights (2012) has expressed concern at the continuing gender discrimination, which results, inter alia, in the under-representation of women in political and public affairs. At the same time, the Committee has welcomed the efforts so far made by Maldives to facilitate the participation of women in public and political life, including in the Judiciary.

## NEPAL

Many non-governmental organisations, and some networks and coalitions, work primarily on girls' and women's issues in Nepal, including Saathi. Saathi was established in 1992 and works not only for the uplifting of women in Nepal but also to inform and educate men about the situation for women.<sup>5</sup>

These days, girls and women in Nepal are entering traditionally male-dominated professions and are increasingly taking part in community activities, in child clubs and in civil society organisations. For example, in the fiscal year 2009/10, 94,144 girls were engaged in child clubs as compared with 119,524 boys.<sup>6</sup> Yet social, religious and cultural practices are still holding girls back in spite of government policies underlining equality.

## PAKISTAN

In Pakistan, there are several non-governmental organisations that work primarily on girls'

and women's issues. For example, the Islamabad-based NGO Rozan works on issues related to emotional and psychological health, gender, violence against women and children, and the psychological and reproductive health of adolescents.<sup>7</sup>

At the community level, girls may not freely and actively participate in local activities, partly due to cultural barriers. However, the situation varies, and in some areas girls are contributing more actively to community life. When girls have the opportunity to participate, they tend to do so actively.

## SRI LANKA

There are several organisations in Sri Lanka that work primarily on women's issues, such as women's livelihoods, gender-based violence and reproductive rights. For example, Women in Need, established in 1988, has country-wide presence and is committed to the elimination of domestic violence and other forms of violence against women, including rape, sexual harassment and incest.<sup>8</sup> In addition, there is the Sri Lanka Girl Guides Association and faith-based organisations that mobilise girls, and other organisations that provide awareness and services to pregnant girls.

Access to education has widened the opportunities for girls and women. However, educational institutions still mirror the gender role stereotypes prevailing in the family and society, although less now than previously.<sup>9</sup>

5 Saathi (n.d.), About Us, [http://www.saathi.org.np/index.php?option=com\\_content&view=article&id=35&Itemid=17](http://www.saathi.org.np/index.php?option=com_content&view=article&id=35&Itemid=17), viewed on 14/05/2013

6 Government of Nepal (2010), Consolidated Periodic Report on the Convention on the Rights of the Child (Third, Fourth, Fifth), Annex VII.

7 Rozan (2013), ROZAN – About Us, [http://www.rozan.org/who\\_we\\_are.php](http://www.rozan.org/who_we_are.php), viewed on 14/05/2013

8 Women in Need (2009), Welcome to Women in Need, <http://winsl.net>, viewed on 14/05/2013.

9 Asia Development Bank (2008), Country Gender Assessment



## Domain 3: Other non-state actors' role in child rights

### Key findings: achievements and challenges<sup>1</sup>

All countries except for Bangladesh have ethical guidelines for the media that include children's issues, developed by the government and/or the country's federation of journalists. Moreover, quite a few religious leaders in the region have been trained in child rights by civil society organisations and take up children's issues in their prayers, in religious educational settings and at the community level. Religious communities are also carrying out charity work. However, with the exception of Bhutan, there are no permanent mechanisms or processes in place for engaging the main religious institutions in the promotion of child rights.

As for education, academia in South Asia is quite actively linking up with the child rights agenda through partnerships and research. However, only in Bangladesh, India, Nepal and Sri Lanka are child rights a subject in human-rights-related degrees at masters or PhD level. In all countries, the private sector is obliged to respect child labour legislation. Yet while corporate social responsibility is encouraged in most countries (and even the subject of legislation in, for example, India), there is still a lack of national laws, regulations or standards that outline the private sector's child rights responsibilities. Larger national and multinational companies in the region are more inclined to promote child rights than smaller businesses.

### AFGHANISTAN

Children's issues are included in the media-related ethical guidelines in Afghanistan developed by the government. As for religious institutions, imams are to some degree engaged at local level to support children's access to education and health and some take up children's issues in their Friday prayers – over 120 mosques in Kabul province, 60 mosques in Jalalabad and 20 large mosques in Mazar-i-Sharif, including the famous Blue Mosque, are

known to be addressing the issue of children and their rights in Friday prayers on a regular basis.<sup>2</sup> Even so, there are as yet no government mechanisms or processes in place for engaging the main religious institutions in the promotion of child rights. The CRC Committee (2011) has also expressed its deep concern that no systematic efforts have been undertaken, including with religious leaders, opinion makers, and the mass media, to combat and change the discriminatory attitudes and practices towards girls.

When it comes to higher education, the government, universities and civil society cooperate on relevant areas. A recent example is the efforts by the Ministry of Higher Education, with the support of academia and civil society, to set up a new degree in social work. Even so, Afghanistan does not yet have a human-rights-related postgraduate degree that includes child rights.

Laws in Afghanistan require the private sector to accept that the legal age to enter into employment is 15 years – and persons below the age of 18 years are prohibited from employment in hazardous work.

### BANGLADESH

Two ethical standards for the media have been adopted in Bangladesh by the government and the country's federation of journalists, but neither of them make any specific reference to children's issues. Even so, in 2010, a project was initiated by the non-governmental Management and Resources Development Initiative to promote ethical journalism in reporting on children and a Handbook on Ethical Reporting on and for Children was developed.

Although the national network of religious leaders of the Islamic Foundation, consisting of 3,000 mosques, is not engaged in child-rights-related work, a considerable number of religious leaders have been trained

<sup>1</sup> For more details, see the indicator list at the end of this chapter.

<sup>2</sup> Save the Children (2010), *Stepping Up Child Protection: An assessment of Child Protection Systems from all countries in South Asia*, including reflections from Central Asia, p. 30.

in child rights (primarily by non-governmental organisations) and some of these imams have created networks where they share and exchange knowledge and experience. They have a reputation of giving good support to children. As for higher education, several universities in Bangladesh have child rights as a subject in human-rights-related postgraduate degrees. There are also many examples of academia carrying out research on children's issues and in general cooperating with civil society. Examples include child-related situation analysis in the districts and analysing the National Budget from a children's perspective.<sup>3</sup>

Following campaigns and government initiatives, a number of trade bodies are now running their businesses supporting child rights. Moreover, in 2012 the UN Global Compact released "Children's Rights and Business Principles" in Bangladesh – a call to businesses to step up their efforts to respect and support children's rights in the workplace, marketplace and community regardless of their size, sector, location, ownership and structure. Medium-sized national companies and multinational companies are generally more inclined towards promoting child rights and following up on the above business principles. However, there is still some way to go before these companies also manage to control the range of suppliers. Child labour is still an enormous challenge in Bangladesh and the country is far from meeting its international obligations, despite the new child labour law.

### BHUTAN

In Bhutan, the governmental Bhutan Info-Comm and Media Authority have developed Rules of Content and Code of Ethics for Journalists. Both these standards include children's issues.

Permanent government mechanisms or processes in place for engaging the main religious institutions in the promotion of child rights include the establishment of a child protection unit by the Central Monastic body, catering to child monks in monastic institutions.

<sup>3</sup> Centre for Policy Dialogue, UNICEF (2011), National budget: Are the commitments to the children of Bangladesh being kept?

Safe accommodation, health and sanitation issues and positive and alternative discipline measures are among the relevant issues being regulated by the body, responding to the concern raised the Committee on the Rights of the Child (2008). In relation to higher education, Bhutan does not have advanced courses on human rights or on child rights, and academia has not yet conducted research on children's issues. Lastly, the 2007 Labour and Employment Act and corresponding regulations prohibit child labour and, as such, outline one aspect of the private sector's child rights responsibilities in Bhutan.

### INDIA

There are both legal and ethical guidelines that regulate the media coverage of children's issues in India. For example, the Indian Penal Code, the Criminal Procedure Code, and the Juvenile Justice Act (section 21) have specific provisions on reporting on children. Moreover, the ethical guidelines for media reporting on children issued by the high court seek to uphold the privacy, dignity, and physical and emotional development of children. The National Human Rights Commission has also issued guidelines for the media on addressing the issue of child sexual abuse.

India is a secular country with a large number of institutions representing different religions and sects. Some of these religious groups work for the welfare of children through orphanages, schools, hospitals and homes for homeless children. However, there are no permanent government mechanisms or processes as such in place for engaging the main religious institutions in the promotion of child rights. Nevertheless, the Ministry of Women and Child Development are known to have motivated religious and spiritual leaders to spread awareness on the issue of sex selection, early marriage and other practices discriminatory towards girls. For example, a partnership was formed with the Art of Living Foundation that resulted in a conference of inter-faith religious leaders on these issues. As for education, child rights is a subject in human-rights-related postgraduate degrees and diploma courses and

academia is cooperating with civil society in researching children's issues.

When it comes to the private sector's child rights responsibilities, there is legislation on child labour in India. In addition, corporate social responsibility is being encouraged with the 2011 Companies Bill, which requires companies to set aside funds for it. It has been observed that multinational and medium-sized companies seeking a caring image are more inclined to promote child rights than are smaller businesses, which still tend to hire child labour. Indian companies also tend to prioritise education, vocational training and even health-care projects, and some larger companies have day-care centres for children of employees. Moreover, many Indian businesses have for a long time had philanthropic arms in the form of charitable trusts. This trend continues to evolve as the corporate sector is increasingly investing in corporate social responsibility.

### MALDIVES

To make sure the media adheres to standards of reporting on children, Maldives has developed ethical guidelines which include children's issues. These were developed by the Media Council with assistance from UNICEF.

Religious institutions in Maldives have engaged with the issue of the status and role of women in society, although they have not been very active in relation to child rights issues. There are also no permanent government mechanisms or processes in place for engaging the main religious institutions in the promotion of child rights.

There are no universities with postgraduate degrees in the country – and therefore no higher level specialisation in child rights. As a result, academia is not carrying out research on this subject. As for the private sector, the Employment Act explicitly prohibits the employment of children in all forms of hazardous labour, while setting the minimum age of employment of children at 16 years. The Labour Relations Authority is mandated to monitor the private sector in relation to child labour. As an example of corporate social responsibility, big businesses involved in the re-

sort industry have contributed to the running of children's homes.

### NEPAL

In Nepal, journalists and the media have a social responsibility when disseminating information and opinions to ensure the development of groups such as the disabled, women, children and people from minority communities. These responsibilities are outlined in the Code of Journalistic Ethics 2003 (amended in 2008) of the Press Council of Nepal.

No religious institutions formally support or relate to child rights, nor are there any permanent government mechanisms or processes in place for engaging the main religious institutions in the promotion of child rights. That said, Hindu Biddhapitha, a Hindu religion-based institution, and a Coalition of Inter-Religions, have conducted child-rights-based activities and a campaign for child protection. Similarly, some religious leaders and priests are actively working against child marriage and other harmful practices towards children.

Two of the leading universities in Nepal have included child rights as a subject in human rights- and law-related postgraduate degrees. Academia and civil society also cooperate on child-related research and on drafting policies related to children. When it comes to corporate social responsibility, some national and multinational companies support the building of schools, toilets and children's libraries in rural and urban settings. The national telecom company and a private actor cooperate to provide a toll-free child helpline. Moreover, the 2000 Child Labour Act 2000 and the 1992 Labour Act require the private sector to respect the legal provisions of not hiring child labourers under the age of 14.

### PAKISTAN

The Press Council of Pakistan has developed an ethical Code of Practice for journalists, which covers children's issues in the form of a ban on identifying photos and names in relation to sexual offences and heinous crimes against children, juveniles and women.

There are no permanent government mechanisms or processes in place in Pakistan for engaging the main religious institutions in the promotion of child rights. There are also no religious institutions or networks focusing on child rights. However, civil society organisations have involved religious groups and institutions at various levels. Some madrassahs (religious seminaries) and molvis (local imams) have also been trained and have engaged with child rights at a local level – and these molvis are spreading the message to the general public in their sermons. In addition, religious groups such as the Jamaat-i-Islami, Tanzeemul Madaris and Wafaq ul Madaris have recently changed their policies from opposing modern education and are now opening and running schools which provide modern education to children in English.

Child rights is not a specific subject in human rights and gender postgraduate degrees in Pakistan. However, research on children's issues is being carried out to a limited extent by universities, and academia cooperates with the civil society on this.

In terms of regulations or standards that outline the private sector's child rights responsibilities in relation to child labour, the 1991 Employment of Children Act prohibits the employment of children below 14 years of age in certain occupations, and employers are bound to take initiatives for the wellbeing of children. In addition, the governmental Securities and Exchange Commission of Pakistan approved the Corporate Social Responsibility Voluntary Guidelines in 2013. Medium-sized national and multinational companies are

relatively inclined towards the promotion of child rights in Pakistan. For example, some have opened schools for children of employees where they are receiving education free of cost. Other businesses are managing vocational training centres.

### SRI LANKA

The Code of Conduct for the print media in Sri Lanka, adopted by the press institute, includes children's issues. The government (Ministry of Mass Media) also plans to introduce a voluntary code of conduct for both state and private media (both print and electronic), which is currently in the drafting process.

Currently, there are no religious institutions or networks focusing on child rights. However, while there are no permanent government processes in place for engaging the main religious institutions in the promotion of child rights, a large number of children's homes to be supervised by the Probation and Child Protection authorities have been established through the religious institutions. Several postgraduate courses offer child rights as a subject and there are a few research-based organisations that focus on women but not on children.

There are general standards outlining the private sector's human rights responsibilities, such as in the application of ILO instruments. Compliance with child labour standards is also supported by the Employers Federation of Sri Lanka. However, support to children is confined to a few national-level companies supporting, for instance, pre-school facilities.

Indicator table: Non-state actors and CRC implementation

		Afghanistan	Bangladesh	Bhutan	India	Maldives	Nepal	Pakistan	Sri Lanka
1	All adult-led and child-related civil society organisations can register legally - [yes/no/partial (only non-legal registration)]	Y	Y	Y	Y	P	Y	Y	Y
2	Civil society organisations have been invited to participate in developing the country's latest National Plan of Action (NPA) for Children/Child Policy (CP) and child-specific legislation - [yes/no/partial (NPA or CP or child-related legislation)]	Y	Y	Y	Y	Y	Y	Y	P
3	The government and/or the country's federation of journalists have developed ethical guidelines that include children's issues - [yes/no]	Y	N	Y	Y	Y	Y	Y	Y
4	Permanent government mechanisms or processes in place for engaging the main religious institutions in the promotion of child rights - [yes/no]	N	N	Y	N	N	N	N	N
5	Child rights has been included as a subject in human-rights-related degrees at master or PhD levels - [yes/no]	N	Y	N	Y	N	Y	N	Y
6	Laws, regulations or standards that outline the private sector's child rights responsibilities have been established by the government - [yes/no]	N	N	N	N	N	N	N	N
	Legal and policy entitlements								
	Other non-state actors								

Y= yes, N=no, P = partial result (where the indicator contains a third option in addition to yes/no)



*Young Child Rights Defender Rakesh Shaw:  
Respect and dignity to children*

**“I work to increase the participation of children in development and in every sector of society. The government should involve children in the design and implementation of programmes that affect children’s lives. Child clubs, child parliaments and other child forums are very important to give children a voice and should be created in every corner of the country.”**

For me, child rights mean helping children in need and supporting children to live in this world with full respect and dignity. Every child should grow up in a child-friendly atmosphere and be able to express their views. A protective environment from any kind of exploitation is also necessary.

As a young child rights defender, I feel that most children and adults are not aware of child rights. The government is not doing enough to ensure child rights. Some changes have happened in the last few years. For instance, many organisations work to ensure child rights. They lobby the government to do more for children and tell everyone about child rights. The organisations have awareness-raising campaigns and initiatives for children, their guardians and for other stakeholders. Child-led initiatives are also increasing day by day, making children stronger, confident and feel good.

Rakesh Shaw, 19 years, India

*Child Rights Defender Fathimath Yumna:  
Towards a broad and inclusive approach to  
service delivery for children*

**“It is my view that the State needs urgently to double its efforts to prioritise social sector programmes and services through increased human and financial resources. These resources are necessary for the effective prevention and protection of children from rights violations.”**

Having worked on child rights and protection issues for many years, including as the Director General of the Department of Gender and Family Protection Services, my experience is that the treatment of victims and survivors needs to be properly instituted. Children’s shelters need urgent attention to ensure acceptable service delivery and standards must be developed and equally applied throughout the Atolls in child abuse cases with the use of video evidence and psychologist reports.

Maldives is a protective and caring society – but people’s perceptions, religious sentiments and prevailing practices on child rights issues are challenges that need to be overcome in order to create a child-friendly society. There is a definite need to bring religious leaders and child rights advocates together to create a better appreciation of child rights and a conducive environment for children and families. I believe in promoting a holistic approach involving all stakeholders in addressing child rights and protection issues. This includes strengthening the coordination and trust between state agencies and civil society. Moreover, there is a need to ensure greater involvement of non-governmental organisations in decision-making and service delivery. All these efforts require a high degree of political commitment and accountability.

Over the years, commendable efforts have been made in securing the rights and protection of children in Maldives. The Convention on the Rights of the Child was ratified in 1991, good programmes and projects have been developed, and capacity building of staff has taken place. Furthermore, in 2006 it was decided that each Atoll was to have a Family and Children Service Centre, and social service officers were trained in a comprehensive programme. In 2009, a referral-based Child Helpline was established. The private sector is also on board: the largest Telecom provider is working together with the Department of Gender and Family Protection, implementing mechanisms to protect children in cyberspace. Another historical achievement has been the cooperation with the South Asian Initiative to End Violence against Children (SAIEVAC) and supporting it to be awarded the status of a SAARC Apex body.

However, significant challenges remain. Children continue to be the main victims of exploitation and abuse. There are many reasons for this situation, including rapid socio-economic changes and widespread family breakdown and community disintegration, which have led to increased substance abuse, violence against children and juvenile delinquency. The most important limitation in Maldives is the absence of a comprehensive Child Rights Act. Moreover, there is a need for a systematic approach to competent and effective case management in relation to child abuse, as well as an effective data-collection system. Lastly, a Child Helpline is not enough – the Maldives needs a holistic approach to safeguarding children that includes a wider range of service provision. All these efforts will require a high degree of political commitment and accountability if Maldives is to become a safe haven for children and families.







# Chapter 6 – Health as a basic human right

A healthy childhood is fundamental to child survival and development and to the wellbeing of the whole family. It is also the basis and a main indicator of a healthy, thriving nation. This is because each stage of the life-course, from the neonatal phase to childhood and adolescence, adds to and influences a child's health at the next stage – and eventually his/her health as an adult.

The numerous factors affecting children's health are now well-understood. These include adequate care and nutrition, improved water and sanitation, and immunisation. In addition, other determinants such as school attendance, good hygiene and access to quality health services and relevant health information have an impact on the health of children. These factors have changed during the past decades, however, and are likely to continue to evolve in the future. Today, new health issues and priorities such as pandemic influenzas have entered the equation, and there is a better understanding of health as a cross-cutting issue – closely related to challenges such as poverty, climate change, violence against children and drug use, and affected by structural determinants such as migration, war and the global economy. Making a healthy life-course a reality for all children in this context requires political will, the support of all relevant stakeholders and sufficient allocation of resources for prevention, treatment and care.

Two global milestones have been of special importance to child health. First, the Convention on the Rights of the Child (CRC) was the first international legal document to explicitly set out the right of the child to the highest attainable standard of health, drawing on the tradition of health as a human right for all. In 2013, the Committee on the Rights of the Child released a General Comment elaborating on the implementation of Article 24 of the CRC. Second, the UN initiative to define eight Millennium Development Goals (MDGs) in 2000, one of which (MDG4) directly relates to the health of children,<sup>1</sup> has contributed to remarkable improvements in children's health and wellbeing worldwide. Child rights and the MDGs are two mutually reinforcing and interdependent commitments. As such, the MDGs include measurable and time-bound benchmarks for the progressive realisation of children's rights, while child rights as enshrined in the CRC are legally binding and provide for an effective and sustainable means to achieving the MDGs. Key to both the CRC and the MDGs is the element of accountability to review and reinforce states' and other stakeholders' obligations to deliver on promises and commitments.

The improvements in children's health in South Asia are significant and the result of governmental priorities, direct and indirect involvement of non-governmental actors, international support and encouragement, and the persuasive effect of global goals. The mortality rates of children in the region have declined consistently and polio has nearly been eradicated. South Asian children are increasingly immunised against severe but treatable illnesses and more and more children have access to drinkable water and healthcare services. Despite this important progress, the levels of malnutrition are still high in the region and the number of children not vaccinated against some common diseases, such as measles, is still quite high. And although 90 per cent of the population in the region use improved drinking water facilities, only 41 per cent have access to improved sanitation facilities. In addition, South Asian girls are still often denied the same healthcare attention that boys receive.

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<sup>1</sup> MDG4 calls for a two-thirds reduction of under-five mortality rates by 2015.



This chapter presents key achievements and challenges in improving children’s health in South Asia based on the latest available data from the World Health Organisation. First, the chapter briefly summarises the key findings in the region for five domains of health – mortality and morbidity; immunisation; malnutrition; healthcare facilities, water and sanitation; and gender equality and girls’ empowerment – each containing individual indices based on a set of comparable indicators. Second, the conceptual background of health as a right of the child is discussed. Then, the chapter presents the details of each of the five domains, including indicators and country rankings, key regional findings, and country-specific information.

## Key regional findings: overall achievements and challenges

In the region, Maldives has been, on average, the most successful country in improving children’s health. The country’s healthcare facilities have reached high standards and almost 100 per cent of the population are using improved sanitation infrastructure.<sup>1</sup> In Bhutan, the percentage of malnourished children is low for both girls and boys, whereas in Sri Lanka, health achievements include improved quality and accessibility of health facilities, and an efficient focus on combating child malnutrition. In Nepal, the under-five mortality rate has decreased by 35 per cent since 2000. Even in countries where the availability of quality healthcare facilities constitutes a major challenge, progress has been made. For example, Pakistan has reached 80 per cent measles coverage, Afghanistan has increased the number of children protected from neonatal tetanus<sup>2</sup> by 47 per cent since 2002, and Bangladesh is close to 100 per cent immunisation coverage against diphtheria, tetanus and pertussis.<sup>3</sup> India, despite being the second most populous country in the world, has significantly improved its health and sanitation facilities since 2000: 92 per cent of the population uses improved drinking water facilities and almost 58 per cent of births are now attended by skilled health personnel. The health achievements

should be seen in the context of sub-national disparities, which are pronounced in the South Asia region.

### Domain 1: Mortality and morbidity

Child mortality is a vital indicator reflecting the overall health situation in a country. Child mortality often mirrors the economic situation of the child’s environment, as children who belong to poor and uneducated households are more prone to die. Child mortality is declining in South Asia. The under-five mortality rate has been reduced by 48 per cent from 1990, which means that two million fewer children under five died in 2011 than in 1990 – the highest absolute reduction of all the world’s regions. However, 62 South Asian children out of 1,000 still risk dying before their fifth birthday,<sup>4</sup> and South Asia lags behind other regions in the realisation of Millennium Development Goals 4 and 5 (on reducing under-five and maternal mortality). The high population of the region has to be taken into account to understand achievements and challenges.

In the region, Maldives has prioritised interventions in pre-natal and post-natal care, resulting in the lowest overall rates of child mortality in South Asia. Bangladesh and Nepal, despite limited economic growth and political instability, are on track to meet MDG 4. In Nepal, the under-five mortality rate decreased significantly from 83 in 2000 to 48 in 2011, and in Bangladesh the rate was reduced from 84 to 46. In India the under-five mor-

1 Improved sanitation generally refers to improvement of facilities and services for the safe disposal of human urine and faeces. The word “sanitation” also refers to the maintenance of hygienic conditions, through services such as garbage collection and wastewater disposal. Information is usually collected from household studies.

2 Neonatal tetanus is a bacterial disease marked by rigidity and spasms of the voluntary muscles

3 Pertussis is a contagious bacterial disease mainly affecting children, characterised by convulsive coughs followed by a whoop.

4 UNICEF (2012), *Committing to Child Survival: A Promise Renewed*, Progress Report.

## Key regional findings, overall achievements and challenges

	Health ranking	Mortality & morbidity	Immunisation	Malnutrition	Health care facilities, water & sanitation	Gender equality and girls' empowerment
Maldives	1	1	4	2	1	1
Sri Lanka	2	5	5	3	2	4
Bhutan	3	4	3	1	4	3
Nepal	4	3	2	4	5	8
Bangladesh	5	2	1	7	7	6
Pakistan	6	8	7	5	6	2
India	7	6	8	8	3	5
Afghanistan	8	7	6	6	8	7

For detailed indicator lists, see each of the five health domains below. See also the Appendix for more information. Data is sourced from the World Health Organisation.

tality rate decreased from 86 to 61 deaths per 1,000 births during the same period. Most countries in the region have reduced both their under-five and infant mortality rates substantially in the last decade.

Under-five and infant mortality rates have decreased more rapidly than neonatal mortality rates. Maldives and Sri Lanka have the lowest neonatal (newborn) mortality rates in the region at six and eight deaths per 1,000 live births, respectively, while Afghanistan and Pakistan have the highest rates at 36. The majority of neonatal deaths result from premature birth, before completing 37 weeks of gestation,<sup>5</sup> and from complications during birth. In South Asia, only 48 per cent of all births are attended by skilled personnel.

## Domain 2: Immunisation

All countries in South Asia have made important progress in the field of immunisation, achieving a growing protection against measles, diphtheria, tetanus, pertussis, polio, tuberculosis and hepatitis B – all major killers of young children. Bangladesh and Afghanistan, in particular, have significantly increased the percentage of children immunised. Nepal's performance is uneven, providing good coverage in some areas but not in others.

<sup>5</sup> The process or period of developing inside the womb between conception and birth.

Despite limited coverage, notable efforts have also been made in India and Pakistan, where immunisation rates are increasing at varying paces. Progress is slower in countries that already had very high coverage a decade ago – mainly Bhutan, Maldives and, especially, Sri Lanka – which, together with Bangladesh, are now close to 100 per cent overall coverage.

Most countries in South Asia had already achieved over 80 per cent immunisation coverage in the early 1990s, but later these efforts began to slide, especially in the two most populous countries (India and Pakistan). As a result, routine immunisation remains low in several areas due to lack of planning at the district level, lack of funds to conduct outreach and poor supervision and monitoring systems to track progress.

Polio immunisation coverage in South Asia is 75 per cent and the disease is now found sporadically in only three countries (India, Pakistan and Afghanistan). As for measles, 77 per cent of children have been covered by vaccination but almost eight million children in India and approximately two million in Pakistan have not yet been immunised. The proportion of children receiving the so-called third dose (DPT3) is at 76 per cent, below the 90 per cent rate in most regions of the world.

### Domain 3: Malnutrition

Good nutrition is essential for achieving and maintaining health and development, improving quality of life and enhancing the socio-economic development of a region. Children weakened by malnutrition are more likely to die from common childhood illnesses such as pneumonia, diarrhoea, malaria and measles, as well as from HIV/AIDS. For decades, combating malnutrition has been an important battle in most of South Asia. In the region, Bhutan, Maldives and Sri Lanka are top performers, with the lowest rates of underweight, stunted and wasted children in South Asia.<sup>6</sup> In Bangladesh and India, the results remain of serious concern, although both countries have done rather well on reducing stunting. As a region, South Asia reduced considerably the number of underweight children under five between 1990 and 1996, although this favourable progress was not maintained despite strong economic growth. Today, 42 per cent of South Asian under-five children suffer from severe or moderate underweight, 47 per cent are stunted and 19 per cent wasted. Countries with more than 10 per cent of children wasted are considered to be experiencing a public health emergency. Almost all South Asian countries (except Afghanistan and Bhutan) exceed this percentage.<sup>7</sup>

Malnutrition cannot be significantly reduced by simply increasing the food supply, as it is a complex problem requiring a multidisciplinary approach. Malnutrition is closely related to inequality, since nearly 50 per cent of children from the poorest households are underweight compared with less than 20 per cent in the richest households.<sup>8</sup> Moreover, other contributing factors include the low social status of

6 Stunting (low height for age) refers to shortness, and reflects linear growth achieved pre- and post-natally. Height for age is considered a measure of past nutrition, because a child who is short today might not have had adequate nutritional intake in the past. Underweight refers to a weight-for-age of more than two standard deviations from the WHO Child Growth Standards median amongst children aged 0–5 years. Wasting (low weight for height) is a measure of deviation from the median weight for height of a reference population. It is sensitive to changes in calorie intake and the effects of disease.

7 UNICEF (2012), *Committing to Child Survival: A Promise Renewed*, Progress Report.

8 SAARC, 2012, *Background Note on scaling up actions to reduce malnutrition*, Senior official meeting preceding the Fourth SAARC Health Ministries meeting, Maldives, 10–11 April 2012.

women and their educational and nutritional disadvantage.

To accelerate the progress of the last decade, the countries of the South Asian Association for Regional Cooperation (SAARC) have linked the battle against malnutrition with poverty reduction (MDG 1), pre-natal care and breastfeeding. All eight SAARC member states have adopted some form of baby-friendly hospital code that supports breastfeeding from birth. Sri Lanka, for example, saw a dramatic increase in its exclusive breastfeeding rate from 17 per cent in 1993 to 76 per cent in 2007. Maldives and Pakistan have seen exclusive breastfeeding rates increase by more than 20 percentage points in ten years.<sup>9</sup> South Asian countries have also identified the importance of cross-border collaboration programmes.

### Domain 4: Healthcare facilities, water and sanitation

South Asia is rapidly improving its healthcare facilities through capacity-building of medical personnel, provision of clean and safe drinking water, and improved sanitation. During the past decade, the countries of the region have made considerable progress in providing access to clean drinking water. Today, 90 per cent of the population in South Asia use improved drinking water facilities, although only 41 per cent have access to improved sanitation facilities. Over 40 per cent still defecate in the open, although this number has fallen from 66 per cent in 1990. In addition, in South Asian countries, median coverage remains low for interventions essential for maternal and newborn survival: only about one in three women receive adequate antenatal care (before birth), post-natal care, or early initiation of breastfeeding.<sup>10</sup> Less than 50 per cent of births in the region are attended by skilled health personnel and, as a result, 290 mothers die for every 100,000 births.

9 Save the Children (2013), *Superfood for Babies: how overcoming barriers to breastfeeding will save children's lives*, p. 8.

10 Countdown to 2015 (2012), *Briefing Note: East Asia/Pacific and South Asia Regions: Progress on Maternal, Newborn and Child Survival*.

In terms of healthcare facilities, water and sanitation, Maldives and Sri Lanka are the best performers, with positive data on access to improved sanitation and drinkable water and antenatal care. In India, the proportion of the population having access to drinkable water increased from 81 per cent in 2000 to 92 per cent in 2010, although only 34 per cent have access to improved sanitation. In Bhutan, the density of pharmaceutical personnel remains low (less than one person for every 10,000 people) – still, more than 74 per cent of pregnant women in the country are regularly visited by a doctor. Pakistan has made remarkable progress in providing access to improved sanitation facilities, with 48 per cent of the population enjoying such facilities in 2010, up from 37 per cent in 2000. Nepal has the highest density of hospital beds in South Asia (50 beds per 10,000 people) and Afghanistan has made positive progress in providing access to improved drinkable water facilities (from 22 per cent of the population in 2000 to 50 per cent in 2010). As for Bangladesh, at 56 the percentage of the population using improved sanitation facilities is among the highest in South Asia.

### **Domain 5: Gender equality and girls' empowerment**

Gender inequalities based on society's perception of the different roles and values of males and females continue to affect the rights of women and girls to healthcare, good nutrition, education and freedom of movement. Because of social and economic differences, women and men in South Asia face different health risks and experience different responses from health systems – and their health-seeking behaviour is different. Women have less

access to healthcare systems and face psychological barriers, such as discomfort when going to clinics alone or when being examined by a male doctor. Because of poor education, many women also have less access to health information and are disadvantaged in their ability to make informed decisions about their own health and that of their children. Early marriage and the resulting early pregnancies are also major barriers to improving the health of girls. This situation also reflects directly and indirectly on the lives of their children. Because of discriminative social norms, girls in South Asia are often denied the same healthcare attention that boys receive.

As a result of this, there are high rates of girls' malnutrition and female under-five mortality in some countries (61 boys and 63 girls die per 1,000 live births). However, the percentages of stunted and wasted girls and boys in the region are very similar or slightly in favour of girls being less stunted. It should also be mentioned that in several South Asian countries, men and teenage boys face serious health risks through their participation (often conscripted) in armed conflict, as well as in community violence.

Maldives and Pakistan have been most successful in promoting girls' empowerment in the health sector. Bhutan also shows positive results. India is the only country in South Asia where more girls die than boys, mainly due to female infanticide and foeticide. Bangladesh and Nepal have made a good effort to improve the health of girls, bringing down the mortality rates. As for Afghanistan, the country has achieved decent under-five mortality rates, but girls' malnutrition and adolescent fertility rates constitute important challenges.

## Background: health as a human right

The World Health Organisation (WHO) has defined health as “a state of complete physical, mental and social wellbeing and not merely the absence of disease or infirmity”. This view of health came to influence the human rights movement, which early on acknowledged the status of health as a human right in the 1948 Universal Declaration of Human Rights. The Declaration highlights the right to a standard of living adequate to the health and wellbeing of a person and his/her family, childhood being entitled to special care and assistance.

The right to health was given further legal weight with, notably, the 1966 International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR). Although the two Covenants apply to both adults and children, the ICESCR requires State Parties to take specific child-related steps for the full realisation of the right to health. The Covenant also adds that the right to health should be interpreted as the right to the *highest attainable standard of health*.<sup>1</sup> Following the lead of the ICESCR, the 1989 Convention on the Rights of the Child (CRC) was the first legal human rights document that explicitly enshrined the right of the child to health.

### The Convention on the Rights of the Child

The approach taken by the CRC is consistent with a rights-based approach to child health. Indeed, the right of the child to health as defined in Article 24 of the Convention is an inclusive right that comprises not only prevention, health promotion and appropriate services, but also the right to equal opportunity, growth and development – as well as living conditions conducive to attaining the highest standard of health.

1 The notion of “the right to the highest attainable standard of health”, including in relation to children, was further elaborated in the 2000 General Comment No. 14 by the Committee on Economic, Social and Cultural Rights, which also underlines the importance of availability, accessibility, acceptability and quality of healthcare and the preconditions of health.

The CRC covers different aspects of child health. First, Article 24 echoes the concept of “the highest attainable standard of health”. This concept takes into account various pre-conditions, of the state as well as the child,

#### Article 24 of the UN CRC:

1. States Parties recognize the right of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health. States Parties shall strive to ensure that no child is deprived of his or her right of access to such health care services.

2. States Parties shall pursue full implementation of this right and, in particular, shall take appropriate measures:

- (a) To diminish infant and child mortality;
- (b) To ensure the provision of necessary medical assistance and health care to all children with emphasis on the development of primary health care;
- (c) To combat disease and malnutrition, including within the framework of primary health care, through, inter alia, the application of readily available technology and through the provision of adequate nutritious foods and clean drinking-water, taking into consideration the dangers and risks of environmental pollution;
- (d) To ensure appropriate pre-natal and post-natal health care for mothers;
- (e) To ensure that all segments of society, in particular parents and children, are informed, have access to education and are supported in the use of basic knowledge of child health and nutrition, the advantages of breastfeeding, hygiene and environmental sanitation and the prevention of accidents;
- (f) To develop preventive health care, guidance for parents and family planning education and services.

3. States Parties shall take all effective and appropriate measures with a view to abolishing traditional practices prejudicial to the health of children.

4. States Parties undertake to promote and encourage international cooperation with a view to achieving progressively the full realization of the right recognized in the present article. In this regard, particular account shall be taken of the needs of developing countries.



and the available resources of the state. Article 24 also highlights entitlements inherent to the concept of the highest attainable standard of health, such as appropriate health facilities and health services accessible to all children. Implicit is also the freedom to control one's health and body, including sexual and reproductive freedom to make responsible choices, in accordance with the growing capacity and maturity of the child.

Moreover, the Convention requires governments to start a process of identifying and addressing a number of issues relevant to the right of the child to health. These include diminishing infant and child mortality, combating disease and malnutrition (including within the framework of primary healthcare) and ensuring that all segments of society receive health-related information. Finally, Article 24 covers the abolition of harmful traditional practices and the duty of international co-operation for global implementation of the child's right to health.

In addition to Article 24, the four general principles of the CRC – non-discrimination; the best interests of the child; the right to life, survival and development; and child participation – must in particular be taken into account when implementing the child's right to health.

### Recent developments

In 2013, the Committee on the Rights of the Child released a General Comment (No. 15) providing additional guidance and support to State Parties and other duty bearers on the implementation of Article 24 of the CRC.<sup>2</sup> According to the General Comment, addressing the underlying determinants of health and including a wide range of different stakeholders, including parents and caregivers, are crucial to fully realising the child's right to health. Im-

portantly, it includes a succinct framework for the implementation, monitoring and evaluation of the child's right to health. The General Comment is aimed at a range of stakeholders working in the field of children's rights and public health, including policy-makers, programme implementers and activists, as well as parents and children themselves.

In addition, children's right to health was the topic of the Human Rights Council's 2013 Annual Day on the Rights of the Child. The main themes of discussion included the role of parents in the supervision of children's access to health services,<sup>3</sup> the negative impact of detention on both the mental and physical health of children, the role of the medical profession in perpetuating violence against children (e.g. through circumcision) and the appropriate responses to address health risks facing children who use drugs. The discussion also focused on accountability for the child's right to health and the need for health and human rights communities to integrate this right across the whole cycle of health policy to make it practical and real.

The issues raised at the Annual Day on the Rights of the Child are a reminder that child health is a cross-cutting issue, closely related to many other issues such as violence against children, harmful traditional practices and poverty. Drawing on the definition of health from the World Health Organisation, the rights-based approach to child health acknowledges that all children have the right to equal opportunities, to survive, grow and develop to each child's full potential. These rights require access to appropriate facilities, goods, services and conditions. The right of the child to health also includes certain freedoms, including the right to control one's health and body to an extent determined by the capacity and maturity of the child. Following the Annual Day discussion, the Human Rights Council adopted Resolution 22 on the right of the

2 Committee on the Rights of the Child (2013), General comment No. 15 (2013): The right of the child to the enjoyment of the highest attainable standard of health (Article 24), CRC/C/GC/15. Several others of the Committee's General Comments mention the right of the child to health. These include General Comment No. 3 on HIV/AIDS, No. 4 on adolescent health, No. 7 on early childhood, No. 10 on juvenile justice, No. 12 on child participation and No. 13 on freedom from violence.

3 Both General Comment No. 15 and the 2012 Report of the United Nations High Commissioner for Human Rights on the right of the child to the enjoyment of the highest attainable standard of health, which was presented at the 2013 Annual Day, provide for children's access to health services, if necessary without parental consent, on the basis of their evolving capacities and maturity.

child to the enjoyment of the highest attainable standard of health, calling for the preparation of a study on mortality of children under five years of age as a human rights concern.

**Key health-related Millennium Development Goals:**

**Goal 1:** Eradicate extreme poverty and hunger

**Goal 4:** Reduce child mortality

**Goal 5:** Improve maternal health

**Goal 6:** Combat HIV/AIDS, malaria and other diseases

**Goal 7:** Ensure environmental sustainability

**The Millennium Development Goals and the right of the child to health**

The Millennium Development Goals (MDGs) focus heavily on health. Drawing on global and regional conferences of previous decades,<sup>4</sup> the health-related MDGs – notably MDG4 on child mortality, MDG5 on maternal health, MDG6 on HIV/AIDS and MDG7 on environmental sustainability – can all plausibly be seen as connected to the right to the highest attainable standard of health, including for children. Indeed, although the goals are not rights-based as such, several UN agencies have issued publications that explain how a human rights approach could be adopted for each MDG.<sup>5</sup>

However, some of the sub-targets of the MDGs clearly set lower standards than those required when adopting a human rights framework. The target to reduce by two-thirds, between 1990 and 2015, the under-five mortality rate, for example, would not lead to the realisation of the right of the child to health for all children. Moreover, the MDGs have been criticised for ignoring the issue of inequality, which is a core aspect of the notion of human and child rights. That said, a widespread view in the discussions on the successors to

4 Such as the 1978 Alma Ata global health conference, the 1987 Safe Motherhood Conference and the 1990 World Summit for Children.

5 For example: UNDP (2007), *Human Rights and the Millennium Development Goals: Making the Link*; OHCHR (2008), *Claiming the Millennium Development Goals: A human rights approach*.

the MDGs in 2015 is the need to incorporate equality of access-related issues into future goals and targets.

Child rights and the current Millennium Development Goals can also be considered to be two sets of interdependent commitments which reinforce each other. In this view, the health MDGs provide quantifiable and time-bound benchmarks that constitute a partial fulfilment of children's rights, while the CRC framework is a more effective, permanent strategy and sustainable means for the full realisation of the right of the child to health.

**The child's right to health in South Asia**

The inter-governmental South Asian Association for Regional Cooperation (SAARC) has prioritised child health through an extensive number of commitments and projects. For example, SAARC is currently developing a Regional Project on Maternal and Child Health Including Immunisation, supported by the SAARC Development Fund, which aims to strengthen the physical infrastructure related to maternal and child health. It also provides training to healthcare personnel, particularly paediatricians, obstetricians, gynaecologists and paramedics. Regional documents that advance the child's rights to health include the:

- 1996 Rawalpindi Resolution, which endorsed reducing under-five mortality to less than 35 per 1,000 live births and reducing severe and moderate malnutrition. The SAARC Code for the protection of Breastfeeding and Young Child Nutrition was also developed in 1996,
- 2004 SAARC Social Charter, which advocates pre-natal, natal and post-natal care, immunisation, and timely and appropriate nutrition,
- 2007 SAARC Development Goals, many of which are connected to health (e.g. Goal 3, Ensure adequate nutrition and dietary improvement for the poor; and Goal 10 on children's health), and the

- 2007 Strategic Framework for Protection, Care and Support of Children Affected by HIV and AIDS and Guide to Monitoring and Evaluation of National Responses for Children Affected by HIV/AIDS.

National commitments to improve child health have been expressed in National Health Policies or Strategies in the region. In addition, specific issues such as reproductive and

maternal health, malnutrition and gender equity have been followed up through plans and programmes, developed not only by the Public Health Ministries but also by the Ministries responsible for child-related issues. In addition, all countries cover health-related issues in laws and/or national constitutions. For example, the Constitutions of Afghanistan and Bhutan guarantee the right to health and free healthcare.

## Domain I: Mortality and morbidity

### Key findings: achievements and challenges

The under-five mortality rate in South Asia has dropped consistently and increasingly since 1990. Maldives is the most successful country in combating child mortality, although other countries have also been progressing well. For example, Bangladesh has made enormous progress, particularly in reducing the under-five mortality rate, and

the country is among only 16 others in the world that are on track to achieve the MDG 4 targets. Nepal is also doing very well in reducing child mortality rates. Despite the fact that only 48 per cent of births in South Asia are attended by skilled personnel, neonatal (new-born children) deaths are also declining in the region. At the same time, this decline lags behind the faster decline in infant mortality and under-five mortality rates.

Domain I: Key findings: achievements and challenges

Mortality index	Infant Mortality Rate <sup>1</sup> 2011	Infant Mortality Rate – Progress 2000–2011	Under-five Mortality Rate <sup>2</sup> 2011	Under-five Mortality Rate – Progress 2000–2011	Under-five Mortality Rate Male 2011	Under-five Mortality Rate Male – Progress 2000–2011	Under-five Mortality Rate Female 2011	Under-five Mortality Rate Female – Progress 2000–2011	Neonatal mortality rate <sup>3</sup> 2011	Neonatal mortality rate – Progress 2000–2011	Stillbirth rate 2009	Maternal Mortality Ratio 2010	Maternal Mortality Ratio – Progress 2000–2010	
Maldives	1	9	-32	11	-44	12	-44	10	-40	6	-18	13	60	-130
Bangladesh	2	37	-25	46	-38	48	-38	44	-39	26	-13	36	240	-160
Nepal	3	39	-23	48	-35	49	-35	47	-35	27	-12	23	170	-190
Bhutan	4	42	-23	54	-38	57	-38	50	-34	25	-9	22	180	-250
Sri Lanka	5	11	-5	12	-8	13	-8	11	-6	8	-3	17	35	-23
India	6	47	-17	61	-25	59	-25	64	-28	32	-8	22	200	-190
Afghanistan	7	73	-22	101	-35	103	-36	99	-34	36	-7	29	460	-540
Pakistan	8	59	-17	72	-23	76	-23	68	-23	36	-6	47	260	-120

Rankings are based on average scores. See the Appendix for more information.

1. Probability of dying between birth and age 1 per 1000 live births.
2. Probability of dying by age 5 per 1000 live births.
3. Per 1000 live births.
4. Per 1000 total births.

## AFGHANISTAN

Afghanistan has very high child mortality rates. Seventy-three out of every 1,000 children born alive die before their first birthday, and 101 before their fifth birthday (2011). Many of these deaths are the result of preventable diseases, including polio and measles, the lack of clean water and sanitation, the lack of proper nutrition and limited access to medical care. Increasingly, children are also being killed and injured as a result of the ongoing armed conflict. Approximately five children were killed or injured each day in 2011 as a result of the conflict.<sup>1</sup>

Nevertheless, there has been a significant decrease in the under-five mortality rate in Afghanistan (from 136 per 1,000 children in 2000 to 101 in 2011), although there has been less progress in reducing neonatal mortality (from 43 per 1,000 live births in 2000 to 36 per 1,000 in 2011). The maternal mortality ratio has decreased substantially (from 1,000 deaths per 100,000 live births in 2000 to 460 in 2010), but it is still very high.

## BANGLADESH

Bangladesh has made considerable progress in reducing child mortality and is among only 16 countries in the world on track to achieve MDG 4 on reducing under-five mortality. Programmes for immunisation and for combating diarrheal diseases, in addition to providing vitamin A supplements, contributed to the decline in the infant mortality rate (from 62 to 37 deaths per 1,000 births), the under-five mortality rate (from 84 to 46 deaths per 1,000 births) and neonatal mortality rate (from 39 to 26 deaths per 1,000 live births) from 2000 to 2011. However, the stillbirth rate remains very high (36 deaths per 1,000 births), as does the maternal mortality rate at 240 deaths per 100,000 live births.

A new emphasis on strengthening newborn care was shown by the development of a National Neonatal Health Strategy. In addition, community-based initiatives and efforts from the government, civil society and academia have been very important for the enactment

of a newborn care policy. Bangladesh has also been successful in reducing the fertility rate, which may have contributed to the rapid reduction of child mortality, notably under-five mortality.

## BHUTAN

In Bhutan, programmes and interventions have focused on the prevention of morbidity and the control of infectious diseases. The progress in addressing child mortality rates has been positive: the under-five mortality rate declined from 92 deaths per 1,000 births in 2000 to 54 deaths in 2011, and the neonatal mortality rate decreased from 34 deaths per 1,000 births in 2000 to 25 deaths in 2011. The maternal mortality ratio decreased remarkably from 430 deaths per 100,000 live births in 2000 to 180 deaths in 2010, putting Bhutan on track for the MDG5 target of 140 maternal deaths.

## INDIA

India has witnessed significant improvements in child mortality. Infant mortality decreased from 64 deaths per 1,000 live births in 2000 to 47 deaths in 2011 and the under-five mortality rate from 86 deaths per 1,000 births in 2000 to 61 deaths in 2011. Even so, the MDG target of reducing infant mortality to 28 deaths per 1,000 births is unlikely to be reached.<sup>2</sup> The neonatal mortality rate has declined from 40 deaths per 1,000 births in 2000 to 32 deaths per 1,000 births in 2011. Infections and birth complications are key reasons why children die within four weeks of being born.

The maternal mortality ratio is very high in India: 200 women die per 100,000 live births, the majority in rural areas. Furthermore, a great number of deliveries take place at home and the percentage of births attended by skilled health personnel is low. The National Rural Health Mission has launched the Janani Suraksha Yojana, a safe motherhood initiative to promote institutional delivery amongst poor pregnant women. Moreover, the Reproductive and Child Health programme integrates interventions that improve child health in general with approaches to improve infant

<sup>1</sup> UN (2012), *Children and armed conflict: Report of the Secretary-General*.

<sup>2</sup> UNICEF (2012), *Committing to Child Survival: A Promised Renewed, Progress Report*.

and under-five survival. A scheme has been launched to encourage midwives to provide home-based newborn care.<sup>3</sup>

### MALDIVES

As a result of effective immunisation programmes and access to better healthcare, infant and under-five mortality rates in Maldives have reached levels as low as 9 and 11 deaths for every 1,000 live births over the last decade. In addition, the neonatal (6 deaths per 1,000 live births) and maternal mortality (60 deaths per 100,000 live births) rates are among the lowest in South Asia. Hence, MDG4 and 5 have already been achieved. The stillbirth rate is also the lowest in the region (13 dead foetuses per 1,000 births).

Improvements in healthcare delivery have resulted in a large reduction in maternal mortality, achieving the MDG5, in spite of the fact that 60 women still die for every 100,000 live births.

The Strategic Action Plan (2009–2013), which focuses on quality healthcare, the Minimum Social Protection Package and the National Action Plan on Drug Abuse Prevention have demonstrated Maldives' commitment to reducing child mortality.

### NEPAL

Nepal has seen one of the greatest decreases in child mortality rates in the world. The under-five mortality rate decreased from 83 deaths per 1,000 births in 2000 to 48 deaths in 2011, and the neonatal mortality rate from 39 deaths in 2000 to 27 deaths in 2011. Also the maternal mortality ratio has decreased rapidly in the past ten years (from 360 deaths per 100,000 live births in 2000 to 170 deaths in 2010).

These remarkable results have been achieved because of well-targeted government policies and programmes. For example, Nepal was the first low-income country to develop a national newborn-specific strategy – the 2009 Community-Based Newborn Care Programme and Birth Preparedness Package. The package has been implemented in 10 out of 75 districts

and is to expand into 35 more by mid-2013. Furthermore, a newborn component was added to the training curriculum for health assistants and paramedics in 2010. The 2012 National Child Policy also contains provisions on decreasing infant mortality through special health programmes.

### PAKISTAN

Pakistan has made some progress in combating child mortality. The neonatal mortality rate decreased from 42 deaths per 1,000 live births in 2000 to 36 deaths in 2011 and the infant mortality rate from 76 deaths per 1,000 live births in 2000 to 59 deaths in 2011. The maternal mortality ratio is one of the highest in South Asia: 260 women die for every 100,000 live births, which makes achievement of MDG5 on maternal mortality unlikely. Devastating humanitarian disasters and an ongoing destabilising political environment have affected efficient implementation of programmes. However, the government has formulated important policy documents, including the 2009 National Health Policy, aimed at diminishing child mortality.

In addition, newborn care has also been integrated into community-based maternal and child packages delivered by the Lady Health Workers Programme, which is composed of outreach workers in the maternal and child health services, for example antenatal care, birth preparedness, post-natal care and family planning methods.

### SRI LANKA

Despite a destabilising internal conflict, Sri Lanka has very low child mortality rates – the infant mortality rate is 11 per 1,000 live births, the under-five mortality rate 12 per 1,000 live births and the neonatal mortality rate 8 per 1,000 live births. Only 11 per cent of total deaths among children are caused by premature births. The stillbirth rate is among the lowest in the region (17 per 1,000 births) and the maternal mortality ratio is the lowest in South Asia: 35 deaths for 100,000 live births. As a result, the country has outperformed all other low- and middle-income developing countries in terms of healthcare achievements since the development of the MDGs.

<sup>3</sup> GoI Ministry of Health & Family Welfare (2012), Annual Report 2011–2012, Small Family Happy Family.



## Domain 2: Immunisation

### Key findings: achievements and challenges

Since the early 2000s, Bhutan, Maldives and, especially, Sri Lanka have been close to obtaining 100 per cent immunisation coverage. Pakistan and Bangladesh have been able to vaccinate 21 and 24 per cent more children, respectively, against measles during the last decade, and Bangladesh is now more or less on a par with the top performers in terms of overall coverage. Afghanistan, in spite of enduring a long turbulent period of war, has been able to provide immunisation against polio to 66 per cent of one-year-old children

in 2011 (in 2000 only 24 per cent of children were immunised). In India, despite limited coverage, immunisation has been steadily increasing overall, albeit slowly for some common diseases.

Polio has been more or less eradicated in the region, although sporadic cases have recently been reported in Pakistan and Afghanistan, for example. Some South Asian countries have also eliminated maternal and neonatal tetanus. However, in Nepal, Bhutan, Afghanistan and Pakistan this disease remains a persistent challenge.

Domain 2: Key findings: achievements and challenges

	Immunisation Index	Measles (MCV) immunisation coverage among one-year-olds (%) 2011	Measles (MCV) immunisation coverage among one-year-olds (%) – Progress 2000–2011	Diphtheria, tetanus <sup>1</sup> and pertussis <sup>2</sup> (DTP3) immunisation coverage among one-year-olds (%) 2011	Diphtheria, tetanus and pertussis (DTP3) immunisation coverage among one-year-olds (%) – Progress 2000–2011	Neonates protected at birth against neonatal tetanus (PAB) (%) 2010	Neonates protected at birth against neonatal tetanus (PAB) (%) – Progress 2000–2010	Polio (Pol3) immunisation coverage among one-year-olds (%) 2011	Polio (Pol3) immunisation coverage among one-year-olds (%) – Progress 2000–2011	BCG <sup>3</sup> immunisation coverage among one-year-olds (%) 2011	BCG immunisation coverage among one-year-olds (%) – Progress 2000–2011	Hepatitis B (HepB3) immunisation coverage among one-year-olds (%) 2011
Bangladesh	1	96	+24	96	+13	93	+4	96	+12	95	0	96
Nepal	2	88	+17	92	+18	81	+14	92	+18	97	+13	92
Bhutan	3	95	+17	95	+3	89	+4	95	-3	95	-2	95
Maldives	4	96	-2	96	-2	95	0	96	-2	98	-1	96
Sri Lanka	5	99	0	99	0	86	-6	99	0	99	+1	99
Afghanistan	6	62	+35	66	+42	79	+47	66	+42	68	+38	66
Pakistan	7	80	+21	80	+18	84	+13	75	+10	85	+11	80
India	8	74	+19	72	+10	87	+2	70	+6	87	+13	47

Rankings are based on average scores. See the Appendix for more information.

1. Neonatal tetanus is a bacterial disease marked by rigidity and spasms of the voluntary muscles.
2. Pertussis is a contagious bacterial disease mainly affecting children, characterised by convulsive coughs followed by a whoop.
3. BCG is a vaccine against tuberculosis.

## AFGHANISTAN

Afghanistan has improved the protection of children against infectious diseases and aims at reaching 95 per cent coverage by 2015. The proportion of one-year-olds immunised against measles increased from 27 per cent in 2000 to 62 per cent in 2011. The coverage against diphtheria, tetanus and pertussis (DPT3) among one-year-old children increased from 24 per cent in 2000 to 66 per cent in 2011. The 68 per cent of children immunised against tuberculosis is the lowest in South Asia, but the rate of progress (+38% from 2000) is promising.

In 2000, only 24 per cent of one-year-olds were immunised against polio in Afghanistan. This figure increased to 66 per cent in 2011. While still the lowest coverage in South Asia, the country is implementing national polio emergency action plans, providing increased technical support to the worst-performing areas and accountability mechanisms for district-level leadership, and engaging with communities to increase the demand for immunisation.

## BANGLADESH

Immunisation in Bangladesh is a success story. The government's policy for childhood immunisation requires all children (12–23 months) to receive vaccination against tuberculosis, DPT (diphtheria, tetanus and pertussis), polio and measles. Among one-year-old children, 96 per cent have been vaccinated against measles and DPT. Ninety-three per cent of newborns are protected at birth against neonatal tetanus and immunisation against polio covers 96 per cent of children.

The government has introduced several innovations that have helped to improve immunisation coverage for children, particularly those from poorer households. Home visits by field health workers and an expansion of the number of health outreach clinics have contributed significantly to higher immunisation rates.

## BHUTAN

Bhutan achieved good outcomes with the 1991 Universal Childhood Immunisation programme. The country has sustained immuni-

sation coverage of above 90 per cent with the improvement of primary healthcare, reaching out to communities through outreach clinics, village health workers and other available modes of communication. Ninety-five per cent of children received immunisation against tuberculosis in 2001, two per cent less than in 2000.

Among one-year-old children, 95 per cent have been vaccinated against measles, DPT (diphtheria, tetanus and pertussis) and polio. Eighty-nine per cent of newborns have been protected at birth against neonatal tetanus.

## INDIA

Effective national and state immunisation days have been organised by the central and state governments in India. The proportion of one-year-old children covered against measles increased from 55 per cent in 2000 to 74 per cent in 2011, and the coverage of children against DPT (diphtheria, tetanus and pertussis) from 62 per cent in 2000 to 72 per cent in 2011. By 2008/09, 15 states and Union Territories had succeeded in eliminating maternal and neonatal tetanus and 87 per cent of newborns were covered at birth against the disease. A pilot project in 2002 introduced hepatitis B vaccine in 33 districts and 15 metropolitan cities; subsequently this has been introduced in 10 states. Only 47 per cent of one-year-olds were immunised against hepatitis B in 2011.

The Immunisation and Eradication of Polio programmes have been effective. Seventy per cent of one-year-old children were protected against polio in 2011, six per cent more than in 2000. However, a number of issues have contributed to inefficiencies in the universal delivery immunisation system. Limited coverage has resulted in only partial immunisation for many infants. In addition, the training of field workers on issues such as data storage, safe injection and the disposal of vaccines remains limited.

## MALDIVES

The immunisation coverage in Maldives is remarkable. Among one-year-old children, 96 per cent are vaccinated against measles

and DPT (diphtheria, tetanus and pertussis). Ninety-five per cent of neonates are protected at birth against neonatal tetanus and immunisation against polio covers 96 per cent. However, despite a top ranking in South Asia, the 2011 data shows a fall in the percentage of children immunised in comparison to 2000. Measles, DPT and polio coverage among one-year-olds have declined by two per cent. The proportion of one-year-old children immunised against tuberculosis has also decreased by one per cent and there has been no improvement in the percentage of babies immunised against neonatal tetanus at birth.

### NEPAL

Nepal's immunisation results are positive. Among one-year-old children, 88 per cent have been vaccinated against measles and 92 per cent against diphtheria, tetanus and pertussis. The country has made significant efforts in terms of tetanus and polio vaccination coverage. The proportion of babies immunised at birth against neonatal tetanus increased from 76 per cent in 2000 to 81 per cent in 2011 and the proportion of one-year-old children covered against polio increased from 74 per cent to 92 per cent.

The immunisation services have been provided mainly through government facilities and the private sector have supported these efforts mainly in urban areas through hospitals, nursing homes and NGOs. The end of the armed conflict is likely to have further increased outreach.

### PAKISTAN

In 1978, the Expanded Program on Immunisation was initiated to reduce mortality caused by six preventable diseases: diphtheria, tetanus, pertussis, polio, measles and tuberculosis. In 2002, Hepatitis B was added to the list and in 2012 Pakistan introduced the pneumococcal vaccine. Through national immunisation days and mass immunisation campaigns

throughout the country, the government aspires to attain immunisation coverage of at least 90 per cent by 2015. The ongoing tetanus toxoid vaccination targeting 10 million women of childbearing age in 61 high-risk districts is likely to have positive effects. The proportion of babies immunised at birth against neonatal tetanus increased from 71 per cent in 2000 to 84 per cent in 2010.

Pakistan has adopted a national Plan of Action for Measles Control which has proven effective: the proportion of one year-old children immunised against measles increased from 59 per cent in 2000 to 80 per cent in 2011. As for polio, 65 per cent of one-year-old children were vaccinated in 2000, increasing to 75 per cent in 2011. However, Pakistan is one of only four countries in the world where polio has not been completely eradicated and is the only country where the prevalence of polio has been increasing during the past year. In 2011, Pakistan accounted for nearly 30 per cent of all polio cases recorded worldwide. As a result, the government approved the National Emergency Plan of Action for Polio Eradication (2011). However, a large number of children are not receiving their polio vaccinations, due mainly to the unavailability of trained personnel, limited financial resources to pay salaries and limited monitoring. Moreover, bans imposed by the Taliban have prevented hundreds of thousands of children from being immunised.

### SRI LANKA

Sri Lanka's progress towards children's immunisation is remarkable. Amongst one-year-old children, 99 per cent have been vaccinated against measles and have received DTP (diphtheria, tetanus and pertussis) coverage. Immunisation against polio and hepatitis B covers 99 per cent of children. However, the proportion of newborns protected at birth against tetanus decreased from 92 per cent in 2000 to 86 per cent in 2010.

## Domain 3: Malnutrition

### Key findings: achievements and challenges

In the region, Bhutan, Maldives and Sri Lanka are the top performers, with the lowest rates of underweight, stunted and wasted children in South Asia. In spite of this, the results in populous countries such as Bangladesh and India is of serious concern, and as a result, regionally, many South Asian children remain stunted (47%), underweight (42%) and wasted (19%).<sup>1</sup> These rates are among the highest in the world. Nevertheless, the regional data shows slight improvements in combating malnutrition. The percentage of under-fives suf-

fering from moderate and severe malnutrition declined by four points between 1995–2003 and 2006–2010, and the percentage of infants with low birth weight by three points between the years 1998–2003 and 2006–2010.<sup>2</sup>

### AFGHANISTAN

In Afghanistan, 8.6 per cent of under-five children are wasted, a relatively positive figure compared with other South Asian countries. At the same time, almost 60 per cent are stunted and almost 33 per cent underweight, revealing an underlying situation of malnutrition and continuous burden of infections among this age group.

1 UNICEF (2005, 2012), State of the World's Children.

2 Ibid.

### Domain 3: Key findings: achievements and challenges

Index for Malnutrition	Children aged <5 years wasted for age (%) <sup>1</sup> 2004–2011 – Male									
	1	6.2	5.5	5.9	13	12	12.7	33.4	33.6	33.5
Index for Malnutrition	Children aged <5 years wasted for age (%) 2004–2011 – Female									
	2	13.5	10.2	10.2	18.4	17.2	17.8	21.6	19	20.3
Index for Malnutrition	Children aged <5 years wasted for age (%) 2004–2011 – Both Sexes									
	3	12.1	11.5	11.8	21.6	21.6	21.6	19.8	18.7	19.2
Index for Malnutrition	Children aged <5 years underweight (%) <sup>2</sup> 2004–2011 – Male									
	4	12.3	10	11.2	29.8	28.4	29.1	41.3	39.5	40.5
Index for Malnutrition	Children aged <5 years underweight (%) 2004–2011 – Female									
	5	15.5	14.1	14.8	31.4	30.4	30.9	43.8	42	43
Index for Malnutrition	Children aged <5 years underweight (%) 2004–2011 – Both Sexes									
	6	7.9	9.3	8.6	32.7	33	32.9	60	58.5	59.3
Index for Malnutrition	Children aged <5 years stunted (%) <sup>3</sup> 2004–2011 – Male									
	7	18.4	16.5	17.5	40.2	42.4	41.3	43.8	42.6	43.2
Index for Malnutrition	Children aged <5 years stunted (%) 2004–2011 – Female									
	8	20.7	19.3	20	43.1	43.9	43.5	47.9	48	47.9
Index for Malnutrition	Children aged <5 years stunted (%) Ranking 2004–2011 – Both Sexes									
Bhutan	1	6.2	5.5	5.9	13	12	12.7	33.4	33.6	33.5
Maldives	2	13.5	10.2	10.2	18.4	17.2	17.8	21.6	19	20.3
Sri Lanka	3	12.1	11.5	11.8	21.6	21.6	21.6	19.8	18.7	19.2
Nepal	4	12.3	10	11.2	29.8	28.4	29.1	41.3	39.5	40.5
Pakistan	5	15.5	14.1	14.8	31.4	30.4	30.9	43.8	42	43
Afghanistan	6	7.9	9.3	8.6	32.7	33	32.9	60	58.5	59.3
Bangladesh	7	18.4	16.5	17.5	40.2	42.4	41.3	43.8	42.6	43.2
India	8	20.7	19.3	20	43.1	43.9	43.5	47.9	48	47.9

Rankings are based on average scores. See the Appendix for more information.

1. Wasting, or low weight for height, is a strong predictor of mortality among children under five. It is usually the result of acute significant food shortage and/or disease.
2. Underweight refers to a weight-for-age of more than two standard deviations from the WHO Child Growth Standards median amongst children aged 0–5 years.
3. Stunting, or low height for age, is caused by long-term insufficient nutrient intake and frequent infections. Stunting generally occurs before age two, and effects are largely irreversible.

The government covers more than six million schoolchildren and out-of-school children aged 6–12 years during annual de-worming campaigns. However, interventions are yet to be integrated into health service delivery. A cross-ministerial Nutrition Action Framework tackling malnutrition has been developed.

### BANGLADESH

In Bangladesh, child malnutrition is widespread with 17.5 per cent of children wasted, more than 41 per cent underweight and more than 43 per cent stunted. This situation is linked to the increase in food prices. Prices of staples increased by 50 per cent from 2007 to 2008, and the country suffered floods and a cyclone in 2007, which seriously affected the harvest. Export restrictions also raised the price of rice.

An assessment of livelihood and nutrition security in Bangladeshi's Kurigram district showed that the poorest families were no longer able to afford a diet that provided them with their energy and micronutrient needs.<sup>3</sup> Children had fewer meals, less diverse diets and received few nutrient-rich foods. Stunting among children in the poorer households was twice as high as in the richest households. Although no household received subsidised rice, children in school received food. To address this situation, the government plans to distribute vitamin A and iron-folate supplements and to universalise salt iodisation.

### BHUTAN

Bhutan has achieved positive results in combating malnutrition with rates above all other countries in South Asia. Nevertheless, almost six per cent of under-five children are wasted, 12.7 per cent are underweight and more than 33.5 per cent are stunted.

The government has recognised the key role that rural development plays in combating hunger, given the benefits from improved agriculture. Initiatives aimed at raising agricultural productivity and enhancing rural income generation opportunities have played

a key role in improving children's health. In addition, through the focus on micronutrient deficiencies Bhutan, became the first country in the region to successfully eradicate Iodine Deficiency Disorder in 2003 and only the second developing country in the world to do so.

### INDIA

It has been estimated that one-third or more of the world's malnourished children live in India.<sup>4</sup> This could be partly explained by India's very high child population, but it also demonstrates the enormity of the challenge for this nation. As such, 20 per cent of under-five children are wasted in India, 43.5 per cent are underweight and almost 48 per cent are stunted.

The government is taking action to address this situation. India's Eleventh Five Year Plan (2007–2012) aimed to reduce malnutrition among children and the government is pursuing this objective through various strategies. For example, a strategy to decrease the prevalence of Vitamin A deficiency to 0.5 per cent is currently being implemented. India is also revising policies to reduce the widespread prevalence of anaemia amongst children and women of childbearing age by providing iron-folic acid supplements. In addition, the promotion of early initiation and exclusive breastfeeding until the age of six months is emphasised under the infant and young child feeding programme. The government is also setting up Nutritional Rehabilitation Centres for severely malnourished children, providing counselling for mothers on proper feeding and, once the children are on the road of recovery, regular follow-up.

### MALDIVES

Maldives has shown positive results in combating malnutrition. Nevertheless, 10.2 per cent of under-five children are wasted, almost 18 per cent are underweight and 20.3 per cent are stunted.

To address this situation, a Micronutrient Study was completed and the recommendations used by the government for drafting a

3 Save the Children (2009), *The Minimum Cost of a Healthy Diet: Findings from piloting a new methodology in four study locations*, pp. 19–22, 35–37.

4 UNICEF India (n.d.), *Nutrition*, [www.unicef.org/india/children\\_2356.htm](http://www.unicef.org/india/children_2356.htm), viewed on 1 April 2013.



micronutrient policy. The Young Child Survival and Development programme focuses on addressing malnutrition through the Integrated Early Childhood Care and Development initiative, pointing at promoting behavioural and social change by establishing feeding centres in and around health facilities to encourage parents to learn about appropriate nutrition.

### NEPAL

In Nepal, child malnutrition remains a serious problem, with 11.2 per cent of children wasted, 29.1 per cent underweight and 40.5 per cent stunted. Nevertheless, the government has effectively introduced a micronutrient programme for children aged six to 11 months in six pilot districts, and formulated a National Infant and Young Child Feeding and Care Strategy. A National nutrition policy and strategy were formulated in 2006, and a new Multi-sectorial Nutrition Plan was developed in 2012.

The 2012 Nutrition Plan is an attempt to address malnutrition in a systematic and coordinated manner by adopting a multi-sectorial approach. It intends to accelerate the reduction of maternal and child malnutrition and addresses the generic nutritional needs of people of other age or social groups. The policy is implemented through the health sector, but also by other sectors including education, agriculture, water and sanitation, and will be closely linked with agriculture production at the local level. The Nutrition Plan also intends to improve the nutritional status of adolescents through direct nutrition-specific interventions.

### PAKISTAN

In Pakistan, 14.8 per cent of under-five children are wasted, 31.9 per cent are underweight and 43 per cent are stunted. The government drafted a Protection of Breastfeeding and Child Nutrition Ordinance in 2002 to promote breastfeeding and control the marketing and promotion of baby formula milk and other synthetic products, which are manufactured as a substitute for the mother's milk. The rules and regulations of the Ordinance were modified in 2010. However, implementation has remained incomplete.

The cause of the low rate of exclusive breastfeeding is thought to be a lack of education and misinformation. There are many mothers who are not aware of the need to exclusively breastfeed infants.<sup>5</sup>

### SRI LANKA

Sri Lanka has obtained positive results in combating malnutrition. As a result, today 11.8 per cent of under-five children are wasted and almost 21.6 per cent are underweight. In addition, 19.2 per cent of under-fives are stunted, the lowest percentage in South Asia.

In 2010, the government drafted a National Nutrition Policy to provide a platform for inter-sectorial coordination in order to accelerate efforts to ensure optimal nutrition for all. The Policy will be updated in 2013 and revised in 2018. The Policy focuses on particular social groups: pregnant women, lactating mothers, infants and young children, pre-school and school children, adolescents, adults and the elderly. It further aims to strengthen capacity-building of health staff and community-based workers for effective behaviour change. It ensures targeting of nutritional interventions to underserved areas, plantation communities, urban poor and areas identified by the nutrition surveillance system, and focuses on access to adequate nutrition for people affected by emergencies.

Furthermore, there has been an increasing production of rice, vegetables, milk, meat and fruits, and per capita availability of calories and proteins has increased. This generally implies an improved food security situation for the country, but it does not necessarily follow at the household level. Inappropriate infant and young child feeding practices, especially short duration of exclusive breastfeeding, still persist. The government recognises that female-headed families are more vulnerable to poverty due to lack of access to productive resources and incomes, and is attempting to ensure better targeting of food supplement programmes to take into account the needs of children in these families.

5 SOS Children's Villages (2012), <http://www.soschildrensvillages.ca/news/news/child-poverty-news/pages/breastfeeding-health-benefit-awareness-low-pakistan-161.aspx>, viewed on 16 March 2013.

## Domain 4: Health facilities, water and sanitation

### Key findings: achievements and challenges

South Asia is improving its healthcare facilities at a quick pace thanks to capacity-building of medical personnel, the provision of clean and safe drinking water, and improved sanitation. In this respect, Maldives and Sri Lanka are performing particularly well. Nevertheless, each country in South Asia has made important efforts. For example, Afghanistan has improved its water and sanitation systems and Nepal has a very good ratio of hospital beds per population.

Although South Asia has made substantial progress in ensuring access to safe drinking water during the past decade, most people lack access to sanitation in the form of piped sewer and septic systems, especially in the rural areas

of the region.<sup>1</sup> Poor children in urban or rural areas are more likely to live in substandard housing, which lacks these basic services, and to be exposed to unhealthy living conditions. Making good healthcare infrastructure available and accessible for all children, even in remote areas of the region, remains a challenge.

### AFGHANISTAN

Armed conflict has imposed many challenges on the implementation of health services by the Government of Afghanistan. Numerous dispersed populations and a lack of transportation infrastructure are among the key obstacles to an effective healthcare system.

Even so, international aid and government initiatives have helped to improve the situ-

1 World Bank, 2012, Global Monitoring Report, p. 24.

### Domain 4: Key findings: achievements and challenges

	Health Facilities, water and sanitation Index	Population using improved sanitation facilities (%) <sup>1</sup> 2010	Population using improved sanitation facilities – Progress 2000–2010	Population using improved drinking-water sources (%) 2010	Population using improved drinking-water sources (%) – Progress 2000–2010	Density of pharmaceutical personnel (per 10 000 population) 2004–2009	Births attended by skilled health personnel 2007–2011	Hospital beds (per 10 000 population) 2004–2010	Antenatal care (before birth) coverage – at least one visit (%) – 2007–2011	Antenatal care coverage – at least four visits (%) – 2006–2010
Maldives	1	97	+18	98	+3	8.24	94.8	43	99.1	85.1
Sri Lanka	2	92	+10	91	+11	0.42	98.6	31	99.4	92.5
India	3	34	+9	92	+11	5.16	57.7	9	75.1	49.7
Bhutan	4	44	+5	96	+10	0.38	58.2	18	74.4	77.3
Nepal	5	31	+11	89	+6	0.1	36	50	58.3	29.4
Pakistan	6	48	+11	92	+3	0.5	45	6	64	28.4
Bangladesh	7	56	+9	81	+2	0.64	26.5	3	53.7	23.4
Afghanistan	8	37	+5	50	+28	0.3	34.3	4	59.6	16.1

Rankings are based on average scores. See the Appendix for more information.

1. Improved sanitation generally refers to improvement of facilities and services for the safe disposal of human urine and faeces. The word “sanitation” also refers to the maintenance of hygienic conditions, through services such as garbage collection and wastewater disposal. Information is usually collected from household studies.

ation. For example, thanks to the UNICEF Water, Sanitation and Hygiene programme, the number of people with access to improved drinking water sources in Afghanistan has increased from 22 per cent to 50 per cent of the population in the last decade. Although only 34.3 per cent of the total number of births are attended by skilled health personnel, the country also aims to increase the proportion of deliveries assisted by skilled professional to 75 per cent, through strategies such as increasing the number of midwives from 2,400 to 4,556 and increasing the proportion of women with access to emergency obstetric care to 80 per cent. Moreover, since 2003, around 23,000 community health workers and 3,500 midwives have been trained as part of the Afghan government's Basic Package of Health Services.

The Ministry of Public Health is also focusing on hygiene and environmental health. The National Health and Nutrition Strategy (2008–2013) highlights the need to increase awareness and understanding of potential adverse health consequences of environmental factors, such as poor water supplies, the lack of adequate sanitation facilities, inadequate rubbish disposal and collection, poor food handling and hygiene, and high levels of air pollution.

### BANGLADESH

The proportion of the population of Bangladesh using improved drinking water sources has slightly increased in the past ten years, reaching 81 per cent in 2010 (up from 79% in 2000). However, few births are attended by skilled health personnel (26.5%) and the number of hospital beds (three per 10,000 people) remains low. Antenatal care (before birth) coverage is among the lowest in South Asia, with 53.7 per cent of pregnant women visited by a doctor at least once.

The government has established public health infrastructure with the aim to ensure health for all. For example, the Bangladesh Rural Advancement Committee (BRAC) has mobilised 70,000 female public health volunteers, who also run mobile pharmacies. In addition, the National Strategy for Accelerated Poverty

Reduction (2009–2011) aimed to mitigate the problem of the arsenic poison in the drinking water, expand water services to cover the underserved areas and ensure that primary schools have access to drinking water. The National Health Sector Development Programme seeks to address the gaps in coverage and quality of healthcare.

### BHUTAN

In Bhutan, healthcare and sanitation facilities have become effective. Ninety-six per cent of the population use improved drinking water facilities and 44 per cent improved sanitation facilities. There are 18 hospital beds per 10,000 persons and more than 77.3 per cent of women received at least four visits before delivery. Bhutan's healthcare system has an innovative approach, offering traditional medicine alongside free alternative medicine, such as allopathic services.

All hospitals in Bhutan have at least two functional ambulances but human resources remains the weakest link (the density of pharmaceutical personnel is 0.38 per 10,000 people). Shortage of doctors is another challenge and progress has been hampered by the difficulty of recruitment. The government is trying to ensure a minimum of three doctors per district by undertaking a major reform in the procurement of health personnel. A medical college in Bhutan with linkages to other South Asian Association for Regional Cooperation (SAARC) countries (Bangladesh, India and Sri Lanka) has also been established by the government.

### INDIA

The efforts of the Indian government to improve the country's healthcare facilities are significant. As a result, the percentage of the population using improved drinking water facilities was at 92 per cent in 2010, almost reaching the country's Eleventh Five Year Plan (2007–2012) target of providing drinking water for all. That said, only 34 per cent of the population is using improved sanitation facilities.

The government has launched the National Urban and Rural Health Missions. The Na-

tional Urban Health Mission aims to provide accessible, affordable and reliable primary healthcare facilities to people living in urban slums in 429 cities. The National Rural Health Mission promised a major upgrade of health centres in rural areas and introduced a new line of health workers known as Accredited Social Health Activists (ASHAs). However, achievements have been hampered by a lack of skilled personnel and the work load and low pay of the ASHAs.

Considering the size and spread of the Indian population, the results obtained in antenatal care (before birth) are positive, with 75.1 per cent of pregnant women receiving at least one visit before delivery. However, the percentage of births attended by skilled health personnel (57.7) and the percentage of pregnant women who are regularly seen by a doctor (49.7) are low. The government aims to provide essential obstetric (pregnancy and child birth) and newborn care for all, including skilled attendance at every birth and emergency obstetric care units. The Reproductive and Child Health programme involves improving healthcare workers' skills and strengthening the involvement of communities in health care. Furthermore, the Navjat Shishu Suraksha Karya-kram programme aims to train health personnel in basic newborn care and resuscitation. The School Health Programme was launched to address the health needs of school children and adolescents.

### MALDIVES

The achievements of the Government of Maldives in providing drinkable water and sanitation facilities are remarkable. As such, 97 per cent of the population are using improved sanitation facilities and 98 per cent have access to clean drinking water sources. However, progress has been slower in the atolls than in urban areas. Rainwater harvesting systems have been installed, benefiting 50,000 people in 26 island communities. As part of the tsunami response, sanitation systems were commissioned in four islands, benefiting 1,355 households.

The density of nursing and midwifery personnel in Maldives is very high, with 44.5 nurses

per 10,000 people. The percentage of births attended by skilled health personnel (94.8%) is one of the best in South Asia. The provision of medical services is achieved by an expatriate workforce, both in the public and private sectors.<sup>2</sup> This is true for both doctors and nurses and has led to patient–doctor communication problems and a high turnover of staff, especially in the atolls. The government also supports women and youth committees and NGOs to establish community pharmacies. Furthermore, a school sanitation and hygiene manual has been developed for the School Health Unit of the Ministry of Education.

### NEPAL

In Nepal, 89 per cent of the population have access to improved drinkable water facilities and 31 per cent to improved sanitation facilities. The country's Twenty-Year Vision (1997–2017) seeks universal coverage of water and sanitation by 2017 and the 2006 National Drinking Water Quality Standards provide details on the water quality to be applied to all water resources. The government has also launched water supply schemes and provides training on water safety at the point of use. Maldives has also introduced the School and Community Led Total Sanitation programmes to spread awareness of hygienic practices.

Furthermore, the government has launched the Open Defecation Free campaign, which includes workshops, capacity building and toilet construction. Particular attention has been paid to the districts most affected by high rates of infections. In addition, the National Policy on Rural Drinking Water Supply and Sanitation (2004) provides guidance on water and sanitation service provision in rural areas, using community-led participatory approaches, to overcome the disparity in toilet facilities between rural and urban areas.

However, the high rate of migration from rural to urban areas has put enormous pressure on the infrastructure, leading to an adverse impact on the safe drinking water supply, sanitation, drainage facilities and solid waste management. The National Urban Policy

<sup>2</sup> Government of Maldives (2009), *Strategic Action Plan 2009–2013*.

(2007) focuses on the urban poor and improving poor sanitation.

### PAKISTAN

Pakistan has made some progress in improving access to drinkable water, the proportion of people using improved drinking water sources having increased from 89 per cent in 2000 to 92 per cent in 2010. The Clean Water for All Programme aims to prevent the contraction of diseases caused by contaminated water.

There are currently only six hospital beds, six nurses and not even one pharmacist per 10,000 people in Pakistan. In addition, only 45 per cent of births are attended by skilled health personnel and less than 30 per cent of pregnant women are monitored by a doctor.

The government has recognised the importance of improving healthcare facilities, especially in the rural areas. To this end, the National Programme for Family Planning and Primary Health Care (or the Lady Health Workers Programme) was initiated in 1994. The scope of work includes maternal, newborn and child healthcare. However, the 2011 devolution of the healthcare system from the

central government to the provinces (with the intention of improving and effectively increasing the country's outreach of medical services to the masses) has led to a lack of personnel and a shortage of funds in the provinces – which has negatively affected the Lady Health Workers scheme.

### SRI LANKA

In Sri Lanka, remarkable improvements in healthcare facilities have been made over the past decade. There are currently 31 hospital beds per 10,000 people and the percentage of births attended by skilled health personnel is the highest in South Asia: almost 99 per cent. Almost 100 per cent of pregnant women are also visited by a doctor at least once before delivery.

Furthermore, 92 per cent of the population have access to improved sanitation facilities and 91 per cent to drinkable water sources. The government has adopted a holistic and advanced approach to improving water facilities. It aims to establish modern irrigation systems in rural communities, with the aim of increasing agricultural production and providing better access to potable water.



## Domain 5: Gender inequality and girls' empowerment

### Key findings: achievements and challenges

The probability of dying before five years of age is higher for girls than for boys in South Asia. This regional trend particularly reflects the data of India, the most populous state in the region, where female foeticide and infanticide are common and biases against girls affect their access to healthcare facilities and their nutritional status. In other South Asian countries, boys are more vulnerable to under-five mortality. The percentages of stunted and wasted girls and boys in the region are very similar or slightly in favour of girls being less stunted. In some countries the percentage of underweight girls is higher than that of underweight boys.<sup>1</sup>

1 Wasting, or low weight for height, is a strong predictor of mortality among children under five. It is usually the result of acute significant food shortage and/or disease. Underweight refers to a weight-for-age of more than two standard deviations from the WHO Child Growth Standards median amongst children aged 0–5 years. Stunting, or low height for age, is caused by long-term insufficient nutrient intake and frequent infections. Stunting generally occurs before age two, and effects are largely irreversible.

### AFGHANISTAN

In Afghanistan, women have as many as 5.1 children on average and 151 of every 1,000 girls aged between 15 and 19 years have already given birth. The government aims at increasing the use of contraception from 15 to 60 per cent. There is also a difference between the rate of wasting in under-five-year-old boys (7.9 per cent) and girls (9.3 per cent).

Limitations on the movement of women and girls (due to traditional norms) and the lack of female medical staff pose challenges for providing essential healthcare services to women and girls, especially when pregnant. The Ministry of Public Health is improving emergency newborn and obstetric (pregnancy and child birth) care services by establishing five regional training centres. Between 2010 and 2011, over 500 healthcare providers have been trained in basic obstetric practices, and the construction of maternity waiting homes is planned in each provincial hospital. These facilities will provide accommodation for

Domain 5: Key findings: achievements and challenges

	Girls' Health Empowerment Index	Gender Ratio (Female/Male) – Under-five mortality rate (probability of dying by age 5 per 1,000 live births) 2011	Gender Ratio (F/M) – Under-five mortality rate (probability of dying by age 5 per 1,000 live births) – Progress 2000–2011	Gender Ratio (F/M) – Children aged <5 years wasted for age (%) 2004–2004	Gender Ratio (F/M) – Children aged <5 years underweight (%) 2004–2011	Gender Ratio (F/M) – Children aged <5 years stunted (%) 2004–2011	Adolescent fertility rate (per 1,000 girls aged 15–19 years) – 2001–2008
Maldives	1	10/12	+40/+44	10.2/13.5	17.2/18.4	19/21.6	15
Pakistan	2	68/76	+23/+23	13.2/15.5	31/31.4	40.8/43.8	16.1
Bhutan	3	50/57	+34/+38	5.5/6.2	12/13	33.6/33.4	46.3
Sri Lanka	4	11/13	+6/+8	11.5/12.1	21.6/21.6	19.9/19.8	23.37
India	5	64/59	+28/+25	19.3/20.7	43.9/43.1	48/47.9	45.2
Bangladesh	6	44/48	+39/+38	16.5/18.4	42.4/40.2	42.6/43.8	133
Afghanistan	7	99/103	+34/+36	9.3/7.9	33/32.2	58.5/60	151
Nepal	8	47/49	+35/+35	12.4/12.3	39.8/29.8	49.6/41.3	106.3

Rankings are based on average scores. See the Appendix for more information.

high-risk women from remote areas who lack the necessary health facilities.

After more than two decades of war, many Afghans have serious mental disorders. A study of adolescents aged 11–16 found that girls were more likely than boys to experience mental health disturbances, including depression.

### BANGLADESH

In Bangladesh, two per cent more of five-year-old girls than five-year-old boys are underweight. The under-five mortality gender gap is wide, with 48 boys as compared to 44 girls dying per 1,000 live births. The adolescent fertility rate is also high: 133 per 1,000 girls aged 15–19 years have given birth. But the fertility rate in the country as a whole has been greatly reduced, and has now almost reached replacement fertility (2.1 children per woman).

The government plans to strengthen the network of state facilities for women and adolescents to improve reproductive health. Comprehensive emergency obstetric (pregnancy and child birth) care facilities are being expanded. More community skilled birth attendants are being trained. Financing through maternity health vouchers is being expanded. Efforts are focusing on protecting adolescent girls and boys from HIV/AIDS and sexually transmitted diseases through providing one-third of maternal newborn and child health centres with adolescent sexual and reproductive health and rights services.

### BHUTAN

The health status of women and girls in Bhutan is positive. Less than 47 girls out of 1,000 (15–19 years) have given birth, one of the lowest rates in South Asia. Under-five malnutrition and mortality rates do not show evidence of serious gender disparity.

The government is addressing women's reproductive health. For example, in order to facilitate wider coverage of these services, the Ministry of Health sends gynaecologists to hospitals that have none once a month. Given that cervical cancer is the number one malignancy diagnosed in Bhutanese women, in 2010 the government launched a nationwide

Human Papilloma Virus vaccination campaign for girls (12–18 years) as a preventive measure. Despite the substantial cost involved, Bhutan is one of the few countries in the world to include this vaccine as part of a routine immunisation programme.

### INDIA

In India, the under-five mortality rate for girls is 64 for every 1,000 live births, in comparison to 59 for boys. The child sex ratio for the age group of 0–6 years, as per the 2011 census, has decreased to 914 girls per 1,000 boys, against 927 per 1,000 boys recorded in the 2001 census. One of the main reasons for these figures is the widespread preference for sons in India.

In 1994, the Pre-natal Diagnostic Techniques Act was strengthened to prevent foeticide on the basis of sex-preference. Various activities have been undertaken to create awareness of female foeticide, and the practice of pre-natal determination of sex, through radio, television and print media. The government has launched the “Save the Girl Child Campaign” to lessen son preference by highlighting achievements of young girls. The government also aims at raising the sex ratio for age group 0–6 to 950 girls per 1,000 boys by 2016/17.

The Eleventh Five Year Plan (2007–2012) aimed at reducing anaemia among women and girls by 50 per cent through provision of nutritional supplements.<sup>2</sup> In addition, the government is reorganising the existing public health system in order to meet the particular needs of adolescent boys and girls. The Ministry of Health has also introduced a scheme for the promotion of menstrual hygiene and the use of sanitary napkins among adolescent girls in rural areas. However, the introduction of sex and reproductive education in schools has faced opposition, leading to lack of information to support gender-friendly health approaches.

### MALDIVES

Maldives has the lowest adolescent fertility rate in South Asia, with 15 per 1,000

<sup>2</sup> Anaemia is a decrease in the number of red blood cells or less than the normal quantity of haemoglobin in the blood.

15–19-year-old girls having given birth. The gender ratios of under-five mortality and malnutrition show a slight gender disparity in favour of girls.

The Government of Maldives is attempting to strengthen safe motherhood and reproductive health programmes, including adolescent sexual reproductive health. The need to revise climate change and disaster management policies to include a gender-sensitive perspective has also been highlighted in the government's gender mainstream policy.

### NEPAL

In Nepal, the under-five mortality rate is still very high, but numbers do not show great gender disparity. In terms of progress in under-five mortality, too, boys and girls are equal.

The National Youth Policy (2010) aims to spread information on sexual health safety, family planning, maternal child care and the right to motherhood, while the Aama programme ensures free delivery of services. Among under-five children, 29.8 per cent of boys and 39.8 per cent of girls are underweight, and adolescent girls and women are discriminated against in terms of food distribution within the household. The Multi-sectorial Nutrition Plan (2012) provides school and out-of-school initiatives to reduce anaemia, as well as school meals to help keep girls in school longer and increased social protection to their families.

Child health policies and programmes are mostly focused on under-five children, leaving out adolescents. The most vulnerable adolescents are not utilising health services, as they are not adolescent-friendly and there is a lack of information regarding reproductive health. The *Chaupadi pratha*, a tradition that requires females to move out of the family home into a separate dwelling during their menstruation period, is still practised. The adolescent fertility rate is of concern: more than 106 of every

1,000 girls aged 15–19 have given birth.

### PAKISTAN

Progress in reducing under-five mortality has been equal for boys and girls in Pakistan. Today (2011), 68 girls and 76 boys out of every 1,000 risk dying before their fifth birthday. Data on malnutrition of under-five children shows that the percentage of girls wasted (13.2) is lower than the percentage of boys (15.5). The percentages of under-five boys and girls who are underweight are almost the same (31.4 of boys and 31 of girls).

Adolescent fertility rates in Pakistan are among the lowest in South Asia, with 16.1 girls out of 1,000 aged 15–19 years giving birth. The statistics cover the period between 2001 and 2008. Programmes and confidential services in the area of adolescent health are limited.

### SRI LANKA

Sri Lanka has largely overcome gender disparities in important areas of child health. Thirteen boys and 11 girls out of 1,000 under-five children risk death before they reach five years of age. The nutritional situation of girls and women is also positive. The percentages of underweight, stunted and wasted boys and girls are almost the same. About 17 per cent of pregnant women suffer from anaemia and the government attempts to ensure micronutrient supplementation for all. This will also improve the nutritional status of the newborn. Better targeting of food supplement programmes take into account the needs of female-headed families.

The adolescent fertility rate is one of the lowest in South Asia: almost 23 out of 1,000 15–19-year-old girls have given birth. The government is strengthening and monitoring the implementation of the reproductive health component in the existing health and physical education programme being implemented in schools.

## *Child Rights Defender Gauri Pradhan: Transformation of Children's Rights in Nepal*

**“Today, people are gradually becoming aware of children’s rights and making efforts to promote them. It is encouraging that an increasing number of voices are heard from civil society and that a diversity of groups is advocating the rights of the child. The commitment and sensitivity by the government has also increased. Yet, implementation is still a challenge.”**

Currently I am a Commissioner for the National Human Rights Commission (NHRC) in Nepal. But I am also the founder-President of Child Workers in Nepal Concerned Centre (CWIN) and I remember vividly how the society used to look upon children. At that time, child rights were rarely discussed – that is until a group of young graduates from Tribhuvan University took a challenging step to fight for child rights and in 1987 pioneered CWIN, Nepal’s first children’s rights organisation. We were able to defy the convention of charity and heralded a new vision of rights, empowerment and activism. For the first time in Nepal children were recognised as powerful agents of social change and partners in the human rights movement.

After the ratification of the UNCRC, the Nepal Government has brought national laws, by-laws, policies and plans of action in line with the Convention. Likewise, national and local entities and mechanisms have been established by the government to fulfil its national and international obligations, notably the Ministry of Women, Children and Social Welfare, the Central Child Welfare Board (CCWB), District Child Welfare Boards (DCWBs), the District Child Protection System, the Child Helpline (1098), Juvenile Benches in district courts, Women and Children’s Cells within the Nepal Police and Juvenile Reformation Homes.

Moreover, as the first Chairperson of CCWB from civil society I was engaged in the formulation of the National Plan of Action for Children (2004–2014), which included children’s participation in national policy-making. In my current role as Commissioner for the NHRC, I am constantly making efforts to establish children’s rights as a broader human rights issue. Though the child rights desk at the Commission is seriously trying to address violations of child rights, in the future it is advisable to have an independent child rights commission, which would be able to oversee the broader issues of child rights nation-wide.

Nepal is now going through a historic period of social transformation. We need a society where the rights of children are fully guaranteed and every child can live a dignified life free from all forms of discrimination and exploitation. The new Constitution of Nepal should guarantee children’s rights. Children’s rights must be considered as part of the broader social environment and we need to create an enabling environment to empower children, increasing their meaningful participation and creating large-scale social mobilisation.

Furthermore, strengthening partnerships and networking with all concerned social, economic and political organisations is needed. We need to realise that children are not only targets of development – they are equally agents of social transformation as others in society. For this, we should further enhance our efforts to end the tradition of fatalism and impunity, thereby promoting a worldwide human rights culture.







# Chapter 7 – Quality education for all

Education is an important vehicle for nation-building and the prime modality for children to develop their knowledge, personalities and sense of dignity. Education can also be seen as a crucial means to promote commonly held values such as tolerance, friendship, peace and human rights for all. For many children, especially the most marginalised, to be able to go to school is an opportunity to enhance their chances in life – not the least for girls, to whom schooling has traditionally been limited or denied in most societies.

According to the Universal Declaration of Human Rights, education is a human right that everyone is entitled to free of charge, at least in the elementary stages. In addition to this universal entitlement, the right to education has also come to be understood as empowerment – enabling children to acquire quality knowledge, skills and competencies. This approach to rights-based education was integrated into the 1989 Convention on the Rights of the Child (CRC), four decades after the adoption of the Universal Declaration of Human Rights. Throughout the CRC, the right to education is seen as entailing both access to the education system and a child-centred and child-friendly content of education, which focuses on the quality of the learning environment as well as of learning outputs.

Tapping into the growing momentum for children's rights brought on by the Convention, the international community agreed on a World Declaration on Education for All in 1990, which focused on meeting basic learning needs.

Taken together, the Universal Declaration of Human Rights, the CRC and the World Declaration on Education for All constitute the key international standards for education. To realise these standards, the six Education for All goals and Millennium Development Goals (MDGs) 2 and 3 on universal primary education and gender discrepancies in education set the international benchmarks. In recent years, the issue of quality in education has risen to prominence, influencing the post-MDGs agenda and the evolution of the Education for All goals.

Education in South Asia has undergone important changes and improvements over the last decade. Primary school tuition fees have been abolished in all countries and more and more children, including girls, are enrolled in school.<sup>1</sup> In addition, gender equity and human rights, such as the right to education, are recognisable principles behind much national education legislation. Considerable efforts lie behind these changes and the governments have demonstrated their commitment to reach key education targets, notably MDG 2 and 3. Despite continuous improvement in primary education, South Asian countries still have some way to go to achieve MDG 2 on universal primary education, as 13 million children in the region are still out of school. In addition, the quality of education, including pupil–teacher ratios, is still a challenge in many countries, partly because of a shortage of skilled teachers. Work also remains to ensure fair and shared opportunities for all children without discrimination through inclusive education policies.

This chapter measures quality education for all in South Asia based on the latest available data from UNESCO. First, the chapter summarises the key achievements and challenges in the region across three domains of education – enrolment and retention, quality of learning and girls' empowerment – each containing individual indices based on a set of comparable indicators. This is followed by a section on the history and theory of education's key role in international development. Then, the chapter presents the details of each of the three domains, including indicators and country-rankings, key regional findings, and country-specific information.

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<sup>1</sup> The term primary school is defined differently in different countries. For example in India it is defined up to class 5 whereas in some other countries it is up to class 6. For the purpose of this index, the UNESCO categorisation has been used, which ensures international indicator comparability for primary, secondary and tertiary education.

## Key regional findings: overall achievements and challenges

In the region, Maldives and Bhutan have been, on average, the most successful countries in realising children’s right to education. In these countries, national average enrolment (gross enrolment ratios) improved consistently for boys and girls, with a fair pupil–teacher ratio. While the relatively high education spending in these countries has likely contributed to education outcomes,<sup>1</sup> it is difficult to draw definite conclusions – in particular since sub-national disparities remain pronounced in both countries. Not far behind Maldives and Bhutan, Sri Lanka has also achieved very good enrolment and pupil–teacher ratios overall, although girls’ empowerment results are lower. In India, progress in the number of children enrolled in primary school has been remarkable, as has Afghanistan’s progress in girls’ enrolment. In addition, Bangladesh and Nepal have made substantial improvement in enrolling a much higher number of girls in school compared with 10 years ago. In

Pakistan, gross enrolment ratios in primary education, especially of girls, have also grown consistently. The education achievements should be seen in the context of sub-national disparities, which are pronounced in the South Asia region.

### Domain 1: Enrolment and retention

Average enrolment achievements have been remarkable in South Asia. The latest data shows very positive results in primary school enrolment: most countries in the region have achieved around or more than 100 per cent gross enrolment, indicating a high capacity of the education system.<sup>2</sup> In general, the results for girls are generally slightly lower than for boys. However, it should be noted that it is not necessarily positive to have a gross enrolment figure well above 100, as a country may be doing very well in enrolling children

Key regional findings: overall achievements and challenges

	Education ranking	Enrolment and retention	Quality of learning	Girls’ empowerment
Maldives	1	1	1	4
Bhutan	2	2	2	2
Sri Lanka	3	3	3	5
India	4	4	7	1
Bangladesh	5	8	6	3
Afghanistan	6	5	5	8
Nepal	7	7	4	7
Pakistan	8	7	8	6

For a detailed indicator list, see each of the three education domains sections below. See also the Appendix for more information. Data is sourced from UNESCO.

1 High spending according to, for example, available 2011 data on education spending as a percentage of Gross Domestic Product (GDP) from UNESCO and Government Spending Watch. According to UNICEF, in Maldives, for the 1995–2008 period, the health and education budgets increased almost six-fold, and this increase appears to be reflected in good education and health facilities: UNICEF Regional Office South Asia (2009), *The Social Sector In The Maldives: An Overview And Policy Ideas For Reform*.

2 The gross enrolment ratio is calculated as the total enrolment in a specific level of education, regardless of age, expressed as a percentage of the eligible official school-age population corresponding to the same level of education in a given school year. If the number of under- and over-aged students decreases for a particular school level, a sign of a well-functioning education sector, this will actually lower the gross enrolment ratio. The net enrolment rate, which is used for the MDG 2 on universal primary education, measures the enrolment of the official age group only.

into schools but not so well in retaining them. Also, when an education system has been effective for a number of years, there are few outside of the official age group that are enrolled. This is one of the reasons why countries like Maldives and Sri Lanka, where the education sector has been operating increasingly well, have seen their gross enrolment ratios decrease from an already high level since 2000. South Asian countries also have some way to go to achieve MDG 2 on universal primary education, as 13 million children of primary school age in the region are still out of school as of 2010.

Progress in primary school enrolment between 2000 and 2012 has been consistent in most South Asian countries for both boys and girls – especially for girls in Afghanistan. However, average enrolment in pre-primary school remains low, except in Maldives and Sri Lanka. Secondary school results vary between 29.5 and 107 per cent, with girls in Sri Lanka having the highest gross enrolment ratios in the region. A major issue when it comes to secondary education in South Asian countries is the huge gap in enrolment ratios between lower and upper secondary, which means that many students do not transit from basic education (usually end of lower secondary) to upper secondary.

As for the average number of years of primary and secondary schooling a child in South Asia is likely to complete (school life expectancy), about 10 or a few more years are expected in most countries – although in some countries children can expect significantly less, such as in Bangladesh and Pakistan where school life expectancy is around 6-7 years. Afghanistan and Bhutan have experienced the largest improvements in school life expectancy, whereas Bhutan, Maldives and Sri Lanka are the top performers, with around 12 expected years of schooling for both boys and girls.

The barriers to both enrolment and retention in South Asian schools include unaffordable costs, limited physical infrastructure, socio-cultural norms that prevent girls from attending school and security issues – all of which may

cause children to drop out of school or never start at all. For example, schools are targets of terrorism in Afghanistan and Pakistan, and children's education has been seriously compromised by civil conflicts in some parts of Nepal, Sri Lanka and India. Abolishing formal school fees has been a fundamental step towards realising universal education in the region, but additional charges for uniforms, textbooks and school maintenance often create financial barriers for many families.

### **Domain 2: Quality of learning**

As in other regions, the remarkable expansion of primary school enrolment in South Asia has given rise to a shortage of skilled teachers. This scarcity – especially of female teachers – has had a negative impact on the teacher–gender balance and, most importantly, the quality of learning in general. Governments are providing incentives to attract and retain good teachers, but public perception of teachers and teaching remains unfavourable in some countries. Other barriers to quality of learning include the rather low general quality of teachers' education and the South Asian countries' internally differentiated education systems, with the private sector, NGOs and religious institutions running schools in addition to the government. There is some way to go before a comprehensive system for curriculum development, certification and regulation of the whole school environment is established in the region.

In this context, the number of pupils for every teacher (the pupil–teacher ratio) is high in most countries of the region. Ensuring low pupil–teacher ratios is likely to increase the chances of children being seen and heard, optimising the quality of learning. It should also be noted that population and geography of a country influence the pupil–teacher ratio. As such, it is always more difficult to find available teachers for remote areas of a country, compared with the capital city.

In pre-primary school, the pupil–teacher ratios are mixed, ranging from as low as seven to as high as 41 in countries where data is available.

The number of pre-primary school children per teacher is low in Bhutan and, especially, in Afghanistan. In primary school, there are generally more pupils for every teacher than in pre-primary school; in half of the countries in the region (Afghanistan, Bangladesh, India and Pakistan) the pupil–teacher ratio is very high at around 40 on average. Conversely, in Maldives, primary school results are exceptional, with only around 12 pupils for every teacher on average. Finally, the pupil–teacher ratios in secondary schools in South Asia are slightly better than in primary schools. As such, only Pakistan has a ratio above 40 and most of the remaining countries score below 30. Again, Maldives stands out with a ratio of only around 14.

When it comes to gender balance amongst teachers in the region, the available data from 2010–2012 shows an overall lack of female teachers in primary school. In some societies, male teachers will be warmly welcomed as role models and teachers of younger children, whereas in others female teachers are seen as encouraging more girls to enrol in school, contributing to the caretaking of the youngest, or simply necessary due to socio-cultural and religious considerations. With no research into quality education consistently favouring either male or female teachers in primary school, it can be argued that the best approach to increasing quality of learning in the context of increasing gender parity in enrolment is to also work towards gender parity (50 per cent female and male teachers) of the teaching force. In the region, Bangladesh and Pakistan score best in this respect, with almost 49 per cent and around 48 per cent of teachers in primary school being female in 2010, respectively. The greatest gender imbalance in primary education favouring men can be found in Nepal and, especially, Afghanistan – and the greatest imbalance favouring women in Maldives and, especially, Sri Lanka.

### Domain 3: Girls' empowerment

In South Asia, enrolment and retention for girls have increased at all levels of education. This is partly a result of governments mobi-

lising communities, targeting financial support for girls, ensuring gender-sensitive teaching methods and materials, and providing a safer and healthier school environment in recent years. Retention rates often improve along with enrolment rates, as, once in school, girls tend to have a good chance of continuing.

In pre-primary school, gross enrolment ratios are similar for girls and boys in most countries – and higher for girls in India, Maldives and Sri Lanka.<sup>3</sup> The situation is similar in primary school, with most countries achieving gender parity or near gender parity and girls outperforming boys in two of the countries (Bangladesh and Bhutan). Girls even do better than boys in half of the countries in the region when it comes to progress in primary school enrolment. Regionally, there were 83 girls for every 100 boys in primary school in 1999, and this share increased to 98 girls for every 100 boys in 2010 (gross enrolment). In particular, Bhutan and, especially, Afghanistan have increased girls' participation in primary education at a remarkable pace, although girls' gross enrolment in Afghanistan is still the lowest in the region. In secondary education, although progress in girls' enrolment has been consistent in South Asia, girls enrolment vis-à-vis that of boys is less impressive than that of the other school levels. A few countries come very close to full gender parity, whereas in Bangladesh and Maldives there are significantly more girls than boys enrolled.

As for school life expectancy for primary to secondary school, the results are similar for girls and boys in half of the countries of the region. Boys do better than girls in the other countries for which there is data. That said, progress (1999–2011) in school life expectancy for girls has been consistent and sometimes substantial in the region – especially in Bhutan and Afghanistan. Girls' progress in comparison to boys' is most impressive in Nepal and Sri Lanka.

<sup>3</sup> In reflection of the need for greater progress for girls to ensure gender equality, it was decided that the indicator would be "girls' empowerment" rather than gender parity or gender equality. As a result, in the index, countries which have very high female ratios and lower male ratios have been given the best scores. See the Appendix for more information.

Despite the achievements in increasing girls' empowerment in education, the situation in the region is less encouraging for young girls aged between 15 and 24. Globally, gender gaps in this age group have been narrowing consistently during the last decade but in South Asia the gap is more notable with 86 literate women for every 100 literate men in the

age group of 15–24 years.<sup>4</sup> There are several reasons for this. For example, the practice of early marriage is common in most of South Asia, particularly Afghanistan, Bangladesh, Nepal, India and Bhutan.

<sup>4</sup> UN (2012), *The Millennium Development Goals Report*, p.19.

## Background: a history of quality education

Setting the course for rights-based education has entailed establishing a number of important international standards, starting with the Universal Declaration of Human Rights in 1948. The Universal Declaration states in Article 26 that education is a human right for all:

Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.

Forty-one years after the Universal Declaration, the Convention on the Rights of the Child (CRC) opened for ratification. The CRC recognises the right of the child to education in its Preamble and further elaborates on that right in a number of its articles. Prior to the CRC, international standards that have contributed to mainstreaming education as a human right include the 1960 UNESCO Convention against Discrimination in Education and the 1966 International Covenant on Economic, Social and Cultural Rights.

In 1990, the same year as the entry into force of the CRC, the international community agreed on a World Declaration on Education for All, which encourages State Parties to take appropriate measures to increase enrolment and retention rates, and to make sure that school discipline is administered in conformance with human dignity. The World Declaration also promotes international cooperation to eliminate illiteracy and facilitate access to

scientific and technological knowledge, including modern teaching methods.

At the 2000 World Education Forum in Dakar, governments agreed on six goals to implement the World Declaration on Education for All and other standards on education. Around the same time, the Millennium Development Goals (MDGs) were launched, two of which – Goal 2 and 3 on achieving universal primary education and promoting gender equality and empower women – are related to education.

### The Convention on the Rights of the Child and empowerment

The right to education is addressed throughout the CRC – either explicitly, as in Articles 27, 28, 29, 31 and 32, or indirectly, as in Articles 3, 12, 13, 14, etc. Furthermore, the Committee on the Rights of the Child's 2001 General Comment elaborates on the aims of education and in particular Articles 28 and 29 of the CRC. Quality education is mentioned as requiring a focus on the quality of the learning environment, of teaching and learning processes and materials, and of learning outputs.

**MDG 2 Target:** Ensure that, by 2015, children everywhere, boys and girls alike, will be able to complete a full course of primary schooling.

**MDG 3 Target:** Eliminate gender disparity in primary and secondary education, preferably by 2005, and in all levels of education no later than 2015.



**Article 29 of the UN CRC:**

I. States Parties agree that the education of the child shall be directed to:

- (a) The development of the child's personality, talents and mental and physical abilities to their fullest potential;
- (b) The development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations;
- (c) The development of respect for the child's parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own;
- (d) The preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin;
- (e) The development of respect for the natural environment.

The CRC regulates the child's right of access to the education system and the content of education. The Convention requires that primary education shall be compulsory and free for all. Countries are obliged to offer various forms of secondary education and gradually provide them free of cost. Education shall be child-centred, child-friendly and empowering and the child has to be able to express his/her views freely. The education system shall further promote non-violence and teach respect for the natural environment. Education shall also promote respect for differences, taking the linguistic and cultural rights of children belonging to minority groups into consideration.

The CRC must be seen as a totality with regard to the right to education. Adopting a human-rights-based approach, the Convention requires states to look at all paragraphs as a whole. The CRC establishes education both as a right in itself and as a means to obtain other rights of the child. Finally, a legislative framework based on the Convention that enables the child's development must also be clear on the responsibilities of the child to learn.

**Education for All – since 2000**

In 2000, the international community came together for the World Education Forum in Dakar. The Forum followed up on the World Declaration and agreed on six measurable goals (the Dakar Framework for Action) to realise international education standards. The goals are:

1. expanding and improving comprehensive early childhood care and education, especially for the most vulnerable and disadvantaged children;
2. ensuring that by 2015 all children, particularly girls, children in difficult circumstances and those belonging to ethnic minorities, have access to and complete, free and compulsory primary education of good quality;
3. ensuring that the learning needs of all young people and adults are met through equitable access to appropriate learning and life-skills programmes;
4. achieving a 50 per cent improvement in levels of adult literacy by 2015, especially for women, and equitable access to basic and continuing education for all adults;
5. eliminating gender disparities in primary and secondary education by 2005, and achieving gender equality in education by 2015, with a focus on ensuring girls' full and equal access to and achievement in basic education of good quality;
6. improving all aspects of the quality of education and ensuring excellence of all so that recognised and measurable learning outcomes are achieved by all, especially in literacy, numeracy and essential life skills.<sup>1</sup>

The six Education for All Goals are the benchmarks through which progress towards ensuring the fulfilment of education-related rights in the CRC can be measured. By reaching the Education for All Goal 2 on education for girls and marginalised/disadvantaged children, governments stand a chance of providing children with what is their right according to Articles 23 and 30 of the Convention. By eliminating gender disparities in education, Articles 13 and 19 are upheld, and so on. Moreover, the Committee on Economic, Social and Cultural Rights has stressed the

<sup>1</sup> Education For All: Meeting our collective commitments. The Dakar Framework for Action. Paragraph 7. Dakar, 2000.

linkages between the Education for All Goals and Articles 13 and 14 of the International Covenant on Economic, Social and Cultural Rights – implying the legal implications of the Dakar Framework. All South Asian countries have developed Education for All action plans to implement the six Education for All Goals.

### Quality of education

The need to ensure quality in education features prominently in international education standards and targets. The UNESCO Convention against Discrimination in Education and the Convention on the Elimination of All Forms of Discrimination against Women are two examples of legal standards that elaborate on educational quality. The issue also features in the International Covenant on Economic, Social and Cultural Rights and the CRC, although the UN Committees responsible for overseeing the implementation of these instruments have different standards on what constitutes quality in practice. Even so, international targets on educational quality have been established. In particular, goal number six of the Dakar Framework for Action compels states to improve all aspects of the quality of education and ensure excellence of all so that recognised and measurable learning outcomes are achieved by all, especially in literacy, numeracy and essential life skills.

According to the Special Rapporteur on the right to education, a holistic conceptual framework for quality education is possible by drawing on existing debates on “basic learning needs”, humanist values in education and UNESCO’s four pillars of education.<sup>2</sup> Such a framework would require minimum levels of knowledge and values, adequate school infrastructure and environment, trained teachers, and universal access and participation.<sup>3</sup> The provision of adequate resources would be crucial for implementation. In addition, quality norms and standards have to be applicable to both public and private providers of edu-

cation – and sanctions must be available in the case of non-compliance.

The right to quality education has become a key issue in the discussions on the future of the Education for All agenda and the Millennium Development Goals (MDGs) post-2015. This is largely because despite improvements in enrolment rates, there are persistent challenges in educational outcomes in basic education, putting quality of education into question. The education-related MDGs, which do not include quality-related targets, are in particular the subject of calls for quality education as an overarching standard to be reflected in the post-2015 scenario. For example, at the Asia-Pacific consultation on education in the post-2015 development scenario, quality in education was a key subject.<sup>4</sup> The Consultation brought together over 120 stakeholders from the Asia-Pacific and sought to develop a collective voice on education priorities in the region. It was emphasised that quality learning should be the unifying umbrella theme for national education policy reforms and the future global development agenda.

### The right to education in South Asia

The inter-governmental South Asian Association for Regional Cooperation (SAARC) has emphasised the importance of education in a number of regional initiatives and documents. For example, cooperation in education entered the SAARC agenda early with the establishment of a Technical Committee on Education in 1989, coming under the purview of the Technical Committee on Human Resources Development in 1999. Moreover, a SAARC Consortium of Open and Distance Learning (SACODiL) and a SAARC teachers’ forum have been created. The First Meeting of the SAARC Ministers of Education and Higher Education was held in 2009, discussing SAARC–UNESCO cooperation and Higher Education Policies and Strategies.

As for regional documents, the SAARC Social

2 Learning to know, learning to do, learning to live together and learning to be.

3 Human Rights Council (2012) Report of the Special Rapporteur on the right to education, A/HRC/20/21, art. 21.

4 UNICEF, UNESCO (2013) Education in the Post-2015 Development Agenda: Regional Thematic Consultation in the Asia-Pacific, 28 February and 1 March 2013, Bangkok, Thailand.

Charter reaffirmed the importance of providing free education to all children between the ages of 6 to 14 years. Moreover, many of the 2007 SAARC Development Goals relate to education. These include Goal 13 on access to primary/communal schools for all children, Goal 14 on the completion of a cycle of primary education for all, Goal 15 on basic literacy skills, and Goal 16 on quality education at primary, secondary and vocational levels.

Furthermore, all countries in the region have enshrined the right to free education (at least at the primary level) in their Constitutions, although education is not compulsory in Nepal. The political will to improve children's education has further been expressed by all South Asian governments in national policies, plans of action or strategies.

## Domain I: Enrolment and retention

### Key findings: achievements and challenges

The latest enrolment data (average gross enrolment) shows very positive results for primary education in South Asia: most countries in the region have achieved around or more than 100 per cent gross enrolment (which also includes pupils out of the official school age), indicating a high capacity of the education system. In addition, progress in primary school gross enrolment between 2000 and 2012 has been consistent in most South Asian countries. Despite this progress, more needs to be done to achieve MDG 2 on universal primary education, as 13 million children of primary school age in South Asia are still out of school as of 2010. As for pre-primary school, with the exception of Maldives and Sri Lanka, gross enrolment remains low. Secondary school enrolment ratios range from 29.5 per cent gross enrolment for girls in Pakistan to 101.7 per cent gross enrolment for girls in Sri Lanka.

Children in South Asia are likely to complete about 10 or a few more years of formal primary to secondary schooling on average in most countries – although in some countries children can expect significantly less. Children in Bhutan, Maldives and Sri Lanka can expect around 12 years of schooling for both boys and girls.

#### AFGHANISTAN

Afghanistan has extended the date for achieving the Millennium Development Goals

(MDGs) until 2020 and has good mechanisms in place for monitoring and evaluating the government's performance. The government is committed to enrolling 75 per cent of boys and 60 per cent of girls in primary education by 2014 (net enrolment). Gross enrolment ratios for girls (circa 81 per cent) and, especially, boys (circa 114 per cent) are already high in primary school – and progress has been most impressive for girls. However, girls' education is still a major challenge because of the prevailing discrepancy between boys' and girls' gross enrolment ratios and retention in all levels of education.

Inequitable access on the basis of ethnicity and ability is still an issue, as can be seen from the low enrolment ratios for children with disabilities and children from the Kuchi nomad minority. A few Kuchi-specific schools and mobile schools have been established to facilitate the attendance of children from this minority group. The government organises accommodation of children from vulnerable groups in ordinary schools. Both UNICEF and UNESCO supported the government in developing a strategy, teaching manuals (ILFE Handbook), and general strengthening of inclusive education. Many schools have children from vulnerable groups and are in need of this support.

#### BANGLADESH

Despite a lack of comparable UNESCO enrolment data, UNICEF shows gross enrolment ratios for boys and girls in primary

## Domain I: Enrolment and retention: Key findings

	School life expectancy (years) – Primary to secondary – Female – 2010/2012	12.46	12.34	13.08	9.7	6.9	7.79**	6.22	7.54(XX)
	School life expectancy (years) – Primary to secondary – Male – 2010–2012	12.27	11.97	12.87	10.24	10.57	9.51**	7.87	7.54(XX)
	Progress 2000–2012 – Secondary School – Gross Enrolment Ratio – Female	+20.72AA	+40.49	+22.05(X)	+23.02	+28.1(X)	+11.8AA	+5.38(X)	+5.56
	Progress 2000–2012 – Secondary School – Gross Enrolment Ratio – Male	+16.26AA	+28.67	+24.96(X)	+13.16	+39.97(X)	+5.45AA	+9.08(X)	+0.43
	Progress 2000–2012 – Primary School – Gross Enrolment Ratio – Female	-28.9	+39.12	-8.75	+30.53***	+77.49A	+2.67•	+26.97	+4.3->
	Progress 2000–2012 – Primary School – Gross Enrolment Ratio – Male	-26.54	+26.96	-10.09	+14.47***	+76.51A	-7.7•	+17.38	+7.8->
	Progress 2000–2012 – Pre-primary School – Gross Enrolment Ratio – Female	+53.86	+7.73	No data	+31.44	No data	-0.78•	-5.03**	-4.16
	Progress 2000–2012 – Pre-primary School – Gross Enrolment Ratio – Male	+51.12	+8.1	No data	+30.66	No data	-0.71•	-21.55**	-3.58
	Secondary School – Gross Enrolment Ratio – Female – 2010–2012	75.63	77.22	101.7	60.39	34.07	40.78#	29.5	29.5
	Secondary School – Gross Enrolment Ratio – Male – 2010–2012	67.04	73.32	98.83	65.79	62.03	46.06#	40.23	40.23
	Primary School – Gross Enrolment Ratio – Female – 2010–2012	102.93	111.16	98.66	115.99	81.04	106.28**	83.33	97#
	Primary School – Gross Enrolment Ratio – Male – 2010–2012	104.63	109.59	98.84	116	114.13	123.4**	101.28	93#
	Pre-Primary School – Gross Enrolment Ratio – Female – 2010–2012	117.82	8.87	84.74	55.91	0.58*	10.9**	46.16***	46.16***
	Pre-Primary School – Gross Enrolment Ratio – Male – 2010–2012	112.64	9.28	84.45	53.84	0.73*	12.87**	52.04***	52.04***
	Ranking for Enrolment & retention	1	2	3	4	5	6	7	8
	Maldives	Bhutan	Sri Lanka	India	Afghanistan	Nepal	Pakistan	Bangladesh	

Rankings are based on average scores. See the Appendix for more information.

\*Latest Data available from 2003, \*\*Latest data available from 2002, \*\*\*Latest data available from 2005, # SOWC (2012) – data from 2007–2010, Latest data available from 2004, #Latest data available from 2006, •Progress 2000–2005, ••Progress 2000–2005, •••Progress 2000–2008, A Progress 1999–2011, AA Progress 2000–2004, AAA Progress 2000–2006, X Progress 2003–2011, XX Progress 1999–2010, XXX School life expectancy (years). Primary to secondary. Total – World Bank 2008, -> SOWC 2005 (data from 1998–2002).

1. The gross enrolment ratio is calculated as the total enrolment in a specific level of education, regardless of age, expressed as a percentage of the eligible official school-age population corresponding to the same level of education in a given school year. If the number of under- and over-aged students decrease for a particular school level, a sign of a well-functioning education sector; this will actually lower the gross enrolment ratio. The net enrolment rate, which is used for the MDG 2 on universal primary education, measures the enrolment of the official age group only.

school at about 93 and 97 per cent, respectively – and figures are reportedly staying at this level.<sup>1</sup> As for pre-primary education, the National Education Policy (2010) has introduced pre-primary schooling from the age of five, and more than 26,300 primary schools receive assistance from the government. Nevertheless, the latest pre-primary enrolment figures (2010) are low. In secondary school, there have been achievements in terms of girls' enrolment. The percentage of girls enrolled in secondary school (about 55 per cent) now exceeds that of boys by more than 6 percentage points (gross enrolment). Early entry into the labour market, especially of boys who belong to poor families, seems to be the primary cause of this gender disparity. Since 2008, stipends have been extended to poor boys in some areas of the country.

In regard to retention, the drop-out rate before completion of class 5 is around 34 per cent (2009). This is mitigated somewhat by unregistered schools and NGOs offering non-formal education. As a result, it is likely that not all children registered as drop-outs actually discontinue their education. Bangladesh stands apart from other South Asian countries with some 41 per cent of total enrolment in private institutions. It is necessary to point to the great success of Bangladesh's education NGOs (main provider BRAC).

An opportunity to improve enrolment ratios and retention rates for vulnerable groups has been created through introduction of the Innovation Grants Programme. The programme provides a grant to organisations that promote access for disadvantaged children and ensure that they stay in school. Moreover, about 15,000 street children in the country, aged 7 to 14 years, are receiving primary education from Children Welfare Trust Schools. Selected students receive additional vocational training. Children with minor disabilities are encouraged to enrol by small stipends and complimentary textbooks, and a screening tool to identify such children has been introduced on a pilot basis.

<sup>1</sup> UNICEF (2012) SOWC – data from 2007–2010.

## BHUTAN

Primary education is a success story in Bhutan, partly as a result of having declared education a national priority decades ago, which has led to the construction of hundreds of new schools and other educational facilities with improved accessibility, as well as a focus on women's education. Primary school gross enrolment ratios increased from 82.6 per cent for boys and 72 per cent for girls in 2000 to 109 per cent for boys and 111 per cent for girls in 2012. In addition, the net enrolment rate (enrolment of pupils of the official school age) is 89 per cent, the survival rate to the last grade of primary cycle is 93 per cent and school life expectancy is about 12 years for both sexes. As a result, the country is on track to achieve the Millennium Development Goal of universalising primary education, despite the enormous difficulties in creating educational facilities for a highly dispersed population in a mountainous terrain. When it comes to secondary school, around 37 per cent of students were enrolled in 1999, and that figure had increased to about 75 per cent in 2012 (gross enrolment). However, the pre-primary school enrolment ratios for both girls and boys remain amongst the lowest in the region at about 9 per cent. Policy guidelines have been prepared for expanding the Early Childhood Care and Development programme and information has been disseminated through radio and television.

To accommodate the increase in enrolment in primary school, the government has built new secondary schools and explored the possibility of extending bus services, especially in the urban centres. Bhutan aims to eliminate the drop-out rate in secondary school by 2015. Moreover, curriculum reform is on the agenda, as is meeting the challenge of a shortage of qualified teachers.

The government is also constructing schools in remote areas to ensure that all children are within three kilometres, or one hour's walking distance, from education facilities. This enables many children, who would otherwise be in boarding school, to live at home, and the initiative is proving crucial in encouraging girls to stay in school. However, reaching children of



nomadic populations and remote settlements is an unresolved challenge as there are still too few schools in remote areas – and those that do exist often lack electricity and improved water and sanitation facilities. The government plans to offer stipends to children from remote settlements and nomadic communities in order to provide access to accommodation in areas in close proximity to schools.

## INDIA

Primary and pre-primary school enrolment in India are amongst the highest in the region. As such, gross enrolment ratios are about 116 per cent in primary education for both sexes, while the ratios are 60 per cent for girls and 56 per cent for boys in pre-primary education. Progress in primary school enrolment is greater for girls. Pre-primary education enrolment has been aided by a national government programme providing assistance to voluntary organisations running kindergartens. The government is also in the process of drafting a National Early Childhood and Education Policy. Secondary school gross enrolment ratios, at about 60 per cent for girls and 66 per cent for boys, are in the higher end in the region, whereas school life expectancy from primary to secondary education is average (at around 10 years for both sexes).

The 2013 National Policy for Children aims at promoting free and qualitative education for all children, implementing vocational training programmes and focusing on early childhood care and education. Other themes in the policy include the rehabilitation of out-of-school children, the discrimination on the basis of gender, caste, religion or social and economic status, the safety of the learning environment, the engagement of children with new technologies and the abolition of physical punishment in schools.<sup>2</sup>

## MALDIVES

Maldives has already achieved the Millennium Development Goal on providing universal primary education (net enrolment in 2011 was about 94.5 per cent for both sexes). As for gross enrolment ratios, figures are above

100 per cent for both boys and girls (102 per cent and 104 per cent, respectively). As the education system improved, gross enrolment ratios have decreased from even higher levels in 1999. Over the last decade, the government has expanded the education sector with great success. Education is now free of charge for all children, which includes the provision of free textbooks, stationery and payment of exam fees, even in secondary and higher secondary examinations. Child-friendly school systems have also been introduced in selected pre-primary and primary schools.

The gross enrolment ratios in pre-primary education programmes are the best in South Asia at about 113 per cent for boys and 118 per cent for girls (2011). Maldives' inclusion of a comprehensive early childhood care and development programme in national development and education plans has helped in improving access, despite challenges associated with the country's island geography and post-tsunami reconstruction.

The secondary school gross enrolment ratios were about 67 per cent and 76 per cent for boys and girls, respectively, in 2004 – figures for later years are not available. These figures are among the highest in South Asia. However, the geography of the country is the primary barrier which limits physical access to secondary education. Many children from vulnerable groups do not attend school because the school is physically inaccessible or the parents or teachers do not believe the child is able to learn. Classes for children from vulnerable groups have been established with a vision to set up at least one school suited for this purpose in each atoll and to make half of mainstream schools physically accessible to children with disabilities by 2013.<sup>3</sup> The government has also decided to establish boarding facilities in the islands and provide the necessary financial assistance.

## NEPAL

In Nepal, the gross enrolment ratio for boys in primary school is the highest in South Asia with around 123 per cent for boys and 106 per

<sup>2</sup> Government of India, Ministry of Women and Child Development (2013) *The National Policy for Children*, pp. 6–8.

<sup>3</sup> Government of Maldives (2009) *Aneh Dhivehi Raajje, The Strategic Action Plan (2009–2013)*.

cent for girls, according to data from 2002. Data for the subsequent period is not readily available from UNESCO. The targets set by the School Sector Reform Plan (2009–2015) for 2015 are gross enrolment ratios of 131 per cent in primary and 75 per cent in secondary for both sexes.<sup>4</sup> Considering national statistics, the targets will most probably be fully achieved. Gross enrolment ratios for both sexes according to the Flash I Report (2011/12) are 135.9 per cent at primary level and 70.1 per cent at secondary level.<sup>5</sup> The latest secondary school ratios were registered and collected by UNESCO in 2006, when they were 46 per cent for boys and 41 per cent for girls. A special package to promote access and completion of secondary education for children from vulnerable groups has been introduced. As for pre-primary education, it is largely limited to well-off areas and urban centres.<sup>6</sup>

The government is gradually introducing free primary and secondary education, with full effect expected from 2015. Admission and tuition fees have been abolished and textbooks until basic education (grade eight) are provided free of cost. However, the community schools are found to be charging admission and exam fees, especially for secondary education. Costs of school supplies and uniforms still remain. Partly as a result, there is disparity in enrolment and completion rates based on socio-economic status, sex, caste, ethnicity, etc. Drop-out after basic education is very high as youths tend to join the job market. Most of these unskilled and poorly educated youths are migrating for employment to the Arabian, East Asian and South East Asian countries. The latest data on school life expectancy from primary to secondary school (2002) shows that girls and boys can only expect to complete about 8 and 9.5 years of schooling, respectively.

4 Developed on the basis of Nepal's Country Assessment for EFA, in preparation of the World Education Forum <http://www.unesco.org/education/wef/CountryReports/nepal/contents.html>.

5 Government of Nepal, Ministry of Education (2011) Flash I Report 2068 (2011/12), p. 30/48.

6 It should be noted that the Flash (2012/13) report reveals that gross enrolment in ECD was at 73.7 per cent in 2012. However the reliability of this data is an issue.

The enrolment results are all the more remarkable when considering ten years of civil conflict, in which children were recruited into armed groups and schools were often unable to function properly due to intimidation or instability. During the conflict, civil society and the UN campaigned to make schools “Zones of Peace”.<sup>7</sup> In 2011, five years after the start of the peace process, the government adopted the concept, and strategies have since been developed at national, district and local levels in partnership with political parties, educational professional bodies, civil society and the private sector.

### PAKISTAN

Under the Constitution of Pakistan, education is a fundamental right of every child from 5 to 16 years of age, but local governments have not yet introduced laws to implement it. A comprehensive review of the school curriculum was initiated in 2005.

Gross enrolment in primary education has improved during the last decade. In 1999, 71 per cent of children were enrolled in primary school, and by 2011 this figure had increased to 92 per cent. Gross enrolment ratios in secondary education are lower, as in all other South Asian countries: 40 per cent of boys and 29 per cent of girls were enrolled in 2011. Enrolment in pre-primary education is amongst the highest in the region for both boys and girls (52 and 46 per cent respectively). As in Afghanistan, girls' education remains a major challenge in Pakistan. Although the gender balance in enrolment (gross) has improved, girls' enrolment is still significantly lower than that of boys in primary and secondary school.

As with India and Afghanistan, there is a need to improve education infrastructure. Due to earthquakes and floods in recent years, six per cent of all education institutions of the country were damaged and school drop-out rates increased dramatically. The government has taken specific policy action to be prepared for similar problems in the future, focusing on construction standards and guidelines for

7 Save the Children (2012) Breaking the cycle of crisis, p. 34.

schools in case of recurring emergencies.<sup>8</sup> Because of the influence of the Pakistani Taliban, in 2011 more than 100 schools were allegedly damaged or destroyed by attacks, and threats of violence prevented students and teachers from attending school.

### SRI LANKA

Sri Lanka has the highest proportion of children enrolled in secondary school in South Asia – 100 per cent were enrolled in secondary education in 2010. As for primary education, enrolment has been decreasing from already high levels in 2001 to around 99 per cent for both boys and girls in 2010. This is likely the result of a well-functioning education system (in which over- and under-age pupils are rare), rather than an overall decrease in the number of children in school. Indeed, net enrolment data from 2010 (about 94 per cent for both sexes) confirms that enrolment in primary education is high.

To bring out-of-school children into the classroom, the government is providing scholarships, mid-day meals, free textbooks, uniform materials and transport subsidy. The Gama Neguma Village Upliftment Programme plans

<sup>8</sup> Government of Pakistan (2009) National Education Policy, p. 40.

to transform small villages into micro-centres of growth. Enhancing the accessibility of these villages to schools and pre-schools with sufficient human and physical resources is an integral part of the programme. Other measures to improve enrolment rates in primary and secondary school include ensuring a school for every child within a stipulated distance, increasing the number of Non-Formal Education Centres and enhancing multi-grade teaching. The government also plans to conduct periodic surveys to identify the resources needed to improve the enrolment and retention rates in disadvantaged communities, where the number of school drop-outs remains very high. However, the fact that school fees continue to be charged in some instances may discriminate against children from poorer families.

Furthermore, the government plans to ensure access to quality early childhood care and development through home education or pre-primary schools. A National Policy on Early Childhood Care and Development, launched in 2004, resulted in the development of minimum standards for day care centres, pre-schools and home-based school programmes, as well as parent education programmes and training programmes for caregivers and pre-school teachers.

## Domain 2: Quality of learning

### Key findings: achievements and challenges

The expansion of primary school enrolment in South Asia has given rise to a shortage of skilled teachers, which has had a negative impact on the quality of learning in general. In this context, the number of pupils for every teacher (the pupil–teacher ratio) remains high on average in most countries. In pre-primary school, the pupil–teacher ratios are mixed, ranging from seven in Afghanistan to 41 in Pakistan. As for primary school, in half of the countries in the region (Afghanistan, Bangladesh, India and Pakistan) the pupil–teacher ratio is very high at around 40 – although some

countries, such as Maldives, do much better. The ratios in secondary school are slightly lower than in primary schools. As such, only Pakistan has a ratio above 40 and the remaining countries score below 30.

### AFGHANISTAN

In the region, Afghanistan has the highest pupil–teacher ratio in primary school – for every teacher there are some 45 children (2010). In secondary school, there are 32 students for every teacher, which is amongst the highest in the region. It should be noted that the rural–urban divide in quality of learning is great in Afghanistan, especially between Kabul and the rest of the country.

## Domain 2: Quality of learning: Key findings

	Quality of Learning index	Pupil–teacher ratio pre-primary school (2002–2012)	Pupil–teacher ratio primary school (2004–2012)	Pupil–teacher ratio secondary school (2003–2012)
Maldives	1	25.01	12.27	13.7
Bhutan	2	11.29	23.98	19.88
Sri Lanka	3	No data	23.91	19.51
Nepal	4	23.43	27.53	29.56
Afghanistan	5	7.22	44.73	31.56
Bangladesh	6	23.12	42.97	28.48
India	7	40.3	40.2	25.32
Pakistan	8	41.34	39.83	41.85

Rankings are based on average scores. See the Appendix for more information.

Government policies to improve quality of learning include provision of teacher education programmes based on the specific needs of respective provinces, provision of ongoing programmes in the districts (for access) and establishment of Teacher Training College satellites in districts. No needs assessment is underway, however. Relocation of female teachers to rural areas, encouraging females to enrol in Teacher Training Colleges and special accelerated programmes for teachers with an education lower than grade 12 are some of the strategies of the government in order to reach a target of 50 per cent of teaching population being female. According to a government survey, in 2008 only 29 per cent of teachers were women, but this percentage varies substantially by province. Females constitute only 3 per cent of teachers in the provinces of Paktika, Uruzgan and Zabul, whereas in Kabul and Balkh they represent 60 per cent and 49 per cent respectively.<sup>1</sup>

Furthermore, the government is improving science and technology education and equipping schools with laboratories with the help of World Bank grants. The aim is to improve the quality of teaching in mathematics and sciences. Emphasis on physical education is also increasing.

<sup>1</sup> Department of Planning and Evaluation, Islamic Republic of Afghanistan, Draft National Education Strategic Plan (2010–2014), p. 30.

In 2011, Afghanistan became a Global Partnership for Education developing country partner.<sup>2</sup> This achievement is seen to be a critical milestone in the development of the education sector in Afghanistan. It represents a significant international endorsement of the plans and capacity of the Government of Afghanistan to achieve the Education For All goals.

### BANGLADESH

In Bangladesh, the number of children per teacher is amongst the highest in the region in primary school (at 43). Even so, the pupil–teacher ratios in pre-primary and secondary school are much better (with 23 and 28.5 children per teacher, respectively, Bangladesh is average in the region). Gender parity amongst teachers was the best in the region in 2010, with 49 per cent of teachers being female in primary education.

Despite these achievements, the percentages of trained teachers in both primary and secondary schools are low. Fifty-eight per cent of teachers are trained for primary education and

<sup>2</sup> The Global Partnership for Education is the only multilateral partnership devoted to getting all children into school for a quality education. The Global Partnership provides financial and technical assistance to developing countries to implement their national education plans in order to achieve the Education for All goals. It was established in 2002 and is comprised of 46 developing countries, and over 30 bilateral, multilateral, regional, and international agencies, development banks, the private sector and foundations, teachers, and local and global civil society groups. <http://www.globalpartnership.org>.

50 per cent for secondary. Teachers' training is focused on theoretical knowledge rather than practical learning. That said, the government is working on improving the training of the teachers, and modernising the curriculum and syllabus. The plan is for every teacher to undergo training courses every three years and for training facilities to be created both at home and abroad. Continuous assessment to evaluate the proficiency of trained teachers has also been planned by the government. In addition, measures are being taken to ensure the availability of teachers from certain ethnic groups and to prepare texts in their own indigenous languages.

Bangladesh intends to prepare a new school curriculum, textbooks and teachers' guidelines for Classes 1 to 8 to increase skills in English along with mother tongue for primary and secondary level children and adolescents. All madrasas, or Islamic religious schools, have to incorporate the national eight-year primary education programme.

## BHUTAN

In Bhutan, pupil–teacher ratios for both pre-primary and primary education are among the best in South Asia. There are on average around 12 children per teacher in pre-primary schools and 24 pupils for each teacher in primary schools, although the differences between schools can be great. The overall success at the primary level is now placing enormous pressure on the secondary level, leading to the lack of an adequate number of qualified teachers. In secondary schools the pupil–teacher ratio is about 20 students per teacher on average and 83 per cent of teachers are qualified for this level of education. In 2012, 40 per cent of teachers in primary school were female, which constitutes one of the best gender parities for teachers in the region. However, this percentage was slightly higher in previous years.

Bhutan's Millennium Development Goals Assessment and Costing Report (2006–2015) focused on teacher-related matters, with an emphasis on motivating teachers, especially females, to work in schools in remote areas, providing them with free housing. Resources

are also planned to be spent on both pre-service and in-service teacher training. Moreover, a system of cluster schools as resource centres has been developed, with an aim to improve the quality of education. The objective of the government is to institutionalise the concept of child-friendly schooling in all government schools during 2008–2013. All education programmes will be geared towards developing a child-friendly environment in each of the schools.<sup>3</sup>

Furthermore, in secondary schools, life skills education has been integrated in all subjects and computer education has been introduced in some secondary schools and is planned to be expanded in others. To further strengthen teaching and learning resources, books, science equipment and computers are being provided. The use of CDs and e-learning materials is being piloted for a range of subjects. In addition, provision is being made for the training of teachers in the use of IT through school-based workshops.

## INDIA

On average, one teacher in primary and pre-primary education manages a class of around 40 children in India, which is amongst the highest ratios in South Asia. Even so, for secondary education the pupil–teacher ratio is significantly lower at 25. It is estimated that an additional 500,000 teachers are required to meet the country's Right to Education norms on pupil–teacher ratio.<sup>4</sup>

The relatively poor quality of teaching in India is reflected in the performance of students: nearly half of children in grade five are unable to read a second-grade text. Teachers' absenteeism is another concern, as is the availability of trained teachers for pre-primary and primary education. To overcome these challenges, the completion of a professional teacher training course has been made mandatory to enter the teaching profession. The rating of teacher training institutions and testing services is also being planned, and the government has pro-

3 Government of Bhutan (2009) Tenth Five-year plan 2008–2013, Vol. 2, p. 86.

4 Planning Commission, GoI (2011) Drafts: Faster, Sustainable and more Inclusive Growth, An Approach to the Twelfth Five Year Plan.



posed increasing the minimum qualifications of teachers. In addition, priority is given to recruiting females, Dalits and other disadvantaged groups.

According to the 2009 Right to Education Act, all children should have access to primary schools within a distance of 1 km from their homes; and all schools must have buildings, toilets, drinking water, electricity, playgrounds, blackboards and other basic facilities, with special attention to vulnerable groups. However, it should be noted that there has been disagreement amongst national, state and local governments over sharing of financial responsibilities for meeting the education standards stipulated by the Act.

### MALDIVES

Pupil–teacher ratios in primary and secondary education in Maldives are the lowest in South Asia. As such, there are only about 12 children per teacher in primary schools and 14 in secondary schools. As for pre-primary education, the pupil–teacher ratio is 25. The percentage of female teachers is very high in Maldives, at the expense of teacher gender parity, although the situation has improved somewhat in recent years.

In spite of very low pupil–teacher ratios, national assessments indicate a rather limited quality of education – and also differences in quality between Malé, the capital, and the atolls. One major reason for this is that nearly 20 per cent of teachers in primary schools are untrained. In the atolls, twenty Teacher Resource Centres provide teachers’ pre-service and in-service training, and a teacher registration system is planned. The government is also conducting professional development programmes for teachers and senior management of schools. In addition, external agencies have supported curriculum reform, which has led to the development of the first National Curriculum Framework. The national curriculum is to include vocational training, foreign languages, media, music, handicrafts and performing arts in addition to business, science and arts streams. The government has also extended internet connectivity to schools.

### NEPAL

In Nepal, the pupil–teacher ratios in primary and pre-primary education are of average standard in the region. In pre-primary school the ratio is 24 and in primary school there are nearly 28 children per teacher. Only 15 per cent of teachers in pre-primary and 7 per cent in primary are untrained (2012). In secondary education the situation is less favourable, with nearly 30 students for every teacher, one of the highest in the region. The percentage of female teachers is quite high at almost 43 per cent in primary school (2012), but gender imbalance in favour of women is remarkable in pre-primary education with almost 90 per cent of teachers being female (2012). On the other hand, in secondary education, only 21.5 per cent of teachers are women (2012).

The rising expectations for education on the part of parents, students and social groups since the end of the civil conflict have created an important opportunity for educational development. The government aims at having all employed teachers trained by 2015 and reaching a pupil–teacher ratio of 25 in secondary school. Arrangements have been made to let children acquire education in their mother tongue and to develop and expand a child-friendly teaching and learning environment.

### PAKISTAN

In Pakistan the teacher gender balance is the best in the region, with 48.4 per cent female teachers in 2011, up from 47.7 per cent the previous year. In addition, 82.8 per cent of the teachers in primary school have received training. Beside these good achievements, at all education levels the pupil–teacher ratio is very high. In primary school there is one teacher for every 40 children, in pre-primary school one for every 41 children and in secondary education as many as 42 pupils for every teacher.

To improve the quality of learning, the government has upgraded teachers’ salaries, launched a reform system based on performance measures, provided incentives to teachers in rural areas and given more voice to teachers’ associations. In addition, the government has also taken innovative measures,

providing counselling facilities in schools and including physical education in the school curriculum. The madrasas, or schools for Islamic education, have also been encouraged to adhere to the national curriculum and learning environment standards. However, no specialised training in early education is being provided by the government.

### SRI LANKA

Pupil–teacher ratios in Sri Lanka are amongst the best in the region, with only about 24 children per teacher in primary school and about 20 in secondary school. However, 85 per cent of teachers in primary education are female, raising concerns about the impact such gender imbalance amongst teachers might have on overall quality of learning. In addition, transportation issues in remote

areas and repeated displacement, resettlement and security concerns have resulted in acute teacher shortages, particularly in the conflict- and tsunami-affected Northern and Eastern provinces. There is also a shortage of Tamil-language teachers, which in turn may impact on the socio-economic opportunities available to the Tamil communities and their cultural identity.

Some, but limited, efforts have been made to include human rights and peace education in the school curriculum and to sensitise teachers to children in need of special attention, such as children of migrant workers, of single parent’s households and with disabilities. The Government of Sri Lanka plans to implement drug prevention programmes and psychosocial and creative activities in schools.

## Domain 3: Girls’ empowerment

In pre-primary school, gross enrolment ratios are similar for girls and boys in most countries – and higher for girls in India, Maldives and Sri Lanka.<sup>1</sup> The situation is similar in primary school, with most countries achieving gender parity or near gender parity and girls outperforming boys in two of the countries. Girls even outperform boys in half of the countries in the region when it comes to progress in primary school enrolment. In particular, Bhutan and, especially, Afghanistan have increased girls’ participation in primary education at a remarkable pace, although girls’ gross enrolment in Afghanistan is still the lowest in the region. In secondary education, although progress in girls’ enrolment has been consistent in South Asia, girls enrolment vis-à-vis that of boys is less impressive than that of the other school levels.

As for school life expectancy for primary to secondary school, the results are similar for

girls and boys in half of the countries of the region. Boys do better than girls in the other countries for which there is data. That said, progress (1999–2011) in school life expectancy for girls has been consistent and sometimes substantial in the region – especially in Bhutan and Afghanistan. Girls’ progress in comparison to boys’ is most impressive in Nepal and Sri Lanka.

### AFGHANISTAN

Afghanistan has made great progress in girls’ enrolment in primary school and school life expectancy. In 1999, the enrolment ratio for girls was a mere 3.5 per cent, whereas in 2011 it had increased to 81 per cent. The school life expectancy from primary to secondary school has increased by more than four years on average in the last decade. Despite these achievements, in primary school, the gross enrolment ratio for boys is still much higher than that of girls – 114 per cent in comparison to 81 per cent. In secondary education, the percentage of boys enrolled exceeds that of girls by almost 30 percentage points. In addition, about 60 per cent of the estimated 4.2 million out-of-school children are girls and there are

<sup>1</sup> In reflection of the need for greater progress for girls to ensure gender equality, it was decided that the indicator would be “girls’ empowerment” rather than gender parity or gender equality. As a result, in the index, countries which have very high female ratios and lower male ratios have been given the best scores.

Domain 3: Girls' empowerment

India	1	55.9/53.84	115.99/116	60.39/65.79	+31.44/+30.66	+30.5/+14.47***	+23.02/+13.16	9.7/10.24
Bhutan	2	8.87/9.28	111.16/109.59	77.22/73.32	+7.73/+8.1	+39.12/+26.96	+40.49/+28.67	12.31/11.97
Bangladesh	3	13.33/13.51	97/93#	54.52/47.81	-4.16/-3.58	+4.3/+7.8◇◇	+5.56/+0.43	No data
Maldives	4	9.87/9.28	102.93/104.63	75.63/67.04	+53.86/+51.12	-28.9/-26.54	+20.72/+16.26△△	11.8/5.45◇◇
Sri Lanka	5	84.74/83.45	98.66/98.64	98.66/98.83	No data	-8.75/-10.09	+22.05/+24.96△△△	11.8/5.45◇◇
Pakistan	6	46.16/52.04*	83.33/101.28	29.5/40.23	-5.03/-21.55•	+26.97/+17.38	+5.38/+9.08◇	6.22/7.87
Nepal	7	10.9/12.87**	106.28/123.4**	40.78/46.06#	-0.78/-0.71**	+2.6/-7.7••	+11.8/+5.45◇◇	7.79/9.51**
Afghanistan	8	0.58/0.73***	81.04/114.13	34.07/62.06	No data	+77.49/+76.51△	+29.5/+40.23◇	+5.38/+9.08◇
Girls' Education Empowerment Index								
School life expectancy (years) (2010–2012) – Primary to secondary								
Gender Ratio (F/M) – Progress (2000–2012) – Secondary School – Gross Enrolment Ratio								
Gender Ratio (F/M) – Progress (2000–2012) – Primary School – Gross Enrolment Ratio								
Gender Ratio (F/M) – Progress (2000–2012) – Pre-primary School – Gross Enrolment Ratio								
Gender Ratio (F/M) – Secondary School - Gross Enrolment Ratio (2010–2012)								
Gender Ratio (F/M) – Primary School - Gross Enrolment Ratio (2010–2012)								
Gender Ratio (F/M) – Pre-Primary School - Gross Enrolment Ratio (2010–2012)								

Rankings are based on average scores. See the Appendix for more information.

\* Latest data available from 2005, \*\* Latest data available from 2002, \*\*\* Latest data available from 2003, # SOWC (2012) – data from 2007–2010, Latest data available from 2004, # Latest data available from 2006, • Progress 2000–2005, •• Progress 2000–2002, ••• Progress 2000–2008, △ Progress 1999–2010, △△ Progress 2000–2004, △△△ Progress 1999–2010, ◇ Progress 2003–2011, ◇◇ SOWC 2005 (data from 1998–2002).

no female students enrolled in grades 10–12 in 200 out of 412 districts throughout the country.<sup>2</sup>

To increase access through continued expansion of the formal system, community-based schools for grades 1–3 with an emphasis on girls have been successful. These schools meet the requirements of most parents, many of whom do not allow girls of young age to walk for great distances to school. In some areas, accelerated learning programmes for children deprived of education due to poverty or inaccessibility of education facilities, as well as emergency education alternatives for children in insecure areas, have been introduced by the government.

### BANGLADESH

Despite a lack of comparable recent enrolment data from UNESCO, in 2008 gross enrolment ratios for boys and girls in primary school were about 93 and 97 per cent, respectively, and figures are reportedly staying at this level of high gender parity.<sup>3</sup> Moreover, according to Bangladesh's 2011 Millennium Development Goals progress report, girls' net enrolment in primary education in 2010 is a remarkable 99.9 per cent. However, the level of drop-outs among girls remains high, especially in rural areas, and there are a high number of girls who suffer sexual abuse and harassment in schools and on their way to school. In pre-primary education, gross enrolment ratios, although very low at around 13 per cent, are almost exactly the same for boys and girls. The secondary school gross enrolment ratio for girls was at 48 per cent in 2000, increasing to almost 55 per cent in 2010 – not as much progress as in the other countries of the region, but a very good development if compared with the low increase of 0.43 percentage points of boys' gross enrolment ratio in secondary education.

Bangladesh has found primary and secondary school stipends for girl students highly effective in addressing girls' education and protection. Apart from increasing girls' enrolment,

these stipends contribute to delaying the age of marriage and help to reduce violence against girls. The government has stated that at least 60 per cent of newly recruited primary school teachers must be women, which has contributed to an increase in girls' enrolment and a decline in their drop-out rate.

### BHUTAN

Bhutan has achieved remarkable results in South Asia in terms of girls' empowerment in the education sector, second only to India. In primary and secondary education, girls' gross enrolment ratios slightly exceed those of boys – and especially in primary school girls' enrolment is very high, having increased by more than 40 per cent from 1999 to 2012. The progress in school life expectancy (primary to secondary education) for girls has also been remarkable, with girls in 2010 expected to complete five years of extra schooling on average in comparison to 1999. In boarding schools in particular, these achievements have led to the problem of unavailability of female staff to supervise female students.

Some of the relevant innovations introduced following the curriculum reform initiated in 2004 include integration of a gender perspective in textbooks and other teaching materials, ensuring a gender-balanced representation among writers and inclusion of gender-related activities in the teacher's guides are some of the relevant innovations introduced. Additionally, teachers' training includes a module on physical health and education that deals specifically with gender and relevant topics such as sex education.

### INDIA

In India, girls' empowerment in education is the best in the region. As such, the gross enrolment ratio for girls in primary school is very high at 116 per cent, reaching exact parity with the boys' rate. Also in other school levels, girls' enrolment, though still quite low, is more or less on a par with that of the boys. Progress in enrolment ratios in both primary and secondary education has been notable – in the last decade, in primary school the ratio has increased by around 30 percentage points (much better progress than for boys, whose

<sup>2</sup> Factsheet, Afghanistan Country Office, Education, November 2011, UNICEF

<sup>3</sup> UNICEF (2012) SOWC – data from 2007–2010.

rate was already high in 1999) and in secondary school by 23 percentage points. Progress in gender parity in school life expectancy from primary to secondary school shows that Indian girls are catching up with boys, though several countries in the region score better in this respect.

There is a cash transfer scheme operating, by which cash is transferred to the family upon fulfilment of certain responsibilities from the girl, including enrolment and retention in school. Another government initiative aims to provide educational opportunities to girls above the age of 15 years who are not able to join the mainstream education system or who have dropped out of formal schools. The courses are organised through voluntary organisations engaged in the field of women's welfare and education, and the contents of the courses are modified according to the requirements of the girls.

### MALDIVES

In Maldives, net enrolment rates for primary school do not show any gender disparity, being 96 per cent for both males and females. The gender discrepancy in the gross enrolment ratios, which is noticeable in all school levels but less pronounced than in many other countries in the region, is likely to be due to more over-aged and/or under-aged male students in primary school, because of early or late entrants and grade repetition. However, in secondary education (and for pre-primary school gross enrolment) both gross and net enrolment rates show a gender balance that is in favour of girls, probably because of boys' earlier entrance in the labour market. At the same time, in some areas, where secondary schooling requires travel to other islands, girls' enrolment may be lower than that of boys.

School life expectancy (from primary to secondary school) for girls is the highest in the region at 12.5 years, a figure which is slightly higher than and almost on a par with that of boys. Progress in school life expectancy is also higher for girls than for boys. Nevertheless, curriculum materials and textbooks still show a gender bias and educators often have no gender sensitivity training.

### NEPAL

According to national data, Nepal is on its way to achieve gender parity in education. For example, although the gross enrolment ratio for boys in 2002 was significantly higher than for girls, national data from 2011/12 shows that full gender parity in primary education may have been almost achieved at net enrolment rates of 95.6 per cent for boys and 94.5 per cent for girls.<sup>4</sup> In pre-primary and secondary school, however, enrolment ratios are low and the gender balance less favourable for girls.<sup>5</sup> School life expectancy (primary to secondary school) for girls is amongst the lowest in the region and much inferior to school life expectancy for boys.

Other challenges to girls' empowerment in education include a high drop-out rate amongst girls and the fact that only about 21 per cent of teachers at the secondary education level are female. In addition, girls from lower castes, in particular in remote areas, are still very much disadvantaged.

### PAKISTAN

Despite the fact that fewer girls than boys are enrolled in school in Pakistan, progress in primary school enrolment (gross enrolment) for girls since 2000 is significant at almost 27 per cent – which is greater than progress for boys. A similar though less significant trend can be observed in the progress of school life expectancy for girls since 2003. Yet a significant level of disparity is still evident on the basis of gender. In pre-primary education the gross enrolment ratio for girls is 46.1 per cent, whilst it is 52 per cent for boys. In primary education, 101.2 per cent of boys are enrolled in comparison to 83.3 per cent of girls. Net enrolment rates for primary education confirm the gender disparity with 65 per cent of girls enrolled and 79 per cent of boys. In secondary education the gender difference is also pronounced, with gross enrolment ratios of 29.5 per cent for girls and 40.2 per cent for boys.

Differences of wealth, location, language and

<sup>4</sup> Government of Nepal, Ministry of Education (2011) *Flash I Report 2068 (2011/12)*, p. 30.

<sup>5</sup> Available UNESCO data for these levels of schooling is fairly old, at 2002 and 2006 for pre-primary and secondary education, respectively.



other factors are variables when considering the gender disparity in the country. Gender disparity in school attendance amongst urban households is often small as compared with rural households or households belonging to ethnic or religious minorities.

Female participation in education is encouraged by the Tawana project, which provides food to girls who attend school regularly in rural and disadvantaged areas. Several other incentives in rural, food-insecure areas are similarly intended to increase enrolment and improve attendance and retention rates. Girls' Community Model Schools have been established across the country to provide quality education to female students.

### **SRI LANKA**

Sri Lanka is on track to meet Millennium Development Goal 2 on achieving universal primary education and Education For All Goal

5 on eliminating gender disparities. Moreover, enrolment ratios in primary school show gender parity – in 2010, the gross enrolment ratio in primary education was 99 per cent for both boys and girls, and the net enrolment rate (2010) was 94 per cent. Full or almost full gender parity has also been achieved in pre-primary and secondary education. In the latter the ratios for both boys and girls are the highest in the region.

When it comes to school life expectancy from primary to secondary school, girls can expect 12.4 years of schooling, the second-highest rate in the region and around 0.4 years more than boys. Progress in school life expectancy is also higher for girls than for boys.

*Child Rights Defender Phintsho Choeden:  
An effective child protection system to reach all children*

**“In Bhutan we would like to believe that all Bhutanese including our children are happy and that their rights are protected. The Gross National Happiness is the development philosophy of Bhutan and children and their development have always been on the top of the country’s agenda. However, we have recently identified a number of challenges and believe a strong child protection system is an important part of the solution.”**

As the Executive Director of the National Commission for Women and Children, which was established in 2004 to protect and promote the rights of the women and children, I have witnessed the progressive creation of a child-friendly environment in Bhutan. This development is partly due to a progressive Constitution coupled with child-related Acts and Policies after the ratification of the CRC in 1990. But it is about more than that: importantly, the Ministry of Education, which deals with the majority of children, has attempted to ensure child-friendly schools through initiatives like Educating for Gross National Happiness, the ECCD programmes, the Special Education programme and the National Youth Policy and Action Plan. The Royal Bhutan Police has also initiated women and child-friendly procedures through programmes such as the Women and Child Protection Units and Police–Youth Partnerships. Not the least, over the years we have witnessed the establishment of Civil Society Organisations focusing on child protection through the provision of shelter services, recreational/educational activities and scholarships, and the enhancement of participation of youth in all spheres – including decision-making.

Despite these important interventions, the Bhutan Multiple Indicator Survey conducted in 2010 showed that not all children in Bhutan are enjoying a safe and positive childhood. It was, therefore, important for Bhutan to formalise a national Child Protection System (CPS) to ensure that all children are given the opportunity to enjoy their rights to protection.

With support from UNICEF, NCWC carried out a comprehensive mapping and assessment (M&A) of the CPS in 2011. All ministries and agencies with a mandate to protect children were brought together to take stock of what each one was doing and to coordinate and consolidate future efforts. The M&A report contains recommendations for a national plan of action outlining overall goal, outcomes, outputs and activities, and the financial outlay. We are aware that some of the key challenges facing us are inadequate human resources, limited technical capacity and poor understanding of child protection systems and coordination amongst key players.

I and the NCWC believe in and are committed to instituting a strong and efficient child protection system in Bhutan to effectively prevent and respond to violence, abuse, neglect and exploitation against children, and to ensure that the goal of “all children having access to systematic, appropriate and efficient protective services” is fulfilled. I am happy to state that for Bhutan the journey has now begun.







# Chapter 8 – Child protection: ending violence in children’s daily life

In recent times, two achievements have highlighted the importance of child protection in debates on the rights of the child: first, the 2006 UN Study of Violence against Children was ground-breaking in its presentation of data and research on child protection – and most importantly in raising awareness and commitment by involving regions, countries and actors at all levels. Second, because of the alarming extent and intensity of violence in children’s lives, the Committee on the Rights of the Child developed a General Comment on Article 19 of the Convention on the Rights of the Child in 2011.<sup>1</sup> The right to protection is an integral part of the CRC and article 19 requires State Parties to protect the child from all forms of violence, including abuse, neglect and exploitation. In particular, the Committee points to the need for the principle of law to be fully applicable to protect the child and underlines the importance of a rights-based approach to child protection. A rights-based approach implies promoting the human dignity and integrity of children as rights-bearing individuals.

The Committee and other child rights actors recognise the need for states to strengthen national and community-based child protection systems, while at the same time addressing the specific needs of particular groups. A child protection system approach treats children as individuals and ensures a wide range of services across all social sectors – especially social welfare, education, health, security and justice – and links the central, district and village/municipality levels together with clarity in roles and responsibilities. Attention is given to legal and policy reform, capacity development, planning, budgeting, monitoring and information systems. Including a wide range of partners and children is seen as important for ownership and sustainability. At present, there are a number of obstacles to a comprehensive child protection system, including a limited understanding of the protection requirements of the Convention; insufficient attention to violence in the home and harmful practices; inadequate numbers of experienced social workers, teachers, medical staff, police and judges; limited financial investments; and low priority given to ensuring an efficient law enforcement sector and a child-friendly justice system.

Children in South Asia are severely affected by high levels of child labour, child marriage, corporal punishment, child sexual abuse and exploitation, and child trafficking. Gender-based violence is common, as is discrimination on the basis of caste, class, religion, ethnicity and disability. Limited levels of birth registration make children vulnerable as they may not be eligible for basic protection services. Several important lessons have been learnt during the decades working to combat violence against children in South Asia. First of all, the importance of countries establishing legally enforceable rights to protection and, secondly, the need for a plan to achieve the expected results based upon an evaluation of the situation on the ground. Thirdly, measures for implementation have to be undertaken and, lastly, smart approaches have to be developed by combining work on more than one issue and ensuring effective partnerships adapted to the country context. It is clearly easier to combat some forms of violence against children than others – but it is nevertheless remarkable how countries such as Bhutan, Sri Lanka and Maldives have managed to substantially increase levels of birth registration and reduce the number of child marriages.

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<sup>1</sup> Committee on the Rights of the Child (2011), General Comment No.13 (2011): The right of the child to freedom from all forms of violence, CRC/C/GC/13.



This chapter examines a set of child protection challenges in South Asia. First, the key regional findings are presented through the six identified domains of birth registration, child labour, child marriage, corporal punishment, child sexual abuse/exploitation and child trafficking, followed by a conceptual background note. The composite child protection index (presented below) includes the domains of birth registration and child marriage, as these are areas with fairly well-developed data sets. Lack of data is preventing similar comparisons in the other domains, although these also include an overview of the regional situation.

## Key regional findings: overall achievements and challenges

### Domain 1: Birth registration

The official birth certificate ensures the identity of the child as an individual and as a member of society. The certificate is the first legal document in which the name of the child is written, along with the names of his/her parents, and it may be crucial for basic services such as health care, social assistance and enrolment in school. It also enables children to apply for a passport and, once they are adults, exercise their right to vote, obtain a driver's licence or a marriage certificate. According to Article 7 of the Convention on the Rights of the Child, a baby should be registered immediately after birth and he/she has the right to a name, to acquire a nationality and, as far as possible, to be cared for by his/her parents.

In the region, Bhutan has registered almost 100 per cent of its children, while Sri Lanka

and Maldives come close to universal registration with 97 and 93 per cent, respectively. However, regionally, more than 50 per cent of children under five years old are not registered. Barriers include an incomplete understanding of the importance of the birth certificate, lack of easily accessible registration centres and costs related to the registration process. Poorly trained governmental staff and staff only able to speak some of the languages of a country are other obstacles. In addition, registration and nationality laws may influence the accessibility as the signature of the father may be required for registration, and nationality may be transferred from the father only.

Unregistered children of ethnic, cultural or religious minorities and indigenous groups are more vulnerable to discrimination and exploitation because they lack an official identity. This situation creates a vicious cycle in which marginalisation causes non-registration and the lack of birth registration further marginalises children. Conflicts are also a major barrier to birth registration as there may not be birth registration centres available and identity documents may be lost. Ensuring that children victims of conflict and emergencies obtain documentation is vital in order for them to access their rights and relevant services, but also to protect them from early marriage and forced labour, which dramatically increase in conflict times. Without documents to prove their age, children are more vulnerable to under-age recruitment, since it may be justified on the basis of physical appearance or oral confirmation of age.

Key regional findings: overall achievements and challenges

	Child Protection ranking	Birth Registration	Child Marriage
Sri Lanka	1	2	2
Maldives	2	3	1
Bhutan	3	1	3
India	4	4	6
Nepal	5	5	5
Pakistan	6	6	4
Bangladesh	7	7	7
Afghanistan	8	8	8

## Domain 2: Child labour

The International Labour Organisation (ILO) Conventions 138 and 182 define child labour as work that deprives children of their childhood, their potential and their dignity, and that is harmful to physical and mental development. The minimum age for children to work is 15 years (14 for developing countries) according to the ILO Conventions, while for the so-called worst forms it is 18 years. Through Convention No. 189 on decent work for domestic workers, ILO seeks to eliminate child labour in domestic work. Furthermore, the Convention on the Rights of the Child in article 32 calls for the recognition of the right of children to be protected from economic exploitation and from performing any work that is likely to be hazardous, interfere with their education, or that is harmful to their health or physical, mental, spiritual, moral or social development.

South Asia has the largest child population of any region in the world and a correspondingly high number of children engaged in child labour. Children work in domestic labour, in industries and agriculture, in mining, as vendors in the streets and in the informal economy. It is difficult to give exact figures of children engaged in child labour because countries use different methods to collect data, and also data-collection methods vary within countries. However, estimates of child labour in South Asia vary between approximately 5 to 34 per cent of all children.<sup>1</sup> In addition, national statistics show vast numbers of “nowhere children”, whose numbers are captured neither in education nor in employment or in a combination of the two. Millions of these are likely to be in domestic labour, working 12 hours or more a day – with little or no pay – every day of the week, exposed to physical, sexual and psychological violence, and deprived of their rights to care, education, recreation, rest and overall development.

The underlying causes of child labour are often structural and interwoven with causes of other forms of violence against children. Among these are widespread poverty, inequal-

ity, inadequate education opportunities and lack of social support and an effective child protection system. Preventive work is important for change to happen, as is removal and reintegration of children involved in exploitative and abusive work. A multi-pronged approach to establish an effective child and social protection system is necessary. Poverty and difficult circumstances have been used as an argument by parents, employers and governments to exploit children, pushing them towards the labour market at an early age, instead of enhancing their formal education. Therefore, unconditionally enforcing children's right to education, preferably including both primary and secondary education opportunities, is the first step to protect children against exploitation at work. Thus, the long-term goal has to be the full adherence to the Convention on the Rights of the Child that guarantees children's protection and education, and to the ILO Conventions No. 182 and No. 138, which call for the progressive elimination of all child labour, with a priority on the worst forms.

## Domain 3: Child marriage

Nearly half of all girls (46 per cent) marry before the age of 18 in South Asia, higher than in any other region in the world. The highest prevalence of child marriage is found in Bangladesh (66 per cent), while more than a third of child brides worldwide live in India. Maldives, Sri Lanka and Bhutan are the top performers in South Asia in terms of preventing child marriage. Although the average age of marriage is gradually increasing, the rate of progress is slow. Social norms around gender and marriage, cultural traditions such as the dowry, customary law condoning the practice, poverty and a lack of access to educational opportunities are all factors which influence the rates of child marriage across the region. Both boys and girls are subjected to child marriage, but the practice affects girls in greater numbers.

Child marriage constitutes a grave threat to young girls' lives, health and future prospects. It can lead to early pregnancies and childbirth,

<sup>1</sup> See the country reports

which are the main cause of death among 15–19-year-old girls. Even the health of the children of child brides is at risk. Such children are 60 per cent more likely to die before their first birthday than the children of mothers who are above 19. Child brides are also exposed to sexually transmitted infections and a child marriage for a girl can mean the end of her education, can set aside her chances of a vocation and career and will definitely limit her life chances. A young married girl may also be more vulnerable to different forms of domestic violence, including sexual violence. Additionally, the practice of child marriage may facilitate trafficking of girls, when girls are sold by their families with the promise of a good marriage. There is considerable pressure on girls to marry at an early age to reduce the possibility of any suspicion regarding their virginity. Therefore, marriages are often arranged immediately after, or even before, a girl reaches puberty. Conflict and emergency situations, when family and social structures get disrupted, increase the risk of girls being married off sooner.

Child marriage is a violation of the Universal Declaration of Human Rights, whose Article 16 states that “Marriage shall be entered into only with the free and full consent of the intending spouses.” The Convention on the Elimination of all Forms of Discrimination against Women concurs and adds that betrothal and marriage of a child shall have no legal effect. The Convention on the Rights of the Child sets out the human rights of children under 18 years: the right to survive; the right to develop to the fullest; the right to protection from harmful practices, abuse and exploitation; and the right to participate fully in family, cultural and social life. In the Programme of Action adopted by the International Conference on Population and Development in 1994, countries agreed on measures to eliminate child marriage. Furthermore, the 2004 Social Charter of the South Asia Association for Regional Cooperation (SAARC) also advocates special services to combat child and early marriage.

#### **Domain 4: Corporal punishment**

Corporal punishment violates the human rights of children. It violates their right to respect for their human dignity and physical integrity and to equal protection under the law. The Committee on the Rights of the Child has consistently condemned all corporal punishment and recommended prohibition since it began examining states' reports in 1993. In 2006 the Committee issued a General Comment No. 8 “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.” The Convention on the Rights of the Child builds on international human rights law and sees the dignity of each and every individual as a fundamental guiding principle. Thus, article 19 of the Convention requires protection of children from all forms of physical or mental violence leaving no room for ambiguity or any level of legalized violence against children. States are to take all appropriate legislative, administrative, social and educational measures to eliminate them.

In General Comment No. 8, the Committee defines “corporal” or “physical” punishment as “any punishment in which physical force is used and intended to cause some degree of pain or discomfort, however light. Most involves hitting (‘smacking’, ‘slapping’, ‘spanking’) children, with the hand or with an implement – a whip, stick, belt, shoe, wooden spoon, etc. But it can also involve, for example, kicking, shaking or throwing children, scratching, pinching, biting, pulling hair or boxing ears, forcing children to stay in uncomfortable positions, burning, scalding or forced ingestion such as washing children’s mouths out with soap or forcing them to swallow hot spices. In the view of the Committee, corporal punishment is invariably degrading. In addition, there are other non-physical forms of punishment that are also cruel and degrading and thus incompatible with the Convention. These include punishment which belittles, humiliates, denigrates, scapegoats, threatens, scares or ridicules the child.

The obligation to prohibit corporal punishment was recommended by the UN Study on Violence against Children (2006). In 2005 The South Asian countries committed themselves to prohibition of corporal punishment in all settings as a regional follow-up to the UN Study. Later, in 2010, the countries repeated their commitment to ban corporal punishment through the South Asia Initiative to End Violence against Children (SAIEVAC) and in 2012 SAIEVAC launched a regional campaign to end corporal punishment of children in all settings in all South Asian countries. In regional SAIEVAC technical consultations, children have repeatedly identified corporal punishment as a frequent and degrading form of violence, disguised as discipline. And they highlight that although there is more awareness about the negative impact of corporal punishment, adults are taking too long to adopt the necessary prohibiting legislation and change their behaviour.

### **Domain 5: Child sexual abuse and exploitation**

Child sexual abuse and exploitation is a global phenomenon. In 2002, the World Health Organisation estimated that 150 million girls and 73 million boys had experienced rape or other forms of sexual abuse. The Committee on the Rights of the Child, in General Comment No. 13<sup>2</sup>, defines sexual abuse and exploitation to include the inducement or coercion of a child to engage in any unlawful or psychologically harmful sexual activity; the use of children in commercial sexual exploitation; the use of children in audio or visual images of child sexual abuse and child prostitution; sexual slavery; sexual exploitation in travel and tourism; trafficking (within and between countries) and the sale of children for sexual purposes; and forced marriage. Many children experience sexual victimisation, which is not necessarily accompanied by physical force or restraint but which is nonetheless psychologically intrusive, exploitive and traumatic. Grooming is another phenomenon that oc-

curs in many settings including on the internet, when an adult uses different chat rooms and websites to talk to a child and arrange for a physical or virtual meeting that subsequently grows into a sexual act.

Through articles 34 and 35 of the Convention on the Rights of the Child, the countries in South Asia have committed to take all appropriate measures to prevent and protect children against sexual abuse and exploitation. All countries have also ratified the Optional Protocol to the CRC on Sale of Children, Child Prostitution and Child Pornography, which requires the states to prohibit the sale of children, child prostitution and child pornography, and to adapt the legal procedures to the special needs of the children. In addition, three World Congresses against Sexual Exploitation of Children have called upon the states to combat commercial sexual exploitation by developing strategies and plans of action. The Congresses also pushed for the support of international organisations and civil society, including the private sector and young people, to implement frameworks for the protection of children from child sexual exploitation. The South Asian countries are adapting their legislation to these commitments but serious discrepancies remain and law enforcement is a challenge everywhere. The lack of data is a huge challenge and the work against child sexual abuse and exploitation can benefit from greater synergy with other efforts aiming at strengthening child protection systems and initiatives focused on prevention and protection against specific violations.

### **Domain 6: Child trafficking**

Trafficking of children is on the increase globally, including in South Asia. However, it is difficult to quantify how many children are affected given the lack of reliable data collection systems. The UNODC Global Report on Trafficking in Persons estimates that 27 per cent of all victims of trafficking are children, with girls being twice as vulnerable as boys.<sup>3</sup> The Palermo Protocol to prevent, suppress

<sup>2</sup> UN Committee on the Rights of the Child (2011) General Comment no 13: *The right of the child to freedom from all forms of violence*

<sup>3</sup> UNODC (2012), *Global Report on Trafficking in Persons*, p. 26.

and punish trafficking in persons, especially women and children, define trafficking in persons to include the recruitment, transportation, transfer, harbouring or receipt of persons, by means of threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation includes exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs. The Convention on the Rights of the Child in Article 35 states that State Parties shall take all appropriate national, bilateral and multilateral measures to prevent the abduction of, the sale of or traffic in children for any purpose or in any form. In 2002, the SAARC countries adopted the Convention on Preventing and Combating Trafficking in Women and Children for Prostitution.

The countries in South Asia are countries of origin, transit and destination and there are many inter-linkages between exploitation and trafficking. However, there is a tendency for countries to ignore the trafficking element in certain cases. For instance, child marriage is often a pathway to trafficking for sexual commercial exploitation. Traffickers use fake marriages as an organised ploy to procure girls, tricking both them and their parents. Girls may even be abducted or kidnapped by armed militia or rebels and forced into temporary marriages. Another example is when children are trafficked within countries and even across borders for labour, and they end up in all kinds of hazardous employment facing physical and mental cruelty and even sexual abuse. For the same reasons, street children are also at high risk of being recruited by traffickers. Thus, by not properly applying the Palermo definition in law and practice, many children become invisible in statistics and child trafficking is not accounted for by the governments.

## Background: a systematic approach to combating violence

Several articles in the Convention on the Rights of the Child (1989) deal with a child's right to protection. Article 19 is central, defining violence as:

1. States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.
2. Such protective measures should, as appropriate, include effective procedures for the establishment of social programmes to provide necessary support for the child and for those who have the care of the child, as well as for other forms of prevention

and for identification, reporting, referral, investigation, treatment and follow-up of instances of child maltreatment described heretofore, and, as appropriate, for judicial involvement.

Other relevant articles are those covering sexual abuse and exploitation (34, 35) and the Optional Protocol to the CRC on the Sale of Children, Child Prostitution and Child Pornography, which include illegal and coercive adoption practices. Torture or other cruel, inhuman or degrading treatments are included in article 37, while article 32 relates to economic exploitation and child labour, including hazardous or harmful work and the worst forms of child labour in line with ILO Conventions 182, 138 and 189. The states' obligations regarding rehabilitation and recovery measures for supporting child victims are addressed in article 39. Article 40 requires states



to establish effective child-centred, specialised justice systems which promote respect for children's rights.

The 1996 UN report *Impact of Armed Conflict on Children* revealed the extent to which children were involved in armed conflict around the world. In 2006, the UN Study on Violence against Children was launched. The study established a detailed picture of the nature, extent and causes of violence against children, and proposed 11 recommendations for action to prevent and respond. A mandate for a UN Special Representative to the Secretary General on Violence against Children was later established.

Abuse, neglect, violence and exploitation are serious human rights violations that occur in all parts of the world and in different settings and situations. Children are subjected to violence in their own houses, in schools, in institutions, at work, in the community and during conflicts and disasters. Exposure in one setting may be compounded by violence in another. Violence against children is increasingly linked across regions, through child trafficking, child abusive images, unsafe migration, and the increasing frequency of migration due to climate-related disasters. The full scale of violence is unknown, as much of it goes unreported because of shame, fear or inadequate reporting mechanisms. Some of the violence against children remains legal, state authorised or socially approved. The child protection crisis is also visible through the enormous magnitude of children suffering from violence. It is for instance estimated that between 500 million and 1.5 billion children experience violence annually.<sup>1</sup>

<sup>1</sup> UNICEF (2008), *Progress for Children, A report card on child protection*.

The development of the UN study involved regional consultations which brought together a broad range of stakeholders for a discussion on the child protection agenda. The South Asia Initiative to End Violence against children (SAIEVAC) is a result of this. In 2012, SAIEVAC became a SAARC Apex Body, and in Colombo the same year SAIEVAC assessed achievements and gaps in moving the South Asia child protection agenda forward. A South Asia Call for Action on ending Violence against Children was developed by representatives from governments, non-governmental organisations, regional and international organisations and children. Twelve points were developed to guide the future work against violence in the region. It should be noted that the SAIEVAC concept includes efforts in collaboration with international, regional and national organisations and institutions, UN agencies and children.

Work is currently ongoing for defining a new set of goals for a post-2015 Development Agenda to substitute the Millennium Development Goals. Protection issues are mentioned in the current Millennium Development framework but not in the Goals, which are measuring progress on many other important issues for children such as health and education. Important child rights actors acknowledge that the failure of the Millennium Development Goals to address child protection is one of the reasons for child protection having received less priority and investment by governments and donors. Therefore, it has been suggested that the post-2015 development agenda should have clearly defined and measurable child protection goals and targets.

## Domain I: Birth registration

### Key findings: achievements and challenges

Less than fifty per cent of children under five years in South Asia are registered, leaving the rest without easy access to basic education, health and protection services. Despite this deficit, all countries in the region, except Bhutan, have laws to enforce birth registration. Yet Bhutan has registered almost 100 per cent of its children, while Sri Lanka and Maldives come close to universal registration with 97 and 93 per cent, respectively. These countries reached remarkable results partly because they use a rigorous logistic system to reach families, and partly because registration services are easily accessible and free of cost. It should be noted that the three top performers are countries with small populations – although, at the same time, both Bhutan and Maldives have complicated geographies, with people living dispersed in valleys and on mountains and islands.

In the region, successful methods to encourage birth registration and substantially increase the registration numbers have linked up with other efforts in health and education. Vac-

ination programmes, which include door-to-door service delivery, have been used to track and register all children in the households. Cash transfer may also be used as an incentive to register births, and campaigns, radio programmes and training of relevant officers are more ways of increasing registration efficiency. Another approach has been to promote women's equal opportunities in registering their children by offering this service when women are giving birth. Many countries are now applying electronic ways of registering births and these official records can be used by citizens to facilitate their access to other types of services such as issuing bank accounts or taking part to governmental schemes and benefits.

### AFGHANISTAN

According to Article 31 of the Law on Birth Registration, all Afghans, including those living abroad, are required to register the birth of their children within one year. However, Afghanistan has the lowest percentage of births registered in South Asia, with seven and six per cent of boys and girls registered, respectively. One reason for this is the fact

Domain I: Birth registration: Key findings

	Birth Registration Ranking	Per cent of children whose births were registered (2003-2010)	Per cent of males whose births were registered (2003-2010)	Per cent of females whose births were registered (2003-2010)	Per cent of urban children whose births were registered (2003-2010)	Per cent of rural children whose births were registered (2003-2010)
Bhutan	1	100	100	100	100	100
Sri Lanka	2	97	97	97	97	98
Maldives	3	93	93	92	93	92
India	4	41	41	41	59	35
Nepal	5	35	36	34	42	34
Pakistan	6	27	26	27	32	24
Bangladesh	7	10	10	10	13	9
Afghanistan	8	6	7	6	12	4

Rankings are based on average scores. Data is sourced from UNICEF.

that many Afghan nationals live in neighbouring countries; the children of these expatriate families often lack legal status in both their country of origin (Afghanistan) and their country of residence.<sup>1</sup>

Afghanistan has made considerable efforts to promote the practice of birth registration despite the low level of actual registration. In 2003, the government set out to register all children under one year of age and 4000 birth registration centres were established throughout the country. In 2008, the government launched the House-to-House Registration Project, combining birth registration and National Polio Immunisation Days. The birth registration process has also been computerised, linking up with other information sources such as national census and available immunisation data.

### BANGLADESH

In 2004, the Government of Bangladesh adopted the Births and Deaths Registration Act. This Act makes birth registration compulsory for everyone, irrespective of age, race, religion or nationality. Newborn babies must be registered within 45 days of birth and there are penalties for parents who fail to register children within two years. Furthermore, in 2010, the government developed a Universal Birth Registration Strategy which stressed the need to register everyone by the end of 2010, including children with unknown fathers, those born to single mothers and refugee children.

However, in spite of law-making and strategy development, only 10 per cent of children in Bangladesh have birth certificates. The government is currently trying to link birth registration with the education and health sectors: since the first dose of immunisation occurs within 40 days of birth, initial immunisation presents a perfect timing for birth registration. A similar process occurs in schools, where birth registration is now required for enrolment. Teachers can initiate the process of birth registration for unregistered children.

<sup>1</sup> UNICEF Innocenti Research Centre (2007), *Innocenti insight: Birth Registration and Armed Conflict*, p. 14.

### BHUTAN

Bhutan has been able to register virtually 100 per cent of its children. Although the country does not have a Civil Registration Act, the government has put in place an effective system that can deliver results. As such, in 2004, the Department of Civil Registration and Census was established to maintain a national population database and register births. The Department has offices in all 20 districts of the country. While the majority of births are registered in hospitals, the registration of children born at home is carried out every year by village headmen at the local level. In 2011, the Electronic Government to Citizen Service Delivery System was launched to improve timelines for birth registration and certification. The National Statistics Bureau access the statistics on births from the Population and Housing Census (latest in 2005), the Bhutan Multi-Indicator Survey (latest in 2010) and data obtained from the Department of Civil Registry & Census. The Annual Health Bulletin of the Ministry of Health is also shared with the National Statistics Bureau.

### INDIA

Births, deaths and marriages in India are registered under the 1969 Registration of Births and Deaths Act. To implement the act, there is a General Registrar and Chief Registrars for each state and registrars who work at district and local levels. The Act specifies that births have to be registered within a specified time, which may vary between 30 days and 1 year; a late fee applies.<sup>2</sup> In terms of policy, the 2000 National Population Policy lays down the objective of achieving 100 per cent registration of births, deaths, marriages and pregnancies by 2010. In addition, the Dhanalakshmi – Conditional Cash Transfer for Girl Child with Insurance Cover was launched in 2008. This scheme transfers cash to the family of the girl child upon the fulfilment of certain responsibilities toward the child, including birth registration. According to the government, the number of registered births in the country has

<sup>2</sup> The Act has been amended in 2012, but the modifications apply only to marriage's rules: <http://www.prsindia.org/billtrack/the-registration-of-births-and-deaths-amendment-bill-2012-2305/>

gone up to 77.5 per cent.<sup>3</sup> However, the latest figures from UNICEF (2005–2010) state that only 41 per cent of children are registered.

### MALDIVES

In 1991, the Registration of Births and Deaths Act was passed. The Act requires birth registration to be performed within seven days of the birth of the child. The responsibility of formally registering a child lies with the father, the mother, the guardian or the closest relative. Maldives has been able to develop an efficient and reliable birth registration system, reaching around 93 per cent of all newborns. The Malé Municipality offices and Island and Atolls offices are the agencies responsible for maintaining records. Island offices record births and pass on the information to the Atoll offices for registration. This data is in turn forwarded every month to the Ministry of Health where the National Vital Registration database is maintained. The government has also provided training to two key staff members from each of the twenty Atoll offices on birth registration and awareness-raising activities, such as how to mobilise public opinion. Posters advocating for the prompt registration of children at birth have been disseminated among the Atoll offices, hospitals, clinics, schools and government agencies and the Malé Municipality has aired radio programmes.

### NEPAL

The Birth, Death and Other Personal Events Registration Act was issued by the Government of Nepal in 1976 and successively amended in 1980, 1991 and 2006. A designated Registrar has been appointed, as well as local Registrars, who are obliged to issue the birth registration free of cost. The 2012 National Child Policy calls for arrangements to make the registration compulsory and its process easier. Programmes have been launched and grants have been introduced, compensating mothers for the cost of transport so that they give birth in a clinic facilitating the registration process. In spite of these efforts, only around 35 per cent of births are registered.

<sup>3</sup> Government of India – Ministry of Home Affairs (2012), *Annual Report 2011-2012*, p. 312.

During Nepal's ten-year civil war (1996–2006), both the government and the Maoist rebel forces used oral confirmation of age and recruited many under-age boys.

### PAKISTAN

The National Registration Act was introduced in Pakistan in 1976. All citizens of Pakistan, regardless of whether they are in Pakistan or abroad, are required to register the births of their children. In 2000, the National Database Registration Authority Ordinance was issued to further reinforce the registration of all citizens below the age of 18. The 2001 Local Government Ordinance made the central administration responsible for registration of births, whereas the draft 2010 National Child Protection Policy underlines the need to train medical staff on birth registration procedures and carry out public awareness campaigns. The policy also provides incentives for prompt birth registration, such as basic maternal health kits and sanitation packs. However, only 27 per cent of births are registered.

Challenges to registration include that only the head of the household can register the child and that registration often requires travel to a registration centre and payment of registration fees. In 2009, when a large number of children were internally displaced, the government was in particular working to give vaccination and continue ensuring birth registration. A programme to issue birth certificates to refugees from Afghanistan born in the refugee camps has also been established.

### SRI LANKA

Ninety-seven per cent of births in Sri Lanka are registered, with no recorded difference between boys and girls in rural and urban areas. In 1954, the government of Sri Lanka approved the Birth and Death Registration Act, which defined the duties of a Registrar-General of Births and Deaths as well as District Registrars. The Act makes birth registration free and obliges parents to register their child within 42 days from the date of birth. In 2003, the Citizenship (Amendment) Act enabled children to acquire nationality from either parent, and in 2007 the protection of children with respect to birth registration, name and

nationality and legal assistance was strengthened. These legislative reforms streamlined the process of registration and the acquisition of citizenship for all, including the Tamil population. The 2012 Birth Marriage Death Document Conversion Project aimed to increase the efficiency of the storage and issuance pro-

cess for Birth, Marriage and Death certificates by using Information and Communication Technology systems.<sup>4</sup>

4 More information: [http://www.icta.lk/index.php?option=com\\_content&view=article&id=273%3Abmd-project&catid=52%3Aprojects-a-implementation-approach&Itemid=147&lang=en](http://www.icta.lk/index.php?option=com_content&view=article&id=273%3Abmd-project&catid=52%3Aprojects-a-implementation-approach&Itemid=147&lang=en)

## Domain 2: Child labour

### Key findings: achievements and challenges

All countries, except Bangladesh and India, have ratified ILO Convention 138 and only India has still not ratified ILO Convention 182. As for Bhutan, it is not an ILO member state. None of the South Asian countries have ratified the Domestic Workers Convention no 189, which was developed as late as in 2011. The legal framework and policy legislation on child labour in South Asia does have certain issues that are noted by the ILO Committee of Experts on the Application of Conventions and Recommendations, but generally they are well pronounced and enabling. However, enforcement and implementation of these laws remain a major challenge. Most countries have 14 years as the minimum age for work and children.

A large number of children work in South Asia. In some countries, more girls work than

boys; in others, it is the opposite. Child labour is more common in rural areas than in urban settings. Measures to combat child labour have been many, including developing enforceable laws and making it a political priority to combat child labour. Over the years, it has increasingly been realised in the region that collective action by all social partners, including civil society organisations, and businesses, needs to contribute to the strengthening of the child protection and labour law compliance systems. Collaboration with governments and the promotion of child participation are parts of such a systematic approach, as they constitute support to monitoring and reporting mechanisms, prevention and response services, and accountability systems.

### AFGHANISTAN

The Government of Afghanistan has ratified ILO Conventions 138 and 182. The minimum age for work is 15 years and the Labour

Domain 2: Child labour: Key findings

	Ratification ILO Convention 138	Ratification ILO Convention 182	Ratification ILO Convention 189	National Law Against Child Labour	Minimum Age for Work
Afghanistan	YES	YES	NO	NO	15
Bangladesh	NO	YES	NO	YES	14
Bhutan	N/A	N/A	N/A	YES	18
India	NO	NO	NO	YES	14
Maldives	YES	YES	NO	NO	16
Nepal	YES	YES	NO	YES	14
Pakistan	YES	YES	NO	YES	14
Sri Lanka	YES	YES	NO	YES	14



Code prohibits the recruitment of children under 18 for harmful work. Thirteen per cent of children are engaged in child labour, 17 per cent of boys and nine per cent of girls. More children work in rural areas than in the cities. They work in all sectors, including in brick kilns and in the mines. Despite the legal framework, child labour is increasing. One reason is a lack of clearly defined sanctions and penalties.

### BANGLADESH

In Bangladesh, the minimum age for work is 14. The country has also ratified ILO Convention 182 but not yet No. 138. The enforcement of child labour laws has mainly concentrated on the formal sector, despite reports suggesting that the vast majority of child labour occurs in the informal sector. Although there is some reference to child domestic work in the 2010 Child Labour Eradication Policy, domestic child workers are outside the purview of child labour laws. The National Strategy for accelerated Poverty Reduction II (2009-2011) included measures to reduce child labour, eliminate its worst forms and give working children access to learning opportunities in formal and non-formal facilities.

The Government of Bangladesh has established a Child Labour Unit in the Ministry of Labour and Employment to monitor, coordinate and supervise child labour programs. In collaboration with ILO, the government is working on a Time Bound Programme to address child labour issues together with the wider education and poverty reduction agenda and strategies in line with the Millennium Development Goals. “Basic education for the Hard-to-reach Urban Working Children” targets 200,000 working children between 10 and 14 years for basic education and livelihood education. In 2010, the city of Dhaka established 42 community-based workplace surveillance groups to monitor workplaces and prevent children from entering hazardous labour.

### BHUTAN

Bhutan is not an ILO member and has thus not ratified Conventions 138, 182 and 189, but the country adheres to ILO standards as the 2007 Labour and Employment Act sets

the minimum age for work at age 18. However, children aged 13–17 can work provided they are not exposed to physical harm, dangerous machinery or an unhealthy working environment, and almost 18 per cent do so. Those engaging children in harmful work risk imprisonment. The National Commission for Women and Children, the country's key child rights body, manages a programme called Project Hope, which provides residential shelters for children at risk of exploitative child labour.

### INDIA

India has the highest number of working children in the world. While the country has not ratified ILO Conventions 138 and 182, the Constitution of India (Article 24) prohibits the employment of a child below the age of 14 years in any factory or mine or in any other hazardous employment. Moreover, the 1986 Child Labour (Prohibition and Regulation) Act distinguishes between hazardous and non-hazardous child labour, and presently child labour is banned in 65 hazardous occupations and 18 processes. Offences are punishable with imprisonment and fines.

In 2012 the cabinet approved a proposal for a new law: The Child and Adolescent Labour (Prohibition) Act. The law proposes to ban all forms of child labour below the age of 14 years and hazardous labour between 14-18 years. If passed, this will replace the 1986 Child Labour Act. The National Policy on Child Labour includes measures to ensure the access of working children to the formal education system. The Scheme for Working Children in Need of Care and Protection provides non-formal education and vocational training to working children to facilitate their entry into mainstream education. India has undertaken several initiatives and schemes to eliminate the worst forms of child labour, including the Unorganised Workers Social Security Bill.

### MALDIVES

Maldives' Employment Act established 16 years as the minimum age for work and bans child labour in harmful work. The government has also ratified ILO Conventions 138 and 182. The country's Poverty Reduction

Strategy aims at increasing support services to children and improving data collection and analysis on vulnerable children. Social protection centres on many of the Maldives' islands provide temporary shelter and protection for children in need, which includes children rescued from abusive work situations.

### NEPAL

Thirty-four per cent of children in Nepal are working. Slightly more girls than boys are engaged in child labour and child labour is more common in rural than in urban settings. During the country's civil war, many rural families sent their children to the cities to avoid those becoming casualties of war. However, instead many became victims of the worst forms of child labour.

The 2000 Child Labour Prohibition and Regulation Act is explicit on the minimum working age of 14 and that children should not be engaged in any form of labour. The Act focuses on inspection, punishment and appeal. The Ministry of Labour and Transport Management is the primary national agency responsible for enforcing child labour laws; at the local level, child labour is the responsibility of the District Child Welfare Boards. However, monitoring all forms of child labour has been a challenge. Nepal's National Master Plan on the Prevention and Elimination of Child Labour (2011-2020), yet to be approved by the Cabinet, calls for eliminating the worst forms of child labour by 2016 and all forms of child labour by 2020 – which is echoed by the 2012 National Child Policy. The 2010 Education Guarantee Scheme supported school enrolment of working children. The government is also providing new learning and employment opportunities for exploited and at-risk children.

### PAKISTAN

In 2011, in the framework of the 18th Amendment to the Constitution, the Government of Pakistan devolved certain ministries and functions to the four provinces. Among these was labour. Thus, the 1991 Employment of Children Act is being amended by each province to prohibit children below 14 years from working and children less than 18 years from engaging in hazardous work. In 2011,

the provincial Punjab Assembly passed an Amendment prohibiting child labour below the age of 14 years. The government of Khyber Pakhtunkhwa is finalising legal reforms with a complete prohibition on child labour before 14, covering the non-formal sector. In Sindh, the law will also ban child labour for children below 14 years. The central government has established a National Steering Committee on Child Labour, developed a National Policy and Plan of Action to Combat Child Labour (2000), and adopted a Plan of Action for the Abolition of Bonded labour and Rehabilitation of Freed Bonded Labourers (2001), addressing the issue of exploitative child labour.

Pakistan has ratified ILO Conventions 132 (minimum age) and 182 (worst forms of child labour) and has drafted a national Time Bound Programme (2008–2016) for the elimination of the worst forms of child labour. Within this framework, different projects have been implemented including the “Activating media to combat worst forms of child labour (2006–09)” and “Pakistan Earthquake-child labour response”. In Punjab and Sindh, the local authorities have established child labour units to combat the worst forms of child labour.

### SRI LANKA

In Sri Lanka, 2.5 per cent of all children are working and 1.5 per cent work in harmful settings. The minimum age of work is 14 years according to the 2003 Employment of Women, Young Persons and Children (Amendment) Act. In 2006, the worst forms of child labour were criminalised. The Department of Labour and the National Child Protection Authority are responsible for enforcing child labour laws, together with the Women and Children's Bureau of the Sri Lankan Police. In 2011, the government developed the Roadmap to End the Worst Forms of Child Labour (2011–2016). Its key strategy is mainstreaming child labour in relevant development policies, plans and programmes. In 2011, preparatory work was undertaken to pilot test the strategy at the district level and, in 2012, Ratnapura District endorsed a Child Development Plan that includes child labour as an integral component.

## Domain 3: Child Marriage

### Key findings: achievements and challenges

South Asia accounts for the highest rate of child marriage, with 46 per cent of girls married before 18. The highest prevalence is found in Bangladesh (66 per cent), while more than a third of child brides worldwide live in India. Maldives, Sri Lanka and Bhutan are the top performers in South Asia preventing child marriage. The populations of these countries are lower, facilitating planning and implementation processes. Nevertheless, Maldives, Sri Lanka and Bhutan have also invested considerably in the elimination of child marriage. In Sri Lanka, for instance, the government has invested in social policies on health, legal reform and getting more girls into the education system. The three countries have also enforced the registration of marriages and are recording the consent of both spouses. Other successful government efforts include building enforcement capacity in vulnerable communities and training police officers, judiciary officials and local government representatives to be effective in reducing child marriage rates.

The minimum legal age for marriage for girls in South Asia varies from 16 in Pakistan and Afghanistan to 18 in the other countries. In

Pakistan, Nepal, India, Afghanistan and Bangladesh, the legal age for marriage is lower for girls than for boys. While all countries have legislation requiring spouses to be of marriageable age, implementation is a struggle. This is due to factors such as ignorance of the law, including among law enforcement officials; the absence or lack of implementation of marriage registration requirements; gaps in the country's birth registration system; and inadequate enforcement for breaking the law or low rates of prosecution, even where legal penalties are available, such as in India, Nepal and Bangladesh.

### AFGHANISTAN

Data from UNICEF, UNFPA and the Girls not Brides Campaign estimate the number of girls in Afghanistan married before the age of 18 differently. The percentages vary between 39 (UNICEF), 46 (UNFPA), and 43 per cent (Girls not Brides Campaign). Under the Civil Code and the 2009 Elimination of Violence against Women Law, the legal age for marriage in Afghanistan is 16 for women and 18 for men. However, the minimum age for marriage in Sharia law is the age of puberty and according to customary practice marriages at an even earlier age, sometimes at birth, are often approved. The registration of marriage is not

### Domain 3: Child Marriage: Key findings

	Child Marriage Ranking	Percentage of girls married by 15 (2000–2010)	Percentage of girls married by 18 (2005–2010)	Legal age of marriage male	Legal age of marriage female
Maldives	1	0	4	18	18
Sri Lanka	2	2	12	18	18
Bhutan	3	6	26	18	18
Pakistan	4	7	24	18	16
Nepal	5	10	51	20	18
India	6	18	47	21	18
Bangladesh	7	32	66	21	18
Afghanistan	8	-	39	18	16

Rankings are based on average scores. Data is sourced from UNICEF.

compulsory, even when religious nikahnama registration procedures are available. Families may also find the official registration process burdensome. During its 2009 Universal Periodic Review, the government committed to taking effective measures to address child marriage, by, for instance, launching public campaigns and working with religious leaders.

### BANGLADESH

Bangladesh has one of the highest rates of child marriage in the world, with 32 per cent of girls becoming wives before their 15th birthday. The Girls not Brides Campaign estimates the rate of child marriage before 18 at 66 per cent and the percentage of women becoming mothers by the age of 19 at 60 per cent. The 1929 Child Marriage Restraint Act, which sets the minimum ages of marriage for men and women at 21 and 18 years respectively, is often ignored and enforcement of the law is virtually non-existent. In several policies and action plans child marriage is mentioned and outlawed. For instance, the 2011 National Child Policy and the National Women Development policy emphasise the need to reduce child marriages. Also, the National Strategy for accelerated Poverty Reduction II (2009–2011) includes awareness-raising programmes through union parishad, where local leaders, including Imams, are supposed to work to eliminate the practice of child marriage. Recently, the government has strengthened controls of birth certificates and national ID cards during marriage registration to prevent early marriages.<sup>1</sup> Non-profit organisations as well as local government regulators such as the District Child Welfare Board and the Village Child Protection Committees have also stepped up their efforts to raise awareness on the issue.

### BHUTAN

In Bhutan, the 2011 Child Care and Protection Act establishes the legal age of marriage for both boys and girls as 18 years. According to the Act, marrying and having sex with a child is considered as rape and penalties include heavy fines. According to UNICEF data, between 2005 and 2010, six per cent of

girls in Bhutan were married before their 15th birthday, and 26 per cent before their 18th birthday. According to UNFPA (2012), 25.8 per cent of those aged 20–24 were married before the age of 18. While child marriage in Bhutan is not as pervasive as in other countries in the region, it remains a serious challenge in rural areas. Families often choose to marry their daughters if it is discovered that she is in a consensual relationship or the girl is pregnant. In contrast to other Southern Asian countries, Bhutanese husbands sometimes move into the home of their wives' family. This provides an economic incentive for families to marry their daughters at younger ages, since the husband will contribute to the family's income.

### INDIA

In India, child marriage has been illegal for more than 80 years (since 1929). According to the 2007 Prohibition of Child Marriage Act, the legal age of marriage is 21 for boys and 18 for girls. Child Marriage Prohibition Officers are expected to follow up violations, which are punishable by law. India has a range of political instruments available for enforcing the Act, including insisting on the compulsory registration and verification of age in the Eleventh Five Year Plan. Moreover, a core committee on child marriage has been set up by the Ministry of Women and Child Development. Through consultations, programmes and cash incentives, the government hopes to induce behavioural change. In spite of this, almost half (46 per cent) of all Indian girls marry before 18 years. The rates vary from state to state, with the highest in Bihar (69 per cent) and Rajasthan (65.2 per cent),<sup>2</sup> while they have dropped in several states including Himachal Pradesh and Tamil Nadu. Most child marriages take place in rural areas and economic factors such as poverty and dowry, gender norms and expectations, concerns about girls' safety and family honour – and the lack of educational opportunities for girls – are all factors contributing to the difficulty of ending the practice.

<sup>1</sup> Child Rights Governance Assembly, Bangladesh (2012), *Stakeholders Report: Situation of Child Rights in Bangladesh*, p. 5.

<sup>2</sup> International Center for Research on Women (2011), *Delaying Marriage for Girls in India: A Formative Research for Design Interventions for Changing Norms*.

**MALDIVES**

The Family Law in Maldives establishes the minimum age of marriage at 18 years. Between 2005 and 2010, four per cent of girls married before their 18th birthday. The percentage of girls married by age 15 has decreased from 16 per cent to less than two per cent of women currently aged 25–29.<sup>3</sup> While the prevalence of child marriage in Maldives is the lowest in the region, there is still a need to enforce the legal age of marriage for girls. There are cases of Maldivians travelling to Pakistan or India to carry out illegal child marriages, and some families may also avoid registering child marriages. Thus, the real figures may be higher than reported.

**NEPAL**

According to Nepal's 1963 General Code, the minimum age of marriage for both boys and girls is 18 years with the consent of the parents/guardians, and 20 years without such consent. To assist in underage marriage carries the punishment of imprisonment or fines. The 1971 Marriage Registration Act is also expected to prevent child marriages. Despite these legal provisions, the practice of child marriage is widespread in Nepal, with 10 per cent of girls getting married before their 15th birthday, and 51 per cent before their 18th. Child marriage in Nepal is closely linked to traditions of certain ethnic and religious communities, as well as gender norms and expectations, and economic considerations.

**PAKISTAN**

In Pakistan, the legal age of marriage is 16 years for girls and 18 years for boys under the 1929 Child Marriages Restraint Act. The

<sup>3</sup> International Center for Research on Women (n.d.), *Child Marriage in Southern Asia: Policy options for Action*, p. 14.

Act states that child marriage is punishable by way of imprisonment and fines. Under the Devolution Ordinance Act of 2001, local councils are responsible for registering births. Girls may be given away as *Badal e sulah* (exchange of peace), *Vani* or *Swara* (compensation in order to settle tribal feuds). The Prevention of Anti-Women Practices (Criminal Law Amendment) Act was enacted in 2011 specifically with the purpose of undermining such traditional practices that violate women's and children's rights. In practice, 24 per cent of girls were married before the age of 18 years between 2005 and 2010. Seven per cent were married before turning 15. Social inequality, economic hardship and lack of awareness of the harmful impact of child marriage have been highlighted as common exacerbating factors. Religion has also been cited as a factor, as Sharia law may permit families to marry off their daughters once they reach puberty. Girls also risk abduction or kidnapping by militant groups and leaders and they are highly vulnerable during disasters and emergencies.

**SRI LANKA**

Sri Lanka has made great improvements in reducing the rate of child marriage through legislative action and enforcement. Now, only 12 per cent of girls under 18 years of age marry, and only two per cent of girls married before their 15th birthday between 2005 and 2010. The average age of marriage is 25 years. Success in increasing the average age of marriage to 25 has been driven by social policies on health, legal reform and getting more girls into the education system. Marriages have to be registered and the consent of both parties must be recorded.



## Domain 4: Corporal punishment

### Key findings: achievements and challenges

The countries of South Asia have criminal laws to protect citizens from assault. Many have constitutions and legislation intended to reflect human rights standards. Many also have specific child protection laws that make ill-treatment or abuse and cruelty an offence. Yet these legislative provisions do not guaran-

tee children protection from all corporal punishment or other cruel and degrading forms of punishment. Some progress has been made in schools but there is still a long way to go before all countries in South Asia have legal provisions against corporal punishment in the home and in alternative care settings.<sup>1</sup>

<sup>1</sup> Detailed updated country reports and tables to be found at [www.endcorporalpunishment.org](http://www.endcorporalpunishment.org)

### Domain 4: Corporal punishment: Key findings

	Prohibited in the home	Prohibited in alternative care settings	Prohibited in day care	Prohibited in schools	Prohibited in penal institutions	Prohibited as sentence for crime
Afghanistan <sup>1</sup>	NO	NO	SOME <sup>2</sup>	YES	NO	NO <sup>3</sup>
Bangladesh <sup>4</sup>	NO	NO	NO	YES <sup>5</sup>	NO	NO
Bhutan <sup>6</sup>	NO	NO	NO	NO <sup>7</sup>	[YES] <sup>8</sup>	YES
India <sup>9</sup>	NO	SOME <sup>10</sup>	NO	SOME <sup>11</sup>	SOME <sup>12</sup>	SOME <sup>13</sup>
Maldives <sup>14</sup>	NO	NO	NO	NO <sup>15</sup>	NO	NO
Nepal <sup>16</sup>	NO	NO	NO	NO	NO	YES
Pakistan <sup>17</sup>	NO	NO	NO	SOME <sup>18</sup>	SOME <sup>19</sup>	SOME <sup>20</sup>
Sri Lanka <sup>21</sup>	NO	NO <sup>22</sup>	NO	NO <sup>23</sup>	SOME <sup>24</sup>	YES

<sup>1</sup> Commitment to prohibition in all settings made in 2006 in a meeting of South Asia Forum

<sup>2</sup> Prohibited in pre-school provision

<sup>3</sup> Lawful under Shari'a law

<sup>4</sup> Commitment to prohibition in all settings made in 2006 in a meeting of South Asia Forum; Government accepted UPR recommendation to prohibit (2009)

<sup>5</sup> Unlawful under 2011 Supreme Court ruling, still to be confirmed in legislation

<sup>6</sup> Commitment to prohibition in all settings in 2006 in a meeting of South Asia Forum. The Child Care and Protection Act 2011 prohibits some but not all corporal punishment

<sup>7</sup> Code of Conduct and ministerial directives state corporal punishment is not to be used but no prohibition in law

<sup>8</sup> Possibly prohibited in Child Care and Protection Act 2011

<sup>9</sup> Commitment to prohibition in all settings confirmed in third/fourth report to UN Committee on the Rights of the Child (2011); Government accepted UPR recommendation to prohibit in all settings (2012)

<sup>10</sup> Prohibited in care institutions except in Jammu and Kashmir

<sup>11</sup> Prohibited for 6-14 year olds except in Jammu and Kashmir

<sup>12</sup> Not prohibited in Jammu and Kashmir

<sup>13</sup> Permitted in traditional justice systems

<sup>14</sup> Commitment to prohibition in all settings in 2006 in a meeting of South Asia Forum.

<sup>15</sup> Ministry of Education advises against corporal punishment but no prohibition in law

<sup>16</sup> Commitment to prohibition in all settings in July 2006 in a meeting of South Asia Forum. 2005 Supreme Court ruling removed legal defence for corporal punishment by parents, guardians and teachers

<sup>17</sup> Commitment to prohibition in all settings in 2006. Draft legislation under discussion (2013)

<sup>18</sup> Prohibited for 5-16 year olds in Islamabad Capital Territory, Sindh province and possibly Balochistan province

<sup>19</sup> Prohibited in Juvenile Justice System Ordinance 2000 but this not applicable in all areas and other laws not amended/repealed

<sup>20</sup> Lawful under Shari'a law

<sup>21</sup> Commitment to prohibition in all settings in 2006 in a meeting of South Asia Forum.

<sup>22</sup> Legislation to prohibit in children's homes being drafted (2011)

<sup>23</sup> Ministerial circular states corporal punishment should not be used but no prohibition in law; legislation to prohibit being drafted (2011)

<sup>24</sup> Prohibited in prisons; legislation to prohibit in all penal institutions being drafted (2011)

## AFGHANISTAN

Research in Afghanistan has suggested that slapping, verbal use, punching, kicking and hitting with sticks, electrical cables and shoes are the most common forms of punishment for children in the country.<sup>2</sup> Corporal punishment is prohibited in the school setting through the 2008 Education Act (Article 39). Article 45 of the 2005 Law on Prison and Detention Centres states that force can only be used if the prisoner is escaping, attacking others or causing disorder. Article 7 of the 2005 Juvenile Code prohibits “contemptuous and harsh punishment, even if for correction and rehabilitation purposes”, but the Committee on the Rights of the Child (2011) has expressed concern that children still are handcuffed and shackled in the juvenile rehabilitation centres for security reasons or as a form of punishment. Furthermore, the prohibition of corporal punishment has not yet been extended to the family home, alternative care settings and day care (early childhood care and day care for older children) and the Penal Code (1976) and the Shiite Personal Status Law still confirm the rights of fathers and teachers to punish children.<sup>3</sup> The government is discussing the enactment of a law on eliminating violence against children.

## BANGLADESH

Research in Bangladesh from 2008 has shown that 91 per cent of children in schools experience physical punishment and verbal abuse, 23 per cent face corporal punishment every day and seven per cent reported injury and bleeding as a result.<sup>4</sup> Corporal punishment is unlawful in schools as per a Supreme Court judgement and, in 2010, the Ministry of Education published a circular stating that perpetrators of corporal punishment will face prosecution. Prohibition is being considered in the draft Education Bill (2011). The Penal Code, Court of Criminal Procedures, Whipping Act, Suppression of Immoral Traffic Act, Can-

2 Kabul: Afghanistan Research and Evaluation Unit (2008), *Love, Fear and Discipline: Everyday violence toward children in Afghan families*.

3 *Global Initiative to End All Corporal Punishment Of Children*, Country Report – Afghanistan, p.1.

4 UNICEF & Ministry of Women and Children Affairs (2009), *Opinions of Children of Bangladesh on Corporal Punishment: Children's Opinion Poll 2008*.

tonments Pure Food Act and Railways Act authorise corporal punishment as a sentence for crime in the form of judicial whippings. The Supreme Court has observed that all laws authorising corporal punishment as a sentence should be repealed and corporal punishment by parents be prohibited. The government has for some time been planning a law on eliminating violence against children.

## BHUTAN

The Constitution of Bhutan prohibits cruel, inhuman or degrading treatment or punishment, and the country's 2011 Child Care and Protection Act includes a similar provision. However, the Act does not cover all corporal punishment in all situations and article 111 of the Penal Code states that “personnel of a prison or any other correctional institution can use force to enforce the lawful rules or procedures of the institution”. Moreover, the Penal Code (Article 109) provides for the use of force by parents, teachers or other authorities for the prevention of serious misconduct, if it does not cause death or injury. A 1997 notification from the Ministry of Education stated that corporal punishment in schools should not be used, which was confirmed in the Teacher and Student's Code of Conduct from the same year but not reflected in legislation.

## INDIA

The first national study in 2007 in India on child abuse analysed the experiences of 12,500 children, 69 per cent of whom reported being victims of physical abuse including corporal punishment.<sup>5</sup> Corporal punishment is prohibited against children between the ages of 6 and 14 in schools through the Right to Free and Compulsory Education Act (Article 17). In some states (Goa, Andhra Pradesh, Tamil Nadu), children are fully protected against corporal punishment in the education system under state laws. Corporal punishment is also unlawful as a sentence for crime under the Penal Code 1860 and the 2000 Juvenile Justice (Care and Protection) Act (amended in 2006). In addition, corporal punishment is prohibited

5 Kacker, L. et al (2007), *Study on Child Abuse: India 2007*, New Delhi: Ministry of Women and Child Development.

as a disciplinary measure in penal institutions under the Juvenile Justice (Care and Protection) Rules 2007. The National Commission for protection of Child Rights is currently campaigning for the prohibition of corporal punishment in all settings. The Ministry of Women and Child Development has proposed banning corporal punishment and bringing in stringent punitive action against offenders. An explicit ban of corporal punishment in all settings is needed as well as an amendment/repeal of section 89 of the Penal Code and the Ranbir Penal Code. A pilot project has been launched in Andhra Pradesh for the reporting of non-medical emergencies, including corporal punishment in schools and colleges. Parents and students can dial a number to lodge a complaint, which will be passed on to local police who will visit the scene.<sup>6</sup>

### MALDIVES

A 2009 study by UNICEF in Maldives found that almost half of the children had experienced physical or psychological punishment at home, in school or in the community. The draft Penal Code authorises the use of force by parents and others for the purpose of punishing children. The Law on the Protection of the Rights of the Child 1991 (Article 18) prohibits only severe punishment. There is no explicit prohibition on corporal punishment in schools. The 1991 Law on the Protection of the Rights of the Child states that punishment in schools “should be appropriate to the child’s age and should not affect them physically and psychologically”. The Ministry of Education states that corporal punishment should not be used but there is a legal defence for its use by teachers. The Penal Code does not authorise judicial corporal punishment. However, this does not apply to offences under the Sharia law. The 2006 Regulation on Conducting Trials, Investigations and Sentencing Fairly for Offences Committed by Minors states a number of offences for which flogging is prescribed. However, following the sentencing of a 15 year old girl who had been raped to flogging, the Government issued a statement calling for a number of Bills cur-

rently pending to be passed into law urgently to protect (young) victims of offences.<sup>7</sup>

### NEPAL

A 2008 study of 71 child centres in Nepal found that punishments such as hitting children, isolating them, locking them in the toilet, publicly humiliating and forcing them to clean floors and toilets are commonly utilised.<sup>8</sup> A joint report by the Centre for Victims of Torture and a forum for journalists in Nepal states high levels of corporal punishment in the education system.<sup>9</sup> Neither the 1971 Education Act nor the 2003 Education Regulation Act contains any explicit prohibition of corporal punishment in schools. That said, corporal punishment is unlawful as a sentence for crime under criminal law. The Interim Constitution 2007 (Article 26) prohibits cruel, inhuman or degrading treatment. The Children’s Act 1992 defined a child as below 16 years of age and prohibit cruel treatment, subjecting a child to handcuffs, fetters or solitary confinement, but its article 7 exempts “the act of scolding and minor beating to the child by his father, mother, member of the family, guardian or teacher for the interests of the child”. In 2005 the Supreme Court has withdrawn Article 7 but the decision has not been confirmed by law reform.<sup>10</sup> The Abrogation of Some Criminal Cases and Remission of Punishment Act 1963 explicitly prohibit a number of cruel and humiliating punishments, but there is no explicit prohibition on corporal punishment as a disciplinary measure in the penal system. The 2012 Standards for Operation and Management of Residential Child Care Homes ban the use of corporal punishment, but there is no prohibition in law.

### PAKISTAN

A consultation held in 2005 in Pakistan’s North West Frontier Province with more

7 Global Initiative to End All Corporal Punishment of Children Newsletter 23.

8 UNICEF & Terre des Hommes (2008), *Adopting the Rights of the Child: A study on inter-country adoption and its influence on child protection in Nepal*.

9 Reported in Upi.com, June 6th, 2013. [http://www.upi.com/Top\\_News/World-News/2013/06/06/Despite-training-abuse-continues-in-Nepals-schools/PC-1451370552250/](http://www.upi.com/Top_News/World-News/2013/06/06/Despite-training-abuse-continues-in-Nepals-schools/PC-1451370552250/)

10 Global Initiative to End All Corporal Punishment Of Children, Country Report – Nepal, p.1.

6 The Korea Times, 6 February 2013; *Express News Service*, 13 April 2013 in Global Initiative Newsletter 23.

than 3,500 children, 1,200 parents and nearly 500 teachers revealed that every child in the province had experienced corporal punishment at least once in his/her life.<sup>11</sup> In Pakistan, corporal punishment is lawful at home, in the schools, in alternative care institutions and in day care. In March 2013, the Prohibition of Corporal Punishment Bill, prohibiting corporal punishment in education and care settings, was passed by the National Assembly and is pending in the Senate.<sup>12</sup> The Right to the Free and Compulsory Education Acts for the Islamabad Capital Territory and in the province of Sindh prohibit corporal punishment in government schools for children between 5 and 16 of age. Similar legislation has been drafted in Balochistan and is to be expected in Punjab and Khyber Pakhtunkhwa. In the penal system, the 2000 Juvenile Justice System Ordinance (Article 12) states that no child may be given corporal punishment while in custody. The 1996 Abolition of the Punishment of Whipping Act prohibits whipping as a sentence, but it does not apply to the Federally Administered Tribal Areas. Offences of *Hadd*<sup>13</sup> committed by children (after they reach puberty) are punishable by corporal punishment, including flogging. Various Islamic Law Ordinances provide for the enforcement of corporal punishment in the form of whipping and flogging of children in the presence of a medical officer to prevent the death of the convicted. The Enforcement

of *Hudood* Ordinance<sup>14</sup> allows for amputation as a punishment.

### SRI LANKA

A 2012 survey of 177 Sri Lankan parents found that 76.3 per cent of them had used corporal punishment in the past month. A third of the parents said they were completely favourable towards corporal punishment.<sup>15</sup> In Sri Lanka, corporal punishment is prohibited only as a form of sentence for a crime and as a disciplinary measure in prisons, but it is allowed in the home, in the school environment, in alternate care settings, in day care and in remand homes, approved home and certified schools. In 2011, the Ministry of Women and Empowerment and Child Welfare started a process of drafting legislation to prohibit corporal punishment in settings outside the home. In 2005, the Ministry of Education issued a circular stating that corporal punishment should be prohibited in schools, but this has not been confirmed in legislation. However, corporal punishment is prohibited as a sentence for crime and the Corporal Punishment (Repeal) Act No. 23 repeals corporal punishment in prisons under the Prisons Ordinance. Corporal punishment is lawful in the home, alternative care settings and day care under the Penal Code and the Children and Young Persons Ordinance.

11 Save the Children/UNICEF/Schools and Literacy Dept, Government of NWFP (2005): *Disciplining the Child: Practices and Impacts*.

12 Global Initiative to End All Corporal Punishment Of Children, Country Report – Pakistan, p.2.

13 *Hadd* refers to the class of punishments that are fixed for crimes that are considered to be “claims of God”.

14 The *Hudood* Law is intended to implement Islamic Sharia law, by enforcing punishments mentioned in the Quran and sunnah for Zina (extramarital sex), Qazf (false accusation of zina), Offence Against Property (theft) and Prohibition (of alcohol consumption).

15 Institute for Participatory Interaction in Development & Save the Children (2012), *A Survey on Parental Disciplinary Practices and an Awareness Program to Eliminate Corporal Punishment and Other Forms of Negative Parental Practices*.

## Domain 5: Child sexual abuse and exploitation

### Key findings: achievements and challenges

The South Asian countries have committed to combat child sexual abuse and exploitation, developing and amending laws at the national level. However, there are still huge legislative gaps and inconsistencies, as well as weak implementation. It is difficult to determine the true extent of the problem as most incidences remain unreported. In addition, there are no central databases or monitoring systems that bring together available statistics on sexual abuse and exploitation. Nonetheless, police records and data collected from public and non-state actors, service providers, academic surveys and research show that large numbers of children are abused and exploited.

Both boys and girls are sexually abused and exploited. Generally, girls are most at risk but this is not always the case. While the perpetrators are mostly male, females and children can also sexually abuse other children. Various forms of violence against children are interrelated and children may experience sexual abuse and exploitation in several settings and by different perpetrators while growing up. The perpetrator may be someone known to the child, such as a family member or an adult in a position of trust, but it can also be a person unknown to the child which is more common in relation to commercial sexual exploitation of children. Both children and families are hesitant to speak out and report abuse because of a fear of strong reactions and loss of respect in the community. Both girl and boy victims of sexual abuse and exploitation may even be accused of immoral and illegal conduct.

Sexual exploitation of children does not necessarily have to be perpetrated through intercourse with a child, since even producing and possessing child pornography is a form of exploitation. With new technologies, there are new ways of making pornographic pictures of children, even without the child being aware, and the exchange of pornographic material has increased dramatically.

### AFGHANISTAN

In Afghanistan, evidence suggests that boys are more vulnerable to sexual abuse and exploitation than girls. Men's use of boys for sexual gratification is somehow socially accepted.<sup>1</sup> In contrast, there is very little openness on sexual abuse in the home, where girls are more at risk. The "reputation" of the family is considered very important, precluding any discussion on domestic sexual abuse. The legislation focuses on preserving the integrity of marriage and the chastity of girls. There is no specific law on child sexual abuse, even though lately there has been a demand for it. Furthermore, girl victims of sexual abuse are at risk of honour killings or forced marriage with their rapist, as well as being rejected by their families. There is no database on child sexual abuse and exploitation.

### BANGLADESH

There is no reliable information on the number of children sexually abused and exploited in Bangladesh. More than 20,000 children live in the red-light areas of the country at risk of sexual exploitation, and many, especially girls, end up in prostitution. Prostitution of boys is also taking place but it is a more hidden phenomenon. There is also a growing demand for child abuse images both domestically and internationally.<sup>2</sup> Laws addressing child prostitution in Bangladesh are the 1860 Penal Code, the 1993 Suppression of Immoral Traffic Act, the 1974 Children Act and the 2000 Suppression of Violence against Women and Children Act (amended in 2003). However, none of these laws specifically defines child prostitution in line with the Optional Protocol to the Convention on the Rights of the Child. Boys are often left without legal protection and, rather than protecting them, laws put them at risk of being prosecuted under the Sodomy Act.

1 UNICEF, Innocenti Research Centre (2010), *Sexual Abuse and Exploitation of Boys in South Asia: A Review of Research Findings, Legislation, Policy and Programme Responses*, pp.31–32.

2 ECPAT (2011), *Global Monitoring, Status of action against commercial sexual exploitation of children, Bangladesh*, p. 15.



**BHUTAN**

Data on the extent of sexual exploitation of children in Bhutan is still scattered. In 2007, the majority of the abuses reported were of girls, but the issue of sexual harassment of boys in schools has also been raised. The Bhutanese Penal Code punishes sexual harassment, rape and child molestation, incest and child abuse. The Penal Code includes using children in prostitution, its promotion and patronising as crimes. Additionally, the 2011 Child Care and Protection Act and the 2007 Labour and Employment Act contain provisions against child sexual exploitation, both prostitution and pornography.

**INDIA**

In India, the National Crime Records Bureau provides data on crimes against children. Although the availability of data is poor, it is possible to analyse trends over years. As such, cases of incest have decreased while there has been a 40 per cent increase in child rapes. A survey from 2007 of almost 12,500 children showed that over 50 per cent of the children had experienced some forms of sexual abuse and 20 per cent of them had been subjected to severe forms of sexual abuse.<sup>3</sup> Almost 50 per cent of child pornography cases were with 5–12-year-old children, while little more than eight per cent were adolescents (15–18 years) and almost 24 per cent were 13–14 years of age. The study also showed that almost 31 per cent of the total number of child respondents reported being exposed to pornographic pictures. The National Crime Records Bureau highlights an increase of 83 per cent in the procurement of minor girls and 56 per cent in selling of girls for prostitution from 2005 to 2011. The growth of the tourism sector has contributed to an increase in the sexual exploitation of children. Child sex tourism involves hotels, travel agencies and tour operators; some companies openly advertise availability of child prostitutes. Hotels in India are required to supervise guests' internet and TV use and block access to child pornography websites and TV channels.

3 Ministry of Women and Child Development (2007), Study on Child Abuse India: 2007.

The Indian Penal Code (1860) prosecute child sexual abuse and exploitation, i.e. punishment for rape, “unnatural” offences, word, gesture or acts intended to insult the “modesty” of a woman and assault or criminal force to woman with intent to outrage her “modesty”, but the most comprehensive law on child sexual abuse is the 2012 Protection of Children from Sexual Offences Act. The 2000 Juvenile (Care and Protection) Act also provides for protection of girls and boys up to the age of 18 years who have been sexually abused. In addition, the 2005 National Plan of Action for Children (2005) lays down strategies to protect children from sexual abuse and exploitation. These include research to identify the nature of the problem, setting up intervention centres, sensitising police, judiciary, medical authorities and media and promoting public awareness building partnership with other stakeholders. A Central Advisory Committee on Combating Child Prostitution has been formed with members including the government, international agencies, non-governmental organisations.

The laws that deal with child pornography are the 1956 Young Persons (Harmful Publications) Act and the 2008 Information Technology (Amendment) Act. The latter Act prohibits creating, publishing or transmitting in any electronic form children engaged in sexually explicit acts. It also prohibits inducing children to online relationship. The Computer Emergency Team India has been appointed as the authority for issuing instructions to block websites.

**MALDIVES**

A 2009 National Study on Violence against Children found that almost one in seven children in secondary school had been sexually abused. Rates of sexual abuse for girls were almost twice as high as for boys. In another study from 2006, 12 per cent of women aged 15–49 reported that they had been sexually abused before the age of 15.<sup>4</sup> Reports and arrests are growing in number, with 117 child abusers arrested in 2010 compared with 23 in 2009.<sup>5</sup> In 2009, the government of Mal-

4 UNICEF, *Child Protection*, [http://www.unicef.org/maldives/children\\_3434.htm](http://www.unicef.org/maldives/children_3434.htm).

5 U.S. Department of State (2010), *Human Rights report: Maldives*, pp. 20–21.

dives passed the Child Sex Abuse Act, which defined child sex offences for the first time. However, if a person is legally married to a minor under Islamic Sharia, none of the offences would be considered a crime. There is still some confusion around rape since, according to the Penal Code, it cannot be prosecuted under any act. Laws against sexual assault or misconduct are used to criminalise rape. A man can be convicted of rape in the absence of a confession only if there are two male witnesses or four female testifiers. The victim herself might be subjected to penal proceedings if the perpetrator does not plead guilty or the witnesses for the prosecution cannot be found. Under Maldivian law, there is also the possibility that a child who has been raped could be charged for fornication, punished by public flogging and kept under arrest until he/she turns 18. The development and implementation of a procedure manual for referral of child abuse cases has strengthened service quality. A family-and-child course for Investigating Officers has been developed and institutionalised at the Maldives Police Service, assisting in strengthening investigations and making them child-friendly.

### NEPAL

In Nepal, many girls who come to Kathmandu from the rural areas in search of work get trapped in prostitution. In 2011, approximately 40,000 girls were working in 1,200 cabin, dance restaurants and massage parlours in the Kathmandu Valley; half admitted to being victims of sexual exploitation.<sup>6</sup> Street boys are also victims of such exploitation. Even schoolgirls are increasingly getting sexually exploited. Nepal is also a destination for sex tourists, where some may access young children by running “orphanages” and “street shelters” for poor children. The 1992 Children’s Act prohibits using a child in an “immoral profession” and the 2007 Interim Constitution prohibits all forms of exploitation.

There is no law that defines or prohibits child prostitution, although the 1986 Human Trafficking Control Act of Nepal explicitly

criminalises the selling and buying of human beings, and establishes provisions for rehabilitation and integration for victims. The 1970 Public Crime and Punishment Act ensures that no one should engage children in immoral activities. Taking photos with the intention of using them for immoral purposes, or distributing or exhibiting them, and printing and publishing such materials is also prohibited. The Muluki Ain (General Code) Chapter on Rape also defines sex with a child as unnatural sexual intercourse and as an aggravated form of statutory rape. Other relevant laws include the 1993 National Broadcasting Act, which prohibits the broadcast of any advertisement on vulgar materials, and the 2008 Electronic Transaction Act, which prohibits the dissemination of pornographic materials through electronic means.

### PAKISTAN

In Pakistan, there are several studies documenting high levels of child sexual abuse perpetrated by teachers, brothers, cousins, step-fathers and neighbours. One such study documented how judges in some incest cases refused to believe that incest was possible, accusing family members of trying to exact revenge through false allegations.<sup>7</sup> Children living on the streets in Pakistan become involved in “survival sex”, to protect themselves from greater abuse or for their day-to-day survival. A report by the Human Development Foundation found that almost 90 per cent of sexually violent acts against children occur on the streets. Thirty-three per cent of the children who were sexually abused revealed that they were abused by people in police departments, while 22 per cent held workers of political, social and religious parties responsible. Gender segregation in Pakistan plays an important part, since most child prostitution-related research conducted in the country focuses on boys and little information regarding girls is available. Girls engaged in prostitution live in the brothels of red-light districts and are sometimes sold by their relatives. They are also sexually exploited under the cover of

6 ECPAT (2011), Global Monitoring status of action against commercial sexual exploitation of children, Nepal, p. 9.

7 Equality Now, War and Nasreen Welfare Trust Legal Aid Services (n.d.), A struggle for Justice – Incest Victims in Pakistan.

being dancing girls. Boys enter into prostitution between 12–15 years, mainly pushed by their families.

The Khyber Pakhtunkhwa and Sindh provinces have already passed provisions punishing sexual abuse of children. The government of Pakistan took an important step to protect young girls from sexual abuse with the amendment of the provisions of the Zina Ordinance (1979), through the Protection of Women (Criminal Laws Amendment) Act (2006). Under the Act, rape has been made an offence and convictions have to be based on evidence. The Act also prohibits charging women with fornication offenses in cases they cannot meet the proof required by the Zina Ordinance.<sup>8</sup> The main law in Pakistan that addresses child prostitution is the 1961 Pakistan Suppression of Prostitution Ordinance. In 2006, Pakistan adopted a national Plan of Action for Children with measures to ensure child protection. A national Plan of Action against Child Sexual Abuse and Exploitation, with protection, prevention, recovery and rehabilitation activities, has also been developed. Child pornography is dealt with under the 2007 Prevention of Electronic Crimes Ordinance and the 2009 Protection of Children Act.

### SRI LANKA

Since 2011, the Police Department has provided data on grave crimes against children, including child sexual abuse and exploitation. The data is limited because sexual abuse and exploitation are rarely reported. However, 215 incidences were reported in 2009 and 854 cases were recorded in 2010. In 2011, the number of cases of rape and incest was 1,463. A large number of Sri Lankan women work abroad, and the absence of female caregiv-

ers has resulted in some children having little protection with some becoming victims of domestic sexual abuse. While the majority of boy victims are exploited by foreign tourists, girls in prostitution provide sexual services to local community members, soldiers, local tourists and businessmen. Additionally, after the 2004 tsunami and during the civil conflict, children dropped out of school and assumed adults' responsibilities in the absence of the parents, making them vulnerable to abuse and exploitation.<sup>9</sup>

The legal framework of Sri Lanka addresses child sexual abuse and commercial sexual exploitation in a comprehensive manner. Boys are not identified as rape victims per se under the section on rape and sexual intercourse with boys is addressed under Section 365 of the Penal Code, "Of Unnatural Offences", and the 1995 Amendment Act. Sri Lankan law criminalises incest. The law applies to both male and female victims and either males or females may be considered perpetrators. The law covers only intercourse and not sexual harassment. The 1995 amendment to the Penal Code prohibits the mechanisms surrounding child prostitution, including procuring a child for prostitution, permitting a child to be on premises for the purpose of sexual abuse, and causing "the seduction or prostitution" of a child. The 2006 amendment to the Penal Code addresses offences of child sexual abuse on the internet, imposing responsibility upon service providers. The government initiated the Cyber Watch Project to monitor the internet for child pornography and child sex tourism. A National Plan of Action for the Protection of Children from Sexual Exploitation in Travel and Tourism (2005–2007) was developed, the first of its kind in South Asia.

8 Global Monitoring status of action against commercial sexual exploitation of children, Pakistan, 2nd Edition, ECPAT, 2011, p.32.

9 ECPAT (2012), Global Monitoring status of action against commercial sexual exploitation of children, Sri Lanka, p. 12.

## Domain 6: Child trafficking

### Key findings: achievements and challenges

All the SAARC countries signed the Optional Protocol to the CRC on the Sale of Children, Child Prostitution and Child Pornography (2000) but only India has ratified the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children from 2000 (Palermo Protocol). Sri Lanka has signed it. In general, domestic legislation in the countries in Asia falls short of including a comprehensive definition of trafficking. India and Bangladesh have laws against trafficking focusing in particular on the prostitution and trafficking of women and children. The law in Nepal covers several forms of trafficking, including for example the removal of organs, but it punishes actions it considers immoral even though they are not related to trafficking per se. In Sri Lanka, a major legal reform has been undertaken with the modification of the Penal Code (2006) which covers different forms of trafficking along with a comprehensive definition. Maldives, Bhutan and Sri Lanka have, instead of a complete code dealing with different forms of trafficking, chosen to include legal protection in different legislations.

Policies and plans of action addressing trafficking in human beings are in place in all the countries of the region except Bhutan and Maldives. Unfortunately, there is little coordination between government staff and organisations and UN-agencies working against trafficking. While the focus is on short-term help for victims, little attention is given to long-term mental and social supports. Trafficked children, especially those who are victims of sexual exploitation, often face stigma because they are viewed as immoral or criminal. Rejected by their family and community, they may return to a life of prostitution or forced labour, or once home again, they risk to be re-trafficked.

### AFGHANISTAN

Trafficking in Afghanistan is difficult to assess, due to a conceptual confusion between the terms trafficking, smuggling, kidnapping and

irregular labour migration. As a result, the extent of trafficking is difficult to ascertain from cases of children sent by parents into labour situations, some of which may be abusive, but in which there was no purposeful exploitation. Afghanistan is a source, transit and destination country for trafficked children and 60 per cent of the victims are trafficked within the country's borders. According to the Afghanistan Independent Human Rights Commission (2011), women and girls are forced to weave carpets and engage in sex work, and are forced into child marriage with the trafficker through fraud, intimidation or coercion. Trafficking cases are adjudicated under the Penal Code's articles on kidnapping of children, which impose stricter penalties for kidnapping of girls. In 2008, the government passed the Law on Countering Abduction and Human Trafficking. However, convictions are rare and victims of trafficking are often punished for acts that they might have committed as a direct result of being trafficked. Furthermore, a Committee to Counter Child Trafficking has been formed and a Plan of Action to Combat Child Trafficking in Afghanistan (2004) developed.

### BANGLADESH

Bangladeshi children are trafficked internally and across borders for commercial sexual exploitation, domestic servitude and forced labour, including begging, but there is no regular data collection on their numbers. Child victims of trafficking are sometimes handed over by parents or sold by neighbours and relatives. Procurers recruit in the period before harvest or seek out families with financial difficulties. Once the children are in the hands of procurers, they are controlled through threats of violence and total confinement, being beaten or tortured. A 2011 report found that neighbours, relatives (including husbands), unemployed local youths, friends, co-workers, lovers, recruiting agents and vehicle drivers were involved in the trafficking of many girls.<sup>1</sup> In 2012, the Human Trafficking

<sup>1</sup> ECPAT (2011), *Global Monitoring Status of Action against*



Deterrence and Suppression Act was enacted. Six years earlier, the National Anti-Trafficking Strategic Plan of Action (2006) was adopted with the purpose of clarifying the roles of coordinating inter-agency actions for prevention, rescue, repatriation, prosecution and reintegration of trafficking victims. An Inter-ministerial Committee to Prevent Trafficking in Women and Children has also been established to monitor and provide technical support to child trafficking programmes. The Committee has established anti-trafficking units in 64 districts.<sup>2</sup>

### BHUTAN

Bhutan is primarily a trafficking country of origin and Bhutanese children are trafficked to Nepal, India and Pakistan. The Constitution of Bhutan includes provisions on eliminating all forms of exploitation of women, including trafficking. The Penal Code prohibits trafficking in persons and Bhutan collaborates with Interpol in improving cooperation in the area of trans-border human trafficking.<sup>3</sup> A Standard Operating Procedure (2010) on handling cross-border human trafficking is nearly finalised according to the Government.<sup>4</sup>

### INDIA

India is a source, destination and transit country of trafficking for sexual exploitation, marriage, prostitution, adoption, entertainment, domestic servitude, sports, pornography, sex tourism, begging and organ trade, and for work in factories, shops and in restaurants, with little distinction between boys and girls. They are trafficked to and from neighbouring countries but also all over the world. Since 2009, there has been an increase in trafficking of girls within India, from some states to others where there is low rate of women as compared to men.

The National Crime Records Bureau collects every year data on trafficking of girls for prostitution. India has also developed a database

*commercial Sexual Exploitation of Children, Bangladesh*, 2nd Edition.

<sup>2</sup> ECPAT (2011), *Global Monitoring Status of Action against commercial Sexual Exploitation of Children, Bangladesh*, 2nd Edition, p. 22.

<sup>3</sup> Bhutan became the 183rd Member of Interpol (International Police) on September 19, 2005.

<sup>4</sup> <http://www.saarcgenderinfobase.org>

that contains information regarding missing people. A major challenge is the repatriation and reintegration of victims of trafficking back to their country of origin. At present, no systematic procedure for repatriation of these victims exists. The 1956 Immoral Traffic (Prevention) Act is the primary legislation for the prevention of trafficking, which is limited to trafficking for prostitution. However, there are several legal provisions in the penal code and in other laws relevant to child trafficking. The 2005 Prohibition of Child Marriage Act covers trafficking for marriage, and there are many significant court judgments related to trafficking of children. The recently passed 2013 Criminal Law (Amendment) Bill includes provisions addressing trafficking. There is also an Integrated Plan of Action to prevent and Combat Trafficking with Special Focus on Children and Women. In addition, the 2003 National Charter for Children (2003) aims to protect children from trafficking, and the 2005 National Plan of Action for Children aims to stop sale of children and all forms of child trafficking. In 2005, a Protocol for Pre-Rescue, Rescue and Post-Rescue Operations of Child Victims of Trafficking for Commercial Sexual Exploitation was established.

A project aimed at training law-enforcement officers on human trafficking has been undertaken and, in 2007, the government launched Ujjawala, a comprehensive scheme for the prevention of trafficking, and rescue, rehabilitation, reintegration and repatriation of victims of trafficking and commercial sexual exploitation. A rapid assessment of the existing processes and mechanisms concerning rescue, recovery and reintegration of child victims of trafficking between India and Bangladesh has been undertaken. A Joint Plan of Action, a Roadmap and time matrix for quick repatriation of cross-border victims are also in the process of finalisation.

### MALDIVES

Numerous workers from Bangladesh and from India migrate to Maldives, some of whom are subjected to trafficking for commercial exploitation and forced labour. A small number of Maldivian girls are trafficked



to Malé for domestic servitude. Trafficking offenders in Maldives usually fall into three groups- families that subject domestic servants to forced labour; employment agents who bring low-skilled migrant workers to Maldives under the pretence of employment; and employers who subject the migrants to conditions of forced labour upon arrival. Trafficking is prohibited by the Constitution, but there is no anti-trafficking law in place. The Maldivian Police and the Immigration authorities have received training to deal with the phenomenon. In 2012, the government approved an Anti-Trafficking plan and the establishment of an Anti Human-Trafficking and People Smuggling Unit.

### NEPAL

Nepali girls and boys are trafficked internally and to India, the Middle East and other countries for sexual and economic exploitation as domestic servants, beggars, factory workers, mine workers, and in the entertainment industry, including in circuses and in pornography. Some are as young as eight to nine years of age. The Government does not have a reliable data collection system or sustainable prevention strategies to identify children at risk. The National Plan of Action against Trafficking of Women and Children for Commercial Sexual Exploitation was adopted in 1998 and revised in 2001 and a National Coordination Committee has been formed for the overall coordination and execution of the National Plan. The Interim Constitution of 2007 prohibits trafficking in human beings, slavery, bonded labour and forced labour. The 2007 Trafficking in Persons and Transportation (Control) Act is a comprehensive law which deals with all cases of human trafficking. The 2007 Foreign Employment Act criminalises agencies or individuals sending workers abroad with false promises or without the proper documentation, prescribing penalties of three to seven years' imprisonment.

### PAKISTAN

In Pakistan, boys and girls are bought, sold, rented or kidnapped to work in organised forced begging rings, domestic servitude and prostitution. Illegal labour agents charge high

fees to parents with false promises of decent work for their children. Pakistani children are trafficked for camel jockeying and for sexual exploitation to other countries. Children with disabilities are forced to beg in Iran and rebel groups are known to kidnap children or coerce parents with fraudulent promises or threats into giving away children as young as nine years of age to spy, fight or die as suicide bombers in Pakistan and Afghanistan. The number of children trafficked within Pakistan is increasing.<sup>5</sup> In 2002, the Government of Pakistan passed the Prevention and Control of Human Trafficking Ordinance (Trafficking Ordinance), which imposed penalties and included guidelines to law enforcement agencies. The Prostitution Ordinance addresses cases of internal trafficking by prohibiting bringing a woman or girl into a province for prostitution. The draft Child Protection Bill proposes to amend the Penal Code by introducing a new section wherein any person involved in trafficking would be liable to imprisonment and a fine. Pakistan has also developed a National Plan of Action for Combating Human Trafficking, which includes the formation of special Anti Trafficking Units and the Inter-Agency Task Force on Human Trafficking.

### SRI LANKA

Sri Lanka has a low incidence of child trafficking, although a considerable number of children are internally trafficked for domestic labour. Trafficking and forced recruitment of children as combatants has been well documented and children are trafficked for other exploitive purposes, illegal adoption and forced begging. There are reports of children being subjected to bonded labour and forced labour in dry-zone farming areas on plantations and in the fireworks and fish-drying industries. Children orphaned by the 2004 tsunami and the civil conflict have created easy targets for child traffickers. Children have been reportedly abducted from refugee camps and temporary shelters and trafficked into forced labour and sexual exploitation.

5 ECPAT (2011), Global Monitoring Status of Action against Commercial Sexual Exploitation of Children, Pakistan, 2nd Edition, p. 13.

Sri Lanka does not have legislation in place to counter trafficking. The notification of the 2005 Convention on Preventing and Combating Trafficking in Women and Children in Prostitution Act is still pending. Hence, provisions in the Penal Code are used to deal with cases of trafficking of children. A ten-year National Plan of Action to Combat Trafficking in Children for Sexual and Labour Exploitation was adopted in 2001. In 2010,

the government established an Anti-Human Trafficking Task Force. The National Child Protection Authority (NCPA) is to address child abuse and exploitation, including trafficking, commercial exploitation and illegal adoption. The NCPA has six resource centres through which the government provides limited counselling and day-care for child victims of trafficking.

*Child Rights Defender Fazel Jalil:  
Focusing on the promotion and protection of girls*

**“Fortunately, in Afghanistan we have a strong and committed civil society, an open and free media and many religious leaders who cooperate with the authorities and the population to promote child rights. At the same time, the situation for girls is still grave. 57 per cent of all Afghan marriages involve girls under 16, ‘honour killings’ occur and forced marriage is used to settle disputes between families or to pay off family debts.”**

I am the national South Asia Initiative to End Violence against Children (SAIEVAC) coordinator at the Ministry of Labour, Social Affairs, Martyred and the Disabled. I have worked all my life for a strong and independent Afghanistan, promoting child rights throughout the country. I have a deep concern for extreme forms of sexual abuse of girls, such as rape and gang rape of girls even as young as three. Despite progress in increasing the number of girls in education, the enrolment of girls is still only half that of boys at the primary level. Traditional attitudes favour boys’ education over girls’, as boys are seen as future breadwinners and to be prioritised.

Child labour is another issue of worry to me. The phenomenon of child labour and working children has been aggravated by the continuing conflict and abject poverty. Children have to work due to poverty, which does not leave them much time for education and leisure. Children’s work supplements the family income as years of fighting have destroyed homes and possessions, and adversely affected the coping mechanisms of families and households. Since many households lost men during the conflict and the Taliban restricted women’s mobility and participation in economic activities, children and mainly boys became the new breadwinners. Rural impoverishment due to a series of droughts in large parts of the country, unemployment and a lack of other income-generating activities further contributed to child labour. However, the root cause of child labour is not poverty alone. The processes of globalisation and religious fundamentalism are also contributing factors.

I would also like to stress that that human trafficking is widespread throughout Afghanistan and may actually be on the rise. Children are trafficked to Iran, Pakistan and Saudi Arabia for forced begging, labour and sexual exploitation. Some parents pay smugglers to take their children to Iran and Saudi Arabia in the expectation that they would work and send home remittances. But many children instead end up being trapped in coercive arrangements. Afghanistan’s chronic insecurity, massive displacement, poverty born of conflict and droughts contribute to making people vulnerable to this kind of exploitation.

Afghanistan urgently needs to enact legislation and child protection policies, we need better implementation of laws and policies and we need to provide information and awareness to the community level and promote an even stronger child-oriented civil society. Above all, we need a stronger political will by political leaders to focus on child rights and protection and more donor funds for and interest in children’s issues.





# Chapter 9 – Budgeting for children

The budget of a country is a reflection of government priorities and political commitments. Analysing government budgets helps governmental departments, civil society organisations and other stakeholders to understand what the government is planning and potential gaps. It is one of the most effective ways of monitoring government's commitments towards the realisation of rights of its citizens. According to the International Budget Project Partnership, which has been focusing on budget analysis for over a decade, "The power of budget analysis is that it can provide evidence to support advocacy, strengthening the ability of civil society organisations and the public to influence decisions on tax policies and on the allocation of resources to specific policies and programmes. In addition, by testing the assumptions underlying proposals and identifying potential pitfalls, budget analysis can help turn policy ideas into desired outcomes."<sup>1</sup>

Over the years, countries across the world have been undertaking human rights budget analysis. Some have concentrated on a particular sector such as education or health. Others have analysed budgets in the context of a category of persons, such as women, indigenous persons or the poor. The purpose in both cases was to gain an understanding of the intent and possible impact of governments' allocations and spending.

It is in this context that budget analysis from a child rights perspective is also undertaken. Children's budget or budget for children has been in focus since the 1990s when it was undertaken in South Africa and Brazil. In South Asia, children's budgeting has been in practice in India since the early 2000s, and has spread to other countries in the region over the last few years.

This chapter documents the efforts made in the countries to undertake children's budget analysis and the challenges faced in doing this. The best way to show a regional picture on children's budgeting would have been to undertake a study across countries, using the same methodology, or to access children's budgets put out by governments. Unfortunately both of these options are not available. Also, since the child budget studies featured in this chapter have been undertaken at different time periods, with differing methodologies, and also presented differently, it is not possible to use results from them to make a comparative analysis of the child budget allocations and spending across countries in the region. Hence, the chapter highlights the main findings on allocation and spending on issues concerning children in individual countries. Some common regional trends that emerge from these studies have also been highlighted.

## Why budget analysis for children?

Children form a large population and yet receive a small proportion of the national budget and as a result they suffer from poor nutrition, inadequate health services, and lack of clean water, sanitation and basic education.

Budgetary programs, especially socio-economic expenditures, affect the well-being and life opportunities of the children directly. Yet, children do not form a powerful political lobby, and cannot advocate for themselves for more effective delivery of socio-economic services that meet their needs.

The lack of detailed assessment of what government is spending on children inhibits the effective improvement of basic living standards of the children.

- IDASA Budget Information Service and Youth Development Trust, Cape Town, South Africa. 1997

To enable an inter-country comparison of investment in children, social sector expenditures for the countries available from international agencies such as the World Bank and Government Spending Watch have been presented as proxy indicators. Different terms have been used interchangeably, such as child budgeting, children's budget and budget for children, to refer to the same issue/process.

<sup>1</sup> International Budget Partnership (2010–2011), *Budget Analysis*, <http://internationalbudget.org/budget-analysis>, accessed on 10/04/2013.



## Investment in children

It is important to understand the importance of budget analysis in the context of international law, especially the Convention on the Rights of the Child (CRC), which has been ratified by all countries in South Asia. Recognising the importance of financial commitments in the realisation of rights of children, Article 4 of the Convention imposes on States the obligation both to invest the “maximum available resources” in children and to be transparent in its allocations.

### Making children visible in budgets

Implementation of the human rights of children must not be seen as a charitable process, bestowing favours on children... The implementation duties of article 4 and other provisions of the Convention demand rigorous monitoring of the effects of such changes and adjustment of policies to protect children’s economic, social and cultural rights.

General Comment No. 5 (para 51) on General Measures of implementation of the UN CRC, 2003

In 2003, the Committee on the Rights of the Child published General Comment No. 5 to insist that States identify “the proportion of national and other budgets allocated to the social sector and, within that, to children, both directly and indirectly.” It also underlined that States must ensure that planning and budgetary decisions are made “with the best interests of children as a primary consideration” and that children are protected from the adverse effects of economic policies or financial downturns. In 2007, the Committee devoted a General Day of Discussion on this subject.<sup>2</sup> Based on all the

submissions made and the discussions, the Committee recommended that, “State Parties to consider establishing national priorities guided by the four general principles of the Convention in the allocation of resources in their efforts to prioritise the implementation of the rights of children in their respective national contexts. These priorities should be established using rights-based approach, paying special attention to the most marginalised and disadvantaged groups of children.”<sup>3</sup>

A scanning of the Concluding Observations made by the Committee, based on State reports from the countries in South Asia, show that the Committee has repeatedly made recommendations on the importance of allocating adequate resources and monitoring budgets to all the countries in the region. Some of these have been highlighted in the country reports in this chapter.

## SAARC and Budget for Children

In South Asia it is significant that the South Asian Association for Regional Cooperation (SAARC) has recognised that it is only possible to work on child rights when there are enough resources allocated and also that child budgeting is an important policy tool for analysis.<sup>4</sup> An assessment made by SAARC jointly with UNICEF states that “...the budget is a social contract: it contains the vision that society has of its future, including the effort and resources needed to achieve that vision. By converting national budgets and fiscal policies into instruments for the realisation of child rights – through increased transparency and involvement of the wider society at every stage of decision making, execution and monitoring – social investments for girls and boys alike can improve.”<sup>5</sup>

2 Committee on The Rights Of The Child, 46th Session, 5 October 2007. Day Of General Discussion On “Resources For The Rights Of The Child – Responsibility Of States” held on 21 September 2007.

3 Ibid.

4 SAARC & UNICEF, *Assessment of Progress in the SAARC Decade of the Rights of the Child (2001–2010)*, p. 17, [http://www.unicef.org/rosa/SAARC\\_Assessment\\_report\\_of\\_Child\\_right\(1\).pdf](http://www.unicef.org/rosa/SAARC_Assessment_report_of_Child_right(1).pdf).

5 Ibid.

## Key regional findings: overall achievements and challenges

### Efforts towards Budget for Children analysis

The first country in South Asia to have attempted children's budgeting was India. This has inspired other non-state actors in Bangladesh, Nepal, Sri Lanka, Pakistan and Afghanistan to undertake similar analyses. Although drawn upon for this chapter, the reports from Nepal and Afghanistan are still to be finalised.

However, unlike in India, governments of these countries have to yet to institutionalise child budgets in their plans and policies. There has been, so far, no attempt in Bhutan and Maldives to undertake children's budgeting either by non-state actors or by the government.

Actors in India, Sri Lanka, Pakistan and Bangladesh have undertaken advocacy using the findings of child budget analysis. It was the result of such advocacy efforts in India that led to its inclusion in Government of India's agenda. In Bangladesh officials from the Finance Ministry has promised to share the detailed budget heads to facilitate a budget analysis after a study was released by non-governmental organisations. The Ministry of Child Development and other relevant ministries in Sri Lanka became interested to follow up after a budget study was launched. An important outcome is the invitation from the Ministry for undertaking training workshops on the budget for children methodology for government officials at national, provincial,

district and divisional levels. In Pakistan consultations were organised with non-state actors and government departments at national, provincial and district levels.

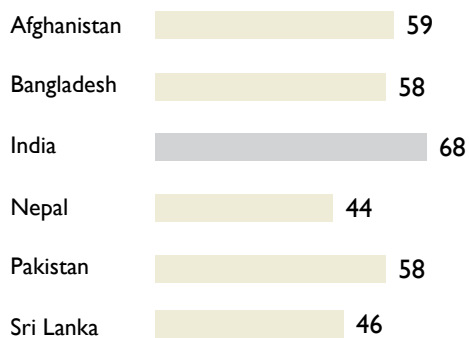
### Availability of budget data

The key to budget analysis is the availability of data. Over the years, in the interest of transparency, several countries in South Asia have made budget information available on line. The Open Budget Survey by International Budget Partnership measures the state of budget transparency, participation, and oversight in countries around the world. It consists of 125 questions and is completed by independent researchers in the countries assessed. South Asia has received a higher than average global score and is next only to Western Europe and America.<sup>1</sup> In terms of individual performance, India has the highest ranking.<sup>2</sup> Bhutan and Maldives are not included in the report. (See Figure 9.1)

However, there is considerable difference between the scores of the best performing countries and those in the South Asian region, which show that the countries need to take more steps to make their budgets and budgeting processes transparent to enable citizens to monitor governments and hold them accountable.

In practice, it has been found that sometimes the kind of detail on individual budget heads that is needed to undertake child-centred budgeting<sup>3</sup> is not easily available. In Bangladesh, for example, while the overall budget is available, the breakdown of the schematic details is not available in the public space. However, discussions with the government revealed that it is available with the Finance

Figure 9.1: Open Budget Survey scores



Individual country scores

1 <http://internationalbudget.org/wp-content/uploads/OBI2012-Report-English.pdf>, page 19. Accessed on 30.7.2013.

2 <http://internationalbudget.org/wp-content/uploads/OBI2012-IndiaCS-English.pdf>. Accessed on 30.7.2012.

3 Child-centred budgeting or Child budgeting requires the identification and disaggregation of allocation and spending on children from overall budgets and thereby calculating the share for children in the budget.

Ministry. A similar challenge was found in Pakistan. This report highlights the non-availability of specific head or budget line for children in the official budget documents of the federal and provincial governments. The Nepal study, too, highlights the challenge of accessing budget data.

### Trends in budget allocation and spending

In the absence of a universal approach or principles, the methodology used by countries for undertaking child budget analysis has differed. Hence the challenge of making inter-country comparisons or ranking the countries using the findings. However, there are some similar findings that have been arrived at.

The country studies on budget for children described in this chapter show that the maximum allocation has been for the education sector for children in the countries of South Asia. Of all sectors for which budgets have been analysed, it has also seen the highest increase in allocations and spending. While there has been some increase in allocation and spending on health, the protection sector for children has received relatively little attention. This indeed is a matter of concern given how unprotected the children in this region are.

The social sector information from international sources shows that Bhutan is the only country of all those for which information is available that has achieved the Millennium Development Goal target for allocation on education and health. What is more, Afghanistan and Nepal, countries that have witnessed political turmoil and conflict, have shown greater commitment to investing in education and health than India.

Budget allocations and spending have to be understood in the context of outcomes for children. In this respect, Bhutan, Maldives and Sri Lanka are the top performers in health and education in the South Asian Report. There are several reasons for this achievement, one of which is the political dedication to pri-

oritise and adequately finance the education and health sector and international support to reach the Millennium Development Goals. Moreover, all these three countries have planned in detail how to reach their goals both in relation to access and quality management. They have also supported children from economically weak families to, for instance, gain access to the education system. The fact that they are small countries with lower populations is an important reason for their success.

To enable regional analysis and initiatives, it would be important to undertake a child-centred budget analysis at a regional level and also advocate with governments to mainstream it in national, state/provincial budgets.

**Table 9.1** Children's budgeting in South Asia

	By the government	By non-governmental actors
Afghanistan		x
Bangladesh		x
Bhutan		
India	x	x
Maldives		
Nepal		x
Pakistan		x
Sri Lanka		x

### Summary of country-level efforts

Budget for Children is not a separate budget. It is merely an attempt to disaggregate, from the overall allocations made, those specific programmes that benefit children. This enables us to assess how far the policy and programme commitments are translated into financial commitments. This would also indicate the political commitment of the government towards its young citizens.

Preparing child budgets is an evolving exercise, and, as yet, there is no universal model to guide such work. This is true not only between countries but within countries as well. In Bangladesh two separate studies resulted in different findings. While some countries have analysed the budgets in four sectors – for example India – Bangladesh, Sri Lanka, Afghanistan and Pakistan have done so in three sectors.

Tools and handbooks have been developed to train non-state actors across the region.<sup>4</sup> As a result of such training, budget for children analysis has been initiated in several countries (see Table 9.1). However, except for India, it has not become part of government policy and plans in the other countries. Since its recent beginnings, child budgeting work undertaken in the countries, except in India, has been an ad hoc and in many cases one-off exercise. While the children's budget report undertaken by non-governmental and UN-agencies in Sri Lanka, Pakistan and Bangladesh are already ready, the studies in Nepal and Afghanistan are yet to be finalised.

In the trainings, the budget for children analysis was recommended to be undertaken by dividing the budget into four sectors – child development, child health, child education and child protection. Some countries have followed this method, while others have concentrated on just three sectors. Some country studies have referred to the protection sector as social protection/social welfare.

Initiated by HAQ: Centre for Child Rights in 2000, child budgeting has since been adopted by the Government of India in the national budget. The budget presented in the Parliament includes a separate statement on children (Expenditure Statement No. 22). It has also been included in the National Policy for Children, National Plan of Action for Children and Five Year Plans of the Government of India. The child budget analysis undertaken over the years has shown that while there has been a steady rise in the share for children, it still remains very small. What is more, what is allocated is often not spent. While education receives the maximum share, the protection sector remains the lowest resourced.

In Afghanistan, Save the Children in partnership with Afghanistan Public Policy Research Organisation (APPRO) has undertaken a study on Child-Centric Budget Analysis. This study notes that there is no effective govern-

ment mechanism in place for tracking and monitoring the allocation and impact of resources from national and international sources from a child rights perspective. Also, while the education sector made up approximately 15 per cent of the national budget in 2013, the health sector constituted only 3.7 per cent and social protection a mere one per cent.

Two important studies have been conducted in Bangladesh but because of the difference in methodologies adopted by them, their results are different. While the Centre for Policy Dialogue (CPD)–UNICEF study concludes that the children's share in the national budget is only 4 per cent, the second study by the Centre for Services and Information on Disabilities (CSID) –Save the Children has arrived at 22.19 per cent in the same period. While the CPD–UNICEF study concludes that there have been increases in the number of child-related projects initiated by almost all ministries, the CSID–Save the Children study shows that there has been a consistent reduction in the share of child budget from about 22.8 per cent in 2009/10 to 17.9 per cent in 2012/13.

In Bhutan, while the framework for gender-responsive budgeting is being developed, there is yet to be a holistic approach to child budgeting. However, there are some positive trends. The government recently completed a mapping and assessment of the child protection system with UNICEF support that included a review of the budgetary process for child protection. Based on the mapping and assessment findings, a National Plan of Action for Child Protection was developed and the Eleventh Five Year Plan for the first time has references to child care and protection.

Maldives does not have a separate children's budget analysis but the growing emphasis on education, health and social security and community programmes, including housing, gives an indication of the priority accorded to children by the government. In an analysis conducted by UNICEF, it was estimated that the total social sector spending almost tripled between 2000 and 2009. It also found that between 1995–2008, health and education budgets increased almost six-fold, and this increase

<sup>4</sup> Budget for children analysis – a beginners' guide. <http://resourcecentre.savethechildren.se/library/budget-children-analysis-beginners-guide>.

**Table 9.2:** South Asia social sector expenditures (\$US, millions) by category

	Education	Health	Social Security and Welfare	Housing and Community Affairs	Total
Afghanistan	213.63	71.03	86.18	11.29	282.13
Bangladesh	1101.07	467.32	131.9	180.9	1881.19
Bhutan	41.59	24.27	13.45	13.35	92.66
India	3880.72	1367.53	7334.5	3744.19	16326.94
Maldives	62.72	36.09	18.11	70.21	187.13
Nepal	207.41	66.82	59.72	110.67	444.62
Sri Lanka	519.2	373.77	659.84	171.16	1723.97
<b>Total</b>	<b>6026.34</b>	<b>2406.83</b>	<b>8303.7</b>	<b>4301.77</b>	<b>21038.64</b>

Source: UNICEF ROSA, South Asia Fiscal Database, 2008

Note: Data for Pakistan not available

appears to be reflected in good health and education facilities available in the country.

The Government of Nepal is undertaking a separate analysis of the budget from a gender and poverty perspective, although not yet from a children's perspective. There have been some limited, ad-hoc efforts at child budgeting and the latest effort by CWIN, Save the Children and UNICEF is still to be finalised. The study shows that 15 per cent of the total national budget during the three-year period under review (2008/09 to 2010/11) was for children. Further, while 14 per cent of the national budget was for education, 1 per cent went to health, and very little to protection and efforts to reduce child labour. The study also found that the percentage share of donor assistance remained significant. It varied from 43 per cent in protection to 25 per cent in education and 64 per cent in health in 2009/10.

Child budget analysis has been undertaken in Pakistan by the Human Rights Commission of Pakistan (HRCP) and non-governmental organisations since 2004. At that time the Commonwealth Education Fund (CEF) in collaboration with the Commission implemented a project enabling local communities to monitor government spending on education and published a report Status of Primary Education and Funding in Pakistan. Save the Children conducted a children's budget analysis in 2009 and in 2010, and further undertook another budget for children analysis in

collaboration with the Pakistan Institute of Development Economics (PIDE). The government of Pakistan has yet to initiate children's budgeting. The biggest challenge is that there is no specific head or budget line for children in the official budget documents of the federal and provincial governments. Moreover, while health and education budgetary allocations were previously made by the federal government, since the 18th Constitutional Amendment in 2010, provinces are responsible to manage and maintain both health and education sectors. Therefore, it is difficult to undertake a time series analysis of the budget taking into account years before 2010–11 as the data would not be comparable.

While most of the other child budgeting studies divided the allocations and expenditure across four sectors (education, health, development and protection), Pakistan has done so across three sectors (education, health and social welfare). According to the report by PIDE–Save the Children, Pakistan spent only 0.75 per cent of its Gross National Product (GNP) on children in 2012/13. The distribution of resources shows that education received 0.6 per cent of GNP, health received 0.1 per cent of GNP and social welfare received only 0.02 per cent.

In Sri Lanka, the first attempt at a comprehensive Child-Centric Budget Analysis was made in 2011 by the Child Rights Advocacy Network (CRAN). While the share of the alloca-



**Table 9.3:** Education and health spending as a percentage of GDP in South Asia

	World Bank: Education (Public expenditure 2010/11)	Government Spending Watch (GSW): Education (total expenditure 2012)	World Bank: Health (Public + Private expenditure 2010/11)	Government Spending Watch (GSW): Health (total expenditure 2012)
Afghanistan	Not available	3.81	7.6	0.82
Bangladesh	Not Available	2.08	3.48	0.81
Bhutan	4.02	7.92 (planned)	5.19	3.37 (planned)
India	4.02	3.21 (planned)	4.05	0.96 (planned)
Maldives	Not available	Not available	6.3	Not available
Nepal	4.71	4.11 (planned)	5.52	1.6 (planned)
Pakistan	2.37	Not available	2.20	Not available
Sri Lanka	Not available	Not available	2.95	Not available

Source: World Development Indicator and Global Development Finance; World Data Bank, World Bank, Development Finance; Government Spending Watch – Spending Data.

tion for children has increased over the years to almost 5 per cent in 2011, there has been a decrease in the actual expenditure, which is a matter for concern. The children's share in the GDP has remained low. The distribution of resources among the four sectors of Education, Health and Nutrition, Development and Protection shows that more than one-third (38%) of the Budget for Children was invested in the development sector, followed by education (35%) and health (26%). Protection is almost invisible, with a disconcertingly disproportionate 1 per cent of the Budget for Children.

Given that children's budgeting is new to the region as a whole, it is not surprising that there has been no regional study so far. However, in the absence of specific mechanisms in place for child budgeting, an approximation of the proportion of the budget benefiting children can be made by using social sector expenditures as proxy indicators.<sup>5</sup>

### Social sector spending in the region

SAARC and UNICEF jointly undertook an assessment of Progress in the SAARC Decade of the Rights of the Child (2001–2010).

5 SAARC & UNICEF, Assessment of Progress in the SAARC Decade of the Rights of the Child (2001–2010), p. 18, [http://www.unicef.org/rosa/SAARC\\_Assessment\\_report\\_of\\_Child\\_right\(1\).pdf](http://www.unicef.org/rosa/SAARC_Assessment_report_of_Child_right(1).pdf).

According to this report, while no specific child budgeting processes are in place, budget allocations for education, health and other social sectors were maintained and in many cases improved. (See Table 9.2)<sup>6</sup> Based on data available during 2000–2007, the study concluded that all countries in South Asia valued strong traditions of social development, and had social protection programmes and initiatives that benefited women and children. It showed that Afghanistan, Bhutan, Maldives, Nepal and Sri Lanka spent more than 30 per cent to the social sectors, thus surpassing all nations' pledge at the 1995 World Social Summit to commit at least 20 per cent of fiscal budgets to these sectors. In fact, during that period, Afghanistan and Maldives had spent more than 50 per cent of their budgets on social sector expenditures.<sup>7</sup> Direct cash grants to mothers or other adult female household members, to be used for children's needs, were being used in a number of SAARC Member States. Even so, the report stated, it was important to bridge the gap between national aspirations to reduce inequality and slow progress on some Millennium Development Goals indicators. To address disparities, more work was needed to improve the inter-sectoral understanding of

6 SAARC & UNICEF, Assessment of Progress in the SAARC Decade of the Rights of the Child (2001–2010), p. 20, [http://www.unicef.org/rosa/SAARC\\_Assessment\\_report\\_of\\_Child\\_right\(1\).pdf](http://www.unicef.org/rosa/SAARC_Assessment_report_of_Child_right(1).pdf).

7 Ibid., p. 18.

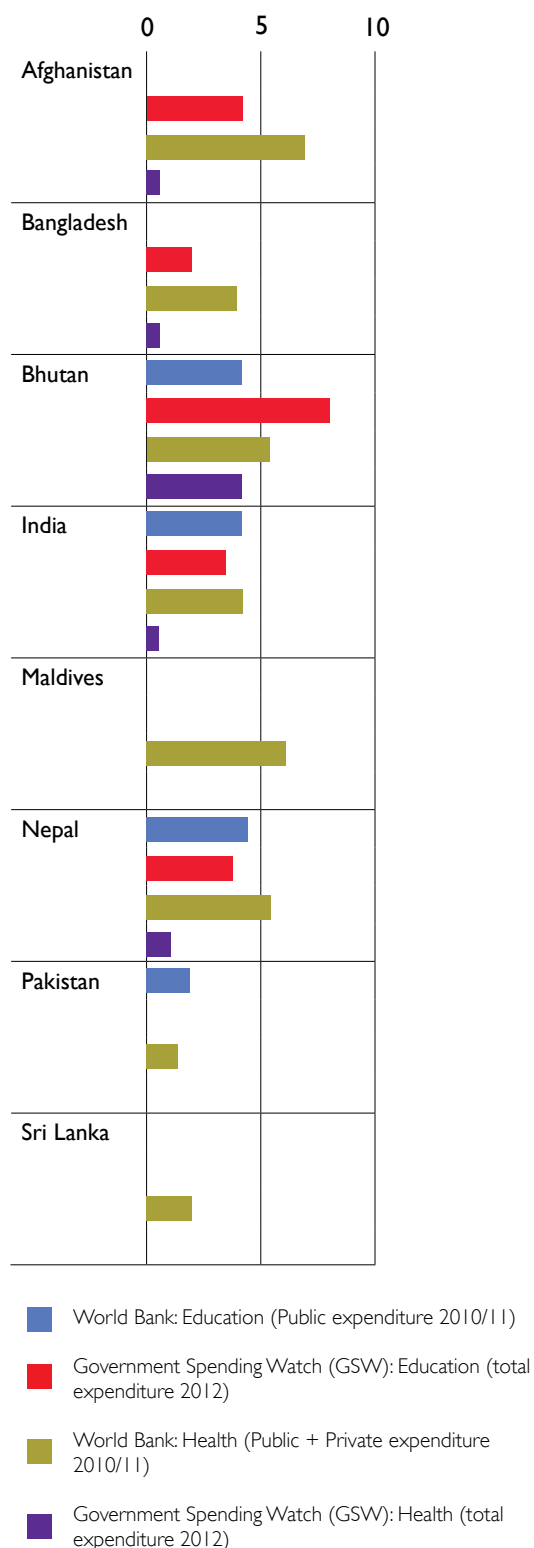
social exclusion, which required strengthened evidence-based data for the most vulnerable populations.<sup>8</sup>

Data generated by the World Bank and Government Spending Watch also provide a comparative analysis of budgets of countries. Table 9.4 presents expenditure on health and education from World Bank (2010/11) and Government Spending Watch (2012). Unfortunately neither of these data sets is able to provide data for all countries in the region. Moreover, as the table shows, the data between these two sources, where data is available, also differs (see Table 9.3 and Figure 9.2).

Table 9.5 gives us details of planned and actual spending as percentage of GDP from Global Spending Watch for education<sup>9</sup> (since primary education data was not available for most countries, total education data has been used), health,<sup>10</sup> gender,<sup>11</sup> water and sanitation<sup>12</sup> and social protection<sup>13</sup> in 2012 for the countries for which it has data available. These can be used as proxy indicators for spending on children.

The highest allocation of spending in health and education is in Bhutan. It is the only country that is investing more than the Millennium Development Goals target for allocation

Figure 9.2 Education and health expenditures in South Asian Countries as a percentage of GDP



Note: Blank spaces are where there is no data

8 Ibid., p. 18.

9 Education includes all on budget pre-primary, primary, secondary and tertiary education, as well as any adult learning programmes. In cases where an education component is linked to other sectors (medical schools attached to hospitals, or agriculture training institutions), this has been linked to those other sectors).

10 Health includes all spending for the sector, from primary through to tertiary.

11 Gender includes any expenditure by agencies which are explicitly responsible for the empowerment and development of women and on gender issues, except social transfers. This includes girl children.

12 Water and Sanitation includes the provision of water supply (including regulatory bodies), waste water management and water resource management. Irrigation expenditure has been classified as agriculture expenditure.

13 Social protection is often split across many agencies of government. Therefore GSW has used specific guidelines to calculate spending levels. This meant excluding spending disbursed via other sectors, such as health, education and agriculture; as well as civil service pensions which are not specifically targeted at the poor. It included spending on employment programs targeted at the poor, food security (if clearly separated from agriculture), disaster mitigation/management, social transfers and other social security schemes. However, in a few cases it was not possible to remove civil service pensions from overall welfare spending, making expenditure much higher than in other countries.

Table 9.4: Allocation and spending in South Asia

	Education		Gender		Social protection		Health		Water/sanitation	
	Planned	Actual	Planned	Actual	Planned	Actual	Planned	Actual	Planned	Actual
Afghanistan	3.87	3.81	0.03	0.03	0.3	1.13	1.1	0.82		
Bangladesh	2.21	2.08			1.2	0.98	0.96	0.81		
Bhutan	7.92						3.37			
India	3.21				1.42		0.96			
Nepal	4.11				0.73		1.6		0.59	

Source: Government Spending Watch

on education and health. All countries for which data is available are allocating very little for social protection. Although still inadequate, of all countries, India is allocating the maximum on social protection. The difference

between the allocation and spending is a very important indicator of efforts made by the governments on realisation of commitments. However, as Table 9.4 shows, actual expenditure is not available in most cases.

## Country reports

### AFGHANISTAN

The national budget of Afghanistan consists of the Core Budget and External Budget. The Core Budget comprises the Core Operating Budget and Core Development Budget. It is approved by the Cabinet and National Assembly and it consists of funds that flow through the government's treasury apparatus, and is subject to the government's Public Finance Management (PFM) systems. The External Budget includes expenditures disbursed directly by donors and hence is outside the government's PFM system. According to the government, donors cover 100 per cent of Afghanistan's development budget and 35 per cent of operating expenses. The government is underlining that the resources available are limited and that their allocation needs to be coordinated to ensure that they are directed to their highest priority. To do this, all available resources is to be reflected in the budget. However, there are difficult choices to be made between competing demands and trade-offs between different options need to be considered....

In this way the budget is the central tool of policy making.<sup>1</sup>

The system of budget and budgetary processes in Afghanistan is still at a nascent stage as compared with other countries as frequent political and social instabilities have affected the economy of the country severely and hence there has been no systematised effort to build the modern-day institutions of public finance management. However, the Afghanistan of the twenty-first century has seen glimmers of hope as it is experimenting with democracy and rule of law. This has accelerated efforts for institution and nation-building.

A social protection system has been in place in Afghanistan since the early 1990s. This Social Protection Strategy is critical to the government's ongoing efforts to reduce poverty. The Strategy consists of five major elements including child protection. In collaboration with the UN, non-governmental actors and

<sup>1</sup> Government of Afghanistan (GoA) (n.d.), Budget Department, <http://mof.gov.af/en/page/419>, accessed on 10/04/13.

others such as international financial institutions, the government provides support to families and children in difficult situations through social safety nets comprising family support, social protection and poverty reduction programmes. Cash transfer schemes, which channel assistance through mechanisms such as public works, skills development and microfinance (in collaboration with private banks), target orphans, persons with disabilities, and families of those killed in conflict, among others.

The Committee on the Rights of the Child (2011) has expressed concern that information about budget allocations for implementing the rights of children is extremely limited and that there is no effective mechanism for tracking and monitoring the allocation and impact of resources from national and international sources from a child's rights perspective. The Committee has further urged the State Party to allocate adequate budgetary resources for the implementation of the rights of children for their survival, development, protection and participation; and to start budgeting-by-results to monitor and assess the effectiveness of resource allocation and, if necessary, seek international cooperation to this effect.

### Child-centric budget analysis

Save the Children in partnership with Afghanistan Public Policy Research Organisation (APPRO) has undertaken a Child-Centric Budget Analysis.<sup>2</sup> This study which is to be finalised analysed the allocation of core government (operating and expenditure) budget for sectors supporting the realisation of child rights. The study focused on the budgets of the Ministry of Education, Ministry of Public Health and Ministry of Information and Communication by reviewing their budgets and conducting interviews with officials from the two ministries. It is not based on identifying child-specific allocations and expenditure.

2 Child-centric Budget Analysis in Afghanistan: A Review and Ways Forward. Submitted by Afghanistan Public Policy Research Organisation (APPRO), edited by Save the Children. Draft January 5, 2013.

The draft report concludes that the government has a number of programmes to improve delivery of basic education for children in Afghanistan. Among these are the World Bank's Education Quality Improvement Program (EQUIP), Partnership for Advancing Community-based Education in Afghanistan (PACE-A), and a host of other programmes funded by USAID, CIDA, SIDA and other donors.<sup>3</sup> However, as mentioned earlier, the support from donors is not reflected in the official budget documents.

The APPRO and Save the Children draft report has brought out some important insights. Education receives the largest share and social protection the least. Education and health sectors receive a substantial proportion of the budget from international sources, while social protection receives very little (Table 9.5).

The Ministry of Education on an average received 12.5 per cent of the national budget.<sup>4</sup> It received the maximum share in 2011, and although there has been an increase in 2013 over 2012, it is still less than the share it received two years ago. The proportion of national budget allocated to health slowly declined between 2011 and 2013 from 4.2 per cent to only 3.7 per cent. What is more, the National Health Account study in 2009 estimated that of the per capita expenditure of almost 42 USD,<sup>5</sup> only 6 per cent was provided by the government, while the donors collectively provided 18 per cent. The bulk of the remaining expenditure on health came from household funds with International NGOs providing 0.2 per cent.<sup>6</sup>

Social protection received around 1 per cent of the national budget per year. The budget for social protection comes from of six major ministries and departments. They are: Department of Emergency; Department of Nomad Administration; Ministry of Women; Ministry of Borders; Tribal Affairs Ministry of Refu-

3 It was not possible to gain access to the budget for 2011.

4 Child-centric Budget Analysis in Afghanistan: A Review and Ways Forward. Submitted by APPRO, edited by Save the Children. Draft January 5, 2013.

5 This assumes a population of around 25 million, a number that cannot be verified.

6 GoA (2011), page 9.

**Table 9.5** Sectoral Allocations for Children in the National Budget (Afghanistan) % of national budget

	Education	Health	Social protection
2011	15.6%	4.2%	1.1%
2012	13.6%	4.6%	1.1%
2013	15.1%	3.7%	1.0%

gees and Repatriates; and Ministry of Labour, Social Affairs, Martyrs and Disabled. Despite being sourced from so many places, social protection receives the smallest share of all four sectors.

The Save the Children/APPRO study is the first in its kind in the country and is yet to be finalised. It concludes that an increased awareness within the Ministry of Finance on child-centric budgeting is likely to affect not only the level of the ceiling imposed on all other ministries but also the makeup of the budget and the nature of technical assistance being provided by Ministry of Finance to other ministries. It is also observed that a child-centric awareness in the Ministry of Economy is likely to yield dividends in that it can influence other ministries to pay more attention in their budgeting for ensuring children's wellbeing as it is this ministry that starts the process of annual budget submission and is tasked with scrutinising the submitted budgets and obtaining justification for the various budget items.

## BANGLADESH

In Bangladesh, the national budget pursues the policy plans and targets stipulated in the Five Year Plan. Between 1973 and 2002, Bangladesh implemented five successive Five Year Plans and an interim Two Year Plan (1979–1980). From 2003 to 2010, Government of Bangladesh deviated from the Five Year Plan and adopted a Poverty Reduction Strategy Paper (PRSP) process with the advice and support of external development partners. The current government switched back to the Five Year Plan process in 2011.

According to the SAARC–UNICEF report,

the National Strategy for Accelerated Poverty Reduction in Bangladesh was a first attempt at a more systematic approach to the social protection system. Under this National Strategy, programmes were grouped according to categories of beneficiaries served and risks covered. It included a specific chapter on children. Some of the country's initiatives with regard to a large number of sector-based food and cash transfers were regarded as pioneering efforts in the region, particularly in the area of education.<sup>7</sup>

The Committee on the Rights of the Child in its Concluding Observations of 2009 had reiterated its earlier recommendation that the State Party allocate adequate resources for children in accordance with the requirements planned in the National Plan of Action, the National Strategy of Accelerated Poverty Reduction (or PRSP) 2008–2011, and subsequent national development strategies or plans. It had also recommended that the government ensure that the development of the national budget uses a child rights approach as well as develops performance-based budgets to measure the effectiveness of resource allocation.

### Child-centric budget analysis

There have been two initiatives on budgeting for children in Bangladesh. One was carried out in 2011 by the Centre for Policy Dialogue (CPD) and UNICEF.<sup>8</sup> The second initiative was by Centre for Services and Information on Disability (CSID) in partnership with Save the Children and with technical support from Dhaka University.<sup>9</sup> These studies are based upon different methodologies, which is why the results too are different. While the CPD–UNICEF study concludes that the children's share of the national budget is only 4 per cent, the second study by CSID–SC has arrived at 22.1<sup>9</sup> per cent for the same period.

The total budgetary allocation for children includes safety net programmes that are car-

7 SAARC & UNICEF, Assessment of Progress in the SAARC Decade of the Rights of the Child (2001–2010).

8 Centre for Policy Dialogue, UNICEF (2011), National budget: Are the commitments to the children of Bangladesh being kept?

9 Islam Kazi Maruful et al., Investing in children.



ried out from the revenue budget as well as the Annual Development Plan (ADP) programmes (from the revenue budget). Child-related programmes are scattered throughout the Annual Development Plan (ADP). Most programmes fall under four sectors (out of the 17 sectors of the ADP). These are Education and Religion; Health Population and Family Welfare; Social Welfare, Women and Youth Development; and Labour and Employment. After identifying the child-related programmes, they have been classified into the following categories: education, health and social protection, and welfare. It was found that child-related programmes constituted only a small fraction of individual sectorial allocations.<sup>10</sup>

The study by CPD and UNICEF highlights the gaps that have existed in past Bangladeshi national budgets, focusing specifically on child-related issues. The study concludes that in 2010/11 children's issues accounted for only 4.1 per cent of the national budget. It also concludes that although expenditure to these four sectors increased in absolute terms, the investment per capita did not change much because of population growth.

This study critiques the extent of resources made available for children in the country's national budget and makes ten specific recommendations to create a larger window of resource availability for children. The study advocates for an increase in funding for child-related issues and aims to provide policy and decision makers with the analysis necessary to take informed and decisive action to achieve the Millennium Development Goals with equity and to realise Vision 2021 as the country transitions into middle-income status.<sup>11</sup>

The second study by the Department of Development Studies, CSID and Save the Children has conceptualised child budget as the amount of resources the government invests

<sup>10</sup> [http://www.unicef.org/bangladesh/knowledgecentre\\_7096.htm](http://www.unicef.org/bangladesh/knowledgecentre_7096.htm).

<sup>11</sup> Centre for Policy Dialogue and UNICEF (2011), National budget: Are the commitments to the children of Bangladesh being kept? pp. 32–33. [http://www.unicef.org/bangladesh/Child\\_budget\\_20dec\\_PDF\\_low.pdf](http://www.unicef.org/bangladesh/Child_budget_20dec_PDF_low.pdf).

**According to the report by Centre for Policy Dialogue and UNICEF, in 2010-11 the share of:**

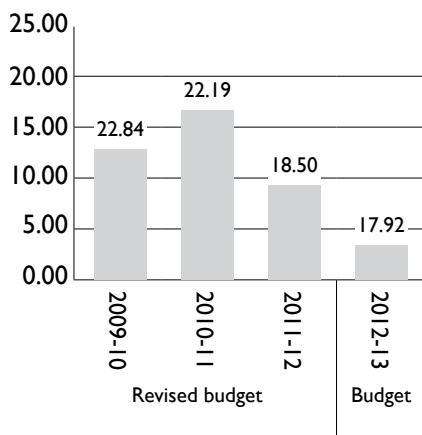
- The total child budget in Bangladesh amounts to only 4.1 per cent of the national budget of 2010/11.
- Child education amounted to 3.2 per cent of the total national budget and 80.4 per cent of the overall education and religion sector in ADP.
- Child health was 23.4 per cent of the total health budget and 0.7 per cent of the national budget.
- Social protection and welfare related programmes for children accounts for 26.4 per cent of the total ADP allocation for the sector and 0.1 per cent of the national budget.

in children to ensure the rights to protection, survival and development of children that are specified in the Convention on the Rights of the Child as well as for developing knowledge, skills, competencies and other attributes in the children that largely help them in combating the problems of unemployment, low pay and poverty. This study has approximated the total expenditures of government in education, health and social protection sectors as the share of child budget in the national budget.

According to the authors of this study the methodology adopted by UNICEF–CPD has two limitations. One, by concentrating primarily on ADP budgets and discarding the revenue budget, the analysis has effectively overlooked the expenditures on several important heads such as teachers, school construction, book printing and distribution costs which are essential to providing education to children. Such omissions have also happened for health and other social services sectors. The other limitation is that it has not included children-related programmes. These are components of larger programmes that target other beneficiary population groups as well, such as the reproductive healthcare programme (which contributes to ensuring good health of mother, adolescent and child).

According to the authors of the Save the

**Figure 9.3:** Collective share in national budget of six child-related ministries from FY2009–10 to FY2012–13 (Bangladesh)



Source: Ministry of Finance, Government of Bangladesh

Children - CSID study, their methodology has partially resolved the limitations of the CDP–UNICEF study<sup>12</sup> by incorporating the revenue expenditures of the six ministries in the child budget as they are spent to provide child-related services. Also, other programmes of these ministries have been included in the child budget analysis as these programmes have significant impact on their parents' wellbeing and have brought improvements in the child's wellbeing. There are, however, concerns that without careful calibration, the second proposition may overestimate the child budget.

The study by Save the Children–CSID has examined the implementation performance in the education, health and social protection sectors and illustrated the coverage statistics. In the report, a total of six ministries – Ministry of Primary and Mass Education, Ministry of Education, Ministry of Health and Social Welfare, Ministry of Women and Child Affairs, Ministry of Social Welfare, and Ministry of Labour and Employment – have been covered under these three sectors.

Analysis has been made with the entirety of allocation and activities of each ministry as the budget documents do not give the opportunity to disaggregate the child-related budget and non-child-related budget in a ministry (see Figure 9.3). So the general presumption in the

<sup>12</sup> Ibid.

analysis is that overall allocation growth in a ministry proportionately affects its child-related budget. The authors argue: “the presumption surely has some pitfalls but in most instances it holds true.”<sup>13</sup>

The activities and objectives of the government related to children (“investment in children”) are addressed by documenting and analysing the budgetary allocation and expenditures in the national budget. They have termed this exercise “budget tracking” in order to measure the adequacy and performance of government in ensuring the holistic development of the child.<sup>14</sup> Thus, it does not attempt to disaggregate only child-specific programmes from the overall budget and arrive at a share for children as with the UNICEF study.

According to the study by Save the Children–CSID, the child budget was about 22.8% in 2009/10. There has been a consistent reduction in this share over the following years going down to 17.9 % in 2012/13. The report concludes that “it is really encouraging to see that child-related projects have increased in almost all ministries which demonstrate that the Government of Bangladesh has started to understand the concerns of child socio-economic rights as well as the long-term consequences on economic productivity.” It further says, “this enables the civil society and organisations that are working for child rights and their well-being to continue their support to government in further comprehending and thereby acting on child-related issues.”

Both these studies have made use of existing published financial data from the Ministry of Finance in estimating the child budget. It was later found that directorates under each ministry possess more detailed expenditure data which can be segmented into project and beneficiary. So, collecting expenditure data from the directorates can help in overcoming the estimation problem of children's share in each project and thereby can significantly contribute to approximating the aggregate child budget. However, these details are not usually available for non-government reading.

<sup>13</sup> Ibid.

<sup>14</sup> Ibid.

**BHUTAN**

The budget process of the Kingdom of Bhutan is laid down in the Budget Manual of the Ministry of Finance. The ministry compiles data on central government operations in the form of Annual Financial Statements (AFS). The AFS includes a summary of expenditure outlays and their source of finance, revenues by economic classification, expenditures by economic and functional classification, grants, domestic and external borrowings, and loans outstanding. The Annual National Revenue Report includes an economic classification of revenues, revenue by sectors, main revenue agencies, and revenue by region and by district. The Committee on the Rights of the Child noted in 2008 that a considerable part of Bhutan's public expenditure is allocated to health and education; however, the impact of budgetary allocations on the implementation of child rights has not been systematically assessed.

Bhutan has yet to undertake budget analysis from a child rights perspective; however, a framework for gender responsive budgeting is under development.<sup>15</sup> In addition, the government recently completed a mapping and assessment of the child protection system in Bhutan with UNICEF support.<sup>16</sup> This exercise included a review of the budgetary process from a child protection perspective. Based on the mapping and assessment findings, a National Plan of Action for Child Protection was developed, which has been costed and endorsed by the Committee of Secretaries for integration into the Eleventh Five Year Plan (2013–2018). The report notes that, to date, child protection has been addressed in the Government's Five Year Plans only in part and indirectly through allocations to health, education, and the National Commission for Women and Children. However the framework for the Eleventh Five Year Plan

15 A delegation from the Royal Government of Bhutan visited India as part of their Gender Responsive Planning and Budgeting Programme in March, 2013 with the support of United Nations in Bhutan through the South Asia Regional Programme on Gender Responsive Governance in India and South Asia.

16 Government of Bhutan (GoB) and UNICEF (2013), Mapping and Assessment Report & National Plan of Action for Child Protection.

for the first time explicitly references child care and protection.

The education sector has made commendable achievements in the Tenth Five Year Plan. These are reflected by various indicators such as the gross primary enrolment ratio which is 120 per cent (against the Millennium Development Goal target of 100%) and net primary enrolment ratio of 95 per cent. The education sector has been allocated the highest share of the budget at 18 per cent of the total outlay. For the students to have an all-round development (wholesome education), a budget of Nu. 21.519 million is provided to all the schools under the school enrichment programme. In order to fulfil the Ministry of Education's policy of providing a school bus to boarding schools with more than 200 students and day schools with more than 800 students, a budget of Nu. 30 million is kept for the procurement of school buses for 28 schools.<sup>17</sup> The needs of children from economically poor families and remote rural communities are being met through targeted support from the education budget in the Tenth Five Year Plan to provide stipends, school uniforms and bedding for boarding students.<sup>18</sup> The government is also investing in the establishment of child protection units in the central monastic body through financial support for infrastructural development.

Bhutan is set to achieve most of the health-related Millennium Development Goal targets by 2015 as Bhutan has almost 90 per cent primary health coverage, infant mortality rate at 40.1 per 1000 and immunisation coverage at over 94.4 per cent. A major portion of the healthcare system in Bhutan is financed from the revenues of the government, with public financing accounting for nearly 90 per cent of the total health expenditures in the country. Bhutan national health accounts 2009/10 reported that 58 per cent of the total health budget was allocated to the primary healthcare system. External assistance played a considerable role in financing the healthcare system

17 Ibid.

18 Government of Bhutan and Development Partners (2009), Fast track initiative Appraisal report: Education sector strategy, p. 36.

in the country, which accounted to about 18 per cent of the total government spending on health. The operations and maintenance costs of these services are budgeted at Nu. 1,788.858 m for the Financial Year 2012/13. Among them are Nu. 135 m provided for procurement of drugs, Nu. 105 m for referral treatment in India, Nu. 81.600 m for procurement and maintenance of hospital equipment.

Bhutan subscribes to the Millennium Development Goals and they are in tune with the country's national development priorities, including the overarching goal of Gross National Happiness. With poverty reduction as the main theme of the Tenth Plan (2008–2013), the Millennium Development Goals are integrated into the national development planning process. Bhutan has received considerable external support over the past four decades, principally from the Government of India, but also from multilateral and bilateral agencies. Over the last four decades of Bhutan's development, its reliance on aid has decreased steadily. From its growing domestic revenues, Bhutan has been increasingly able to absorb larger portions of its development expenditures, and this is reflected in both the declining share of Overseas Development Assistance (ODA) to GDP and the share of domestically-financed budget expenditure. In the 1980s, ODA comprised approximately half of GDP. This has come down to approximately 19 per cent.<sup>19</sup>

## INDIA

In India budgets are formulated and presented at the national as well as the state levels. Ideally therefore, to get a composite picture, it is important to undertake analysis at both levels. However, most of the child budgeting work has concentrated on the national budget, or the Union Budget as it is referred to in India, and in a few selected states.

The child budget work in India began in 2000 with a decadal analysis of the Union Budget (1990–2000). On 11 September 2001, HAQ launched its report *India's Children and the*

Union Budget which was the first endeavour of its kind in the country. HAQ's work on Budget for Children established the need for such analysis and set the initial direction for developing a methodology. With initial training inputs from HAQ, the Indian Council for Child Welfare in Tamil Nadu also began a state level analysis of the budget for children in the year 2000. Their report, *Children of Tamil Nadu and the State Budget, An Analysis: 1998–2003*, was published in 2003. This was the first effort at the state level in the country. Based on the methodology developed by HAQ, in 2003 the Department for Women and Child Development (now Ministry of Women and Child Development) included a chapter on Child Budget for the first time in its Annual Report (2002/03). Since then, almost every year there has been a chapter or a section on this in the Ministry's annual report.

Sustained advocacy and lobbying with the government successfully led to the institutionalisation of child budgeting. In 2005, the National Plan of Action for Children specifically included a section on budgeting for children. It stated that Ministries and Departments with specific child budgets and plans should ensure 100 per cent spending and should also enhance the budget in view of the large child population. It added that where no overt child budget is available, the demarcation should be made of child budget, spending and monitoring through a systematic assessment of the impact of budgetary allocations and macro-economic policies on the implementation of children's rights to ensure that an adequate proportion of social expenditure is devoted to children at national, regional and local level.

The final recognition of child budgeting, however, came when the Finance Minister announced a separate statement on children when he presented the Finance Bill in parliament in 2008 while presenting the Union (national) budget. Since then a separate statement for children has formed a part of all Union Budget presentations. Child Budgeting has been included in the Eleventh Five Year Plan and the Twelfth Five Year Plan documents of the Planning commission of India as well as the National Policy for Children 2013. The

<sup>19</sup> Ibid.



Committee on the Rights of the Child had in 2000 and 2004 recommended that India increase the proportion of budget allocated and also undertake a systematic assessment of the budgetary allocations.<sup>20</sup>

### Child-centric budget analysis

Child budgeting has been attempted by Civil Society Organisations such as HAQ: Centre for Child Rights and Centre for Budget and Governance Accountability.<sup>21</sup> In addition, there are several analyses at the state level and at the national level of budgets for education and health, and tracking of particular child-related schemes or programmes.

The budgets in India are developed at the National and State level. As a result it is important to undertake children's budgeting at both levels. While the national or the Union Government has initiated children's budgeting, following sustained advocacy, the state governments are yet to undertake such an exercise. At the national level, budget for children is included in the presentation of the Union Budget in Expenditure Budget Vol. I. It is called "Budget Provisions for Schemes for the Welfare of Children, Statement 22". It includes all child-specific schemes of the various ministries. To begin with it included allocations and spending from eight Ministries: Women and Child Development; Human Resource Development; Health and Family Welfare; Labour and Employment; Social Justice and Empowerment; Tribal Affairs; Minority Affairs; and Youth Affairs and Sports. Over the years this has increased to inclusion of programmes from 19 Ministries including Union Ministries of Atomic Energy, Nuclear Power, Industrial Policy and Promotion, Posts, Telecommunication, and Information and Broadcasting among others, reflecting a growing recognition of the concept of budgeting for children.

20 CRC/C/15/Add.115.28 January 2000 and CRC/C/15/Add.228. 30 January 2004.

21 HAQ: Centre for Child Rights undertook state level analysis in 2007 (Himachal Pradesh, Orissa and Andhra Pradesh) and 2009 (Himachal Pradesh, Orissa and Andhra Pradesh, Assam, Uttar Pradesh and West Bengal). CBGA and UNICEF, Budgeting for Change. Tracking India's Commitments to Children. Budgeting for Change Series 2011.9 Rajasthan, Odisha, Uttar Pradesh Chhatisgarh and Madhya Pradesh.

Child budgeting was introduced into the Five Year Plan process for the first time in the Eleventh Five Year Plan. It also finds a place in the Twelfth Five Year Plan (2012–2017) as well as the newly formulated National Policy for Children. In the Eleventh Plan this exercise in child budgeting was to be carried out regularly to monitor the "outlays to outcome" and examine the adequacy of investments in relation to the situation of children in India. However, recognising that there is a need for better targeting to ensure that all child-related needs are adequately resourced, that outlays are increased and that it is effectively utilised and translated into meaningful outcomes for children there will be focus on building capacities to analyse the central and state budgets and their impact on the outcomes for children during the Twelfth Plan. This assessment will then inform policy and programme formulation for children across ministries/departments. Outcome-oriented child budgeting will be progressively institutionalised in the Twelfth Plan period, building on the experience with gender budgeting.<sup>22</sup>

The methodology for budget for children (BfC) analysis in India is based on selecting child-specific programmes from the different ministries and departments and dividing them according to sectors (health, development, education and protection). The analysis includes trend analysis of what was allocated and spent on children in proportion to the total budget as well as in the different sectors. An analysis across years as well as the difference between what was allocated and what was actually spent helps analyse the commitment of the government to children. There has been a consistent rise in the allocation and spending on children, from 2.39 per cent in 2000/01 to over 5 per cent in 2006/07, since when it has remained at around 5 per cent of the total budget, which is clearly quite low (Figure 9.4). The share of budget allocations for children has increased very marginally from 5.08 per cent to 5.09 per cent between 2007/08 and 2011/12; and

22 Planning Commission, Government of India, Eleventh Five Year Plan (Vol. 2), p. 218 and Twelfth Five Year Plan (Volume 3), p. 197.



the share of expenditure on children has gone down from 4.28 per cent to 4.11 per cent between 2007/08 and 2009/10, reflecting underutilisation of even the meagre funds allocated for implementation of children’s rights.

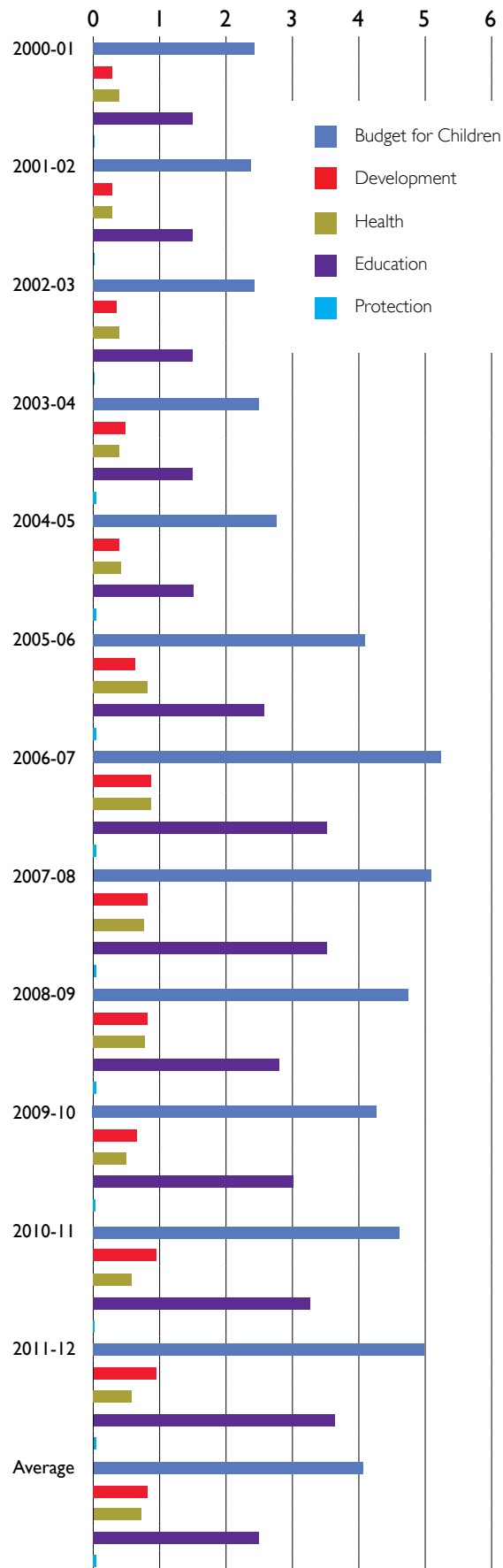
Sectoral analysis shows that education received the highest average allocation with 2.49 per cent of the national budget and child protection the lowest with only an average of 0.04 per cent share (Figure 9.4).

In fact, it was the recognition of inadequate allocation to the protection sector that led to the formulation of a comprehensive programme on child protection in India known as the Integrated Child Protection Scheme which was introduced as part of the Eleventh Five Year Plan. This is being rolled out in all the states in the country and is a visible impact of undertaking child budgeting in the country. Although child budgeting or budget for children has found recognition in India, there is a long way to go before the budget provisions match the need of all the children in the country or is adequately and appropriately utilised.

**MALDIVES**

The budget documentation in Maldives consists of the minister’s budget speech and the detailed budget estimates, which are presented to the executive and parliament. Until 2009, there was no separate level of sub-national governments and were no autonomous government agencies in Maldives. The central government is responsible for delivering public services at the local level, including schools and health clinics. The capital Malé is defined as a municipality, but there is no elected municipal assembly, and the mayor is appointed by

**Figure 9.4** Budget for Children and Sectoral allocations in Union Budget (in percentage of the national budget).



Source: HAQ: Centre for Child Rights based on Govt of India – Detailed Demands for Grants 2000-01 to 2011-12.

the central government. In the atolls and islands there are community administrations. These bodies have limited functions and the officers are appointed by the central government. They are financed directly from the central government budget, and they cannot incur debt or take on any form of liability.

The Committee on the Rights of the Child recommended that the Government of Maldives undertakes a comprehensive budget review, particularly regarding the social sector, from a child-rights perspective, with a view to monitoring budget allocations for children and defining the level of efficiency in meeting children's actual needs.<sup>23</sup> However, child-centric budget analysis is yet to be undertaken by NGOs and government in the country.

The budget documents detail the estimated expenditures of service delivery units in cases where an individual school or health centre is a separate budget entity in its own right. In the case of schools, this is usually those with over 500 pupils. For the smaller schools (which represent 48% of expenditure on schools), individual schools are grouped together in geographical zones in the budget documents. The detailed information is available in the Ministry of Education; however, it is not published for these grouped schools. Hospitals and some health centres (63% of expenditure on individual hospitals and health centres plus medical services) are identified as separate budget accounts. The remaining hospitals and health centres are budgeted under one line item (medical services) and the entity/line item budget is not published. At atoll level, some offices publish amounts received on notice boards, although this is not a requirement. The budget is based on estimates from Ministries, Departments, and Agencies (MDAs) to the Ministry of Finance and Treasury. The budget estimates are reviewed and approved by cabinet only after they have been completed in detail by MDAs.

In 2009, as part of a study of the social sector in Maldives,<sup>24</sup> UNICEF presented an analysis

of the allocation and expenditure on some broad heads. The study concluded that within the public budget, the social sector has been growing steadily since 1995 (total social sector spending had almost tripled since 2000, from an average of \$116 million annually during 2000–2004 to an average of \$337 million during 2005–2009).<sup>25</sup> The study noted that the growing emphasis on education, health and social security and community programmes, including housing, gives an indication of the priority accorded to them by the government. UNICEF estimated that the total social sector spending almost tripled since between 2000 and 2009. According to this study, the 2008 and 2009 fiscal budget further confirmed the government's commitment to sustained human development, with a high allocation for social expenditures in excess of 50 per cent of the total government spending on services and goods – 20 per cent of which would be spent on capital while 80 per cent would be absorbed by current expenses.

It also found that between 1995–2008, health and education budgets increased almost six-fold, and this increase appears to be reflected in good health and education facilities. What this study also pointed out was that most of this large increase in public spending on the social sectors has been supported by unprecedented increases in international support since the tsunami of December 2004, with inflows of Overseas Development Assistance (ODA) in both grant and concessional lending. For example, ODA had increased from an average of 7 per cent of GDP in 2000–2004 to an average of 14 per cent of GDP in 2005–2009. The share of ODA in total expenditures has risen correspondingly, from an average of 18 per cent for the period of 2000–2004 to 23 per cent in 2005–2009.<sup>26</sup>

Based on their analyses UNICEF recommended that given the increasing vulnerability and risks with regard to unemployment and disaffection, as well as the issues of HIV/AIDS, drug abuse, and growing violence and

23 CRC/C/MDV/CO/3.13, July 2007.

24 UNICEF Regional Office South Asia (2009), *The Social*

*Sector In The Maldives: An Overview And Policy Ideas For Reform.*

25 Ibid., p. 2.

26 Ibid., pp. 2–3.

**Table 9.6:** Budget for Children in Nepal

Indicator	2007/08	2008/09	2009/10	Average
<b>Percent of Child Rights in Total Allocation</b>	<b>15.48</b>	<b>16.22</b>	<b>15.68</b>	<b>15.3</b>
a) Percent of Education in Total Allocation	13.82	14.20	13.76	13.93
b) Percent of Health in Total Allocation	1.63	1.99	0.64	1.34
c) Percent of Protection in Total Allocation	0.02	0.03	0.04	0.03
<b>Percent of Child Rights in Total Expenditure</b>	<b>14.71</b>	<b>14.84</b>	<b>12.35</b>	<b>15.00</b>
a) Percent of Education in Total Expenditure	14.04	14.03	15.13	14.48
b) Percent of Health in Total Expenditure	0.65	0.80	0.26	0.55
c) Percent of Protection in Total Expenditure	0.02	0.03	0.04	0.03

Source: Ministry of Finance, Government of Nepal

abuse, special focus on social assistance to child and youth populations was needed.<sup>27</sup> However, this study is now quite old and there is a need to undertake a more comprehensive analysis of budget for children in Maldives.

## NEPAL

Nepal is in transition and undergoing major political and constitutional changes. The Interim Constitution guides the transition process and the budget process. The government is producing a separate sheet analysing the budget from a gender and poverty perspective with support from UNIFEM. However, it is not undertaking an analysis of the budget from a children's perspective as yet.

Some researchers and non-governmental organisations have made attempts to analyse budget for children. However, these efforts have not been systematised and have been sporadic. The latest attempt was made by CWIN supported by Save the Children and UNICEF in 2011, but the report was not published. However, short briefs to be used for advocacy were produced in Nepali language based on the findings of this study. In its 2005 Concluding Observations the UN Committee on the Rights of the Child had recommended that the State Party prioritise budgetary allocations to ensure the implementation of the rights of children to the maximum extent of

available resources and using the rights-based approach.<sup>28</sup>

## Child-centric budget analysis

The draft report on children's budget analysis undertaken by CWIN, Save the Children and UNICEF<sup>29</sup> has found that five line agencies are involved in making investment in child-focused programmes in Nepal. They are the Ministries of Women, Children and Social Welfare; Education; Health and Population; Local Development; and Labour and Transport Management.

The study shows that 15 per cent of the total national budget during the three year period under review (2008/09 to 2010/11) was spent on child-focused programmes. Further, while 14 per cent of the national budget was for education, 1 per cent went to health, and very little to protection (0.03%) (Table 9.6). The study also found that the percentage share of donor assistance remained significant. It varied from 43 per cent in protection to 25 per cent in education and 64 per cent in health in 2009/10.

The Government of Nepal has made an estimation of the financial resources required for implementing its National Plan of Action (NPA) which covers 11 fiscal years from 2004/05 to 2014/15. The NPA estimated a

<sup>27</sup> Ibid., p. 4.

<sup>28</sup> CRC/C/15/ADD/261, 21 September 2005.

<sup>29</sup> Ibid.

total amount a total cost of Rs 125,820 million for executing the plan over its 10-year period from 2004/05 to 2014/15. However, according to the report by CWIN, Save the Children and UNICEF, the way the resources allocation was prepared in the NPA is very broad and vague and the programme-wise breakdown of resource allocation of the sector and sub-sector was lacking. It is also not clear who is financing this amount.<sup>30</sup> The report notes that programmes on women, children and physically challenged people are in operation in the spirit of Right to Equality, Rights of Women, and Children as well as Social Security and Social Wellbeing as the nation's responsibility as embedded in the Interim Constitution of Nepal and commitments made at the international level.<sup>31</sup>

The Ministry of Local Development (MLOD) has been playing a key role in formulating and implementing many child-related programmes. These include the implementation of Decentralised Action Plan for Children and Women (DACAW) and Child-Friendly Local Governance. MoLD has prepared a Child Friendly Local Governance (CFLG) National Strategic Framework and operational guidelines and is waiting for cabinet approval.

MoLD has also made provision for providing a Child Protection Grant of NRs. 200 per month per child for up to two children under the age of 5 in the case of poor Dalit families and all families in Karnali Zone effective from mid-October 2009. This programme is expected to bring about improvement in the nutrition level of about 400,000 children, and NRs. 82 million was allocated for this programme in 2009/10. However, the amount allocated in 2010/11 for this programme is not available.<sup>32</sup> The programme benefited 458,135 children in the FY 2011/12.<sup>33</sup>

30 CR Budget analysis Group, Coordinated by CWIN (2011), *Resource Allocation and Expenditure on Child Rights and Development* (Unpublished).

31 Government of Nepal, Ministry of Finance (2012), *Economic Survey Fiscal Year 2011/12*, p. 263.

32 CR Budget analysis Group, Coordinated by CWIN (2011), *Resource Allocation and Expenditure on Child Rights and Development* (Unpublished).

33 Government of Nepal, Ministry of Finance (2012), *Economic Survey Fiscal Year 2011/12*, p. 270.

The child centric budget report is yet to be finalised and advocacy around the report undertaken. Nepal's Child Friendly Local Governance strategic framework is pioneering in the region. This, along with budget for children, would form a very important intervention on governance and child rights.

## PAKISTAN

Pakistan operates with three tiers or levels of budget: federal, provincial and district. The general budget or central budget is known as the federal budget and is a statement of the estimated receipts and expenditure of the federal government. The provincial budgets (for Sindh, Punjab, Balochistan, Khyber Pakhtunkhwa, Gilgit Baltistan, and Azad Jammu and Kashmir) are passed by the provincial and regional assemblies and contain budgetary details of the departments, projects, programmes and ministries. After the introduction of the 18th Constitutional amendment, education, health and social welfare are considered to be the provincial domains while the federal government is only responsible for the health, education and social welfare matters in Islamabad Capital Territory, Federally Administered Tribal Areas and allocations made in the Garrisons. In order to arrive at the total national budgetary allocations for children, all child-focused budgetary allocations by the provinces and the federal government have been summed up.

According to UNICEF and SAARC, the country also spends about 70 per cent of total health expenditures on women and children. A Gender Reform Action Plan being implemented at both national and sub-national levels aims to further narrow the gender gap in public expenditures. Moreover, the social security system in the country is highly decentralised, with many state-level schemes run independently by provinces.<sup>34</sup>

The Committee on the Rights of the Child made recommendations in 2003 and 2009 asking the government to prioritise attention to

34 SAARC, UNICEF, Assessment of Progress in the SAARC Decade of the Rights of the Child (2001-2010), pp. 19, 21.

increasing budget allocations for children, ensuring a judicious distribution of the resources between different fields and paying particular attention to enhancing the budget allocations for social activities, in particular health, education and child development.<sup>35</sup> While considering Pakistan's consolidated third and fourth periodic reports, the Committee observed that the concluding observations of the second periodic report have not yet been sufficiently implemented, including those relating to the harmonisation of the laws with the Convention, improved coordination at national and local levels, the establishment of a monitoring mechanism and resource allocation for children, among other steps.

### Child-centric budget analysis

Children-related budget analysis has been undertaken in Pakistan by the Human Rights Commission of Pakistan (HRCP) and non-governmental organisations since 2004 when the Commonwealth Education Fund (CEF) in collaboration with the Human Rights Commission implemented a project enabling local communities to monitor government spending on education at all levels of governance and published a report “Status of Primary Education and Funding in Pakistan”. The objective of the project was to increase awareness in communities with regard to financing of education and its place in national planning and to make government spending in education more responsive to the needs of the country. The purpose of the report was to document the findings of an extensive survey, conducted in five districts of the country, to study the status of public sector primary education and commitment of the government to education. The report was meant to help focus budgetary allocations and to assess the utilisation of funds in primary education in Pakistan.

In 2005 as a part of this project CEF and HRCP developed “A Guide on Participatory

35 CRC/C/15/Add.217. 27 October 2003 and CRC/C/PAK/CO/3-4. 2 October 2009.

Budget Analysis for Primary Education” to assist in developing skills and mechanisms to track budgetary allocations for primary education in Pakistan.

Save the Children has been conducting child-focused budget analysis every year since 2009, and in 2010 undertook a budget for children analysis in collaboration with Pakistan Institute of Development Economics, Islamabad.<sup>36</sup> This report analysed the allocations in three areas – health, education and social welfare – in the federal budget as well as the provincial budgets. In the same year, the Government of Punjab and UNDP conducted “Process Oriented Poverty Focused Gender Based Analysis of Punjab's Budget 2009–10”, and the Institute of Social Policy Science (i-SAPS), with help from Oxfam GB, conducted an education budget analysis of five districts of Southern Punjab.<sup>37</sup> The i-SAPS and Oxfam analysis aimed to provide evidence-based analysis to civil society about the education budget-related issues and agenda for effective advocacy to deal with these issues. In 2012, it conducted analysis of the federal and provincial governments' allocations in the field of health, education and social welfare which also contained analysis of the child-focused budget in 2009/10, 2010/11 and 2011/12. This analysis was completed before the announcement of new budget in June 2012.

After June 2012, Save the Children supported and collaborated with the Child Rights Movement and Children First,<sup>38</sup> bringing out a report titled “National, Federal and Provincial Budget Analysis from a Child Rights Perspective 2012-13”. This report provides a comparative analysis of child-focused budget and other allocations in the budget for mainly 2011/12 and 2012/13. This analysis has been conducted at three levels: National, which includes budgetary allocations

36 Save the Children Sweden, Pakistan Institute of Development Economics (2010), *Study on Federal and Provincial Budget Analysis (2009-10) with Child Rights Perspective For Pakistan*.

37 Oxfam, Institute of Social Policy Science (2010), *Education Budget Analysis: Five Districts of Southern Punjab*.

38 Child Rights Movement (CRM) is a coalition of over 100 NGOs working for promotion and protection of child rights in Pakistan.



**Table 9.7:** Child focused expenditures as a percentage of GNP

	2010-11	2011-12	2012-13
Child focused education	0.318	0.308	0.622
Child focused health	0.005	0.052	0.107
Child focused social welfare	0.007	0.005	0.020

Source: Save the Children, Child Rights Movement and Children First. National and Provincial Budget Analysis From a Child Rights Perspective 2012-13

by both federal and provincial governments; Federal, which includes budgetary allocations by the federal government; and Provincial, which includes budgetary allocations by the provincial governments. In addition, the budgetary analysis of Azad Jammu and Kashmir is part of the provincial analysis but its figures are not included in the national analysis.

According to the report, Pakistan is spending a small share of its Total Expenditures and Gross National Product (GNP) on children (Table 9.7). Unfortunately, there is no specific head for children in the official budget documents of the federal and provincial governments.

According to the Universal Periodic Review, the civil society report submitted by the Child Rights Movement, the government should increase the budget for education by 5 per cent and for health by 16 per cent by 2013, and revise action plans, including resource allocations, to meet its Millennium Development Goal targets.<sup>39</sup> It also recommends that the government should prioritise policies and programmes on nutrition, vaccination and health workers to reduce mother, newborn and child mortality, and increase allocation for this by 2013.

Based on findings of these analyses, consultations have been organised with civil society

<sup>39</sup> *Universal Periodic Review: The State of Children's Rights in Pakistan*; submitted by CRM; [http://lib.ohchr.org/HRBodies/UPR/Documents/Session14/PK/JS11\\_UPR\\_PAK\\_S14\\_2012\\_JointSubmission11\\_E.pdf](http://lib.ohchr.org/HRBodies/UPR/Documents/Session14/PK/JS11_UPR_PAK_S14_2012_JointSubmission11_E.pdf), accessed on 07-01-2013.

and government departments at national, provincial and district levels. Further, press releases have been issued to highlight the scale of child rights problems and the tiny investment allocated to address those problems. As yet, there is no categorical commitment by the government; however, the relevant departments have shown eagerness for getting more funds and taking up the issue of scarcity of funds with their management.

## SRI LANKA

In Sri Lanka, the parliament, consisting of elected representatives of the people through universal franchise (and by the people at a referendum), has full legislative power and control over public finance. According to the Thirteenth Amendment to the Constitution in 1987, some aspects of power have been devolved to the nine provinces and monetary allocations are made accordingly. The government, on the recommendation of and in consultation with the Finance Commission, has to allocate from the annual budget such funds as are adequate for the purpose of meeting the needs of the provinces. This is done with the objective of achieving balanced regional development in the country, taking into account the population of each province, the per capita income of each province and the need to reduce social and economic disparities and differences among the provinces. It makes recommendations to the President of Sri Lanka on the principles on which such funds are granted annually by the government for the provinces. Accordingly, the government allocates funds from the annual budget.

In its recommendations in 2003, the Committee on the Rights of the Child asked the government to prioritise budgetary allocations to ensure implementation of the economic, social and cultural rights of children; and collect, and include in the regular budget, disaggregated data on the expenditures for children according to the various areas of the Convention.<sup>40</sup>

<sup>40</sup> CRC/C/15/ADD/207, 2 July 2003.

**Table 9.8:** Budget for Children 2007-2011  
Amounts in (Rs.'000)

	BE (2009-2011)	RE (2008-2010)	AE (2007-2009)
Education	29,940,553	28,323,549	27,815,855
Health	25,166,152	23,382,819	20,983,098
Development	33,930,434	33,346,167	30,535,420
Protection	905,230	807,124	650,079
<b>Total BfC</b>	<b>89,942,479</b>	<b>85,839,559</b>	<b>79,984,451</b>

Sectoral Allocations and Expenditure

### Child-centric budget analysis

Some attempts have been made by civil society organisations to track and monitor budgets related to children in Sri Lanka. In 2008, the Coalition for Educational Development, a non-profit organisation, published “Budget Process and Budget Tracking in Formal School Education in Sri Lanka”. However, as the title itself suggests, this study confined itself to the education sector only, the purpose of the study being to analyse the current state of allocation and expenditure of funds to the Ministry of Education and advocate measures to maximise its benefits to different tiers of education system.

The first attempt at a more comprehensive Child-Centric Budget Analysis was made in 2011 by the Child Rights Advocacy Network.

There is a Ministry of Child Development in Sri Lanka. An innovative approach has involved a specific five-year plan of action for children from 2004 to 2009, planned on a multi-sectoral basis. This plan allocates funds for child-related activities in such areas as health; education; early childhood development; prevention and control of child abuse and exploitation; child labour; children affected by conflict; children in difficult circumstances; juvenile justice; children in special care, such as orphans and abandoned children; and children with disabilities (Table 9.8). Sri Lanka also has a comprehensive social assistance programme aimed at poverty alleviation and at creating opportunities for young people, women, and vulnerable and

disadvantaged groups. Under this Samurdhi Programme, the government provides cash benefits and dry rations to the poorest groups in communities at the village level. School feeding programmes provide food to children in areas where malnutrition levels are higher than the national average. Social safety nets cover vulnerable children, including children of migrant mothers; children who have lost one or both parents in the

December 2004 tsunami; children in centres for Internally Displaced Persons; and children affected by conflict, whether by forcible recruitment or otherwise.

While the share of allocation of children has increased over the years to almost 5 per cent in 2011, there has been a decrease in the actual expenditure, which is a matter of concern. The study also notes that the children’s share in the GDP has remained low. The distribution of resources among the four sectors of education, health and nutrition, development and protection shows that more than one-third (38%) of the budget for children is invested in development, followed by education (35%) and health (26%). Protection is almost invisible, with a disconcertingly disproportionate 1 per cent of the budget for children which attests to the low priority accorded to the protection of children in Sri Lanka.

Programmes aiming directly at child development were difficult to identify in the budget. As a result, the development budget is the largest because nine provincial budgets, which account for 93 per cent of the allocations, were also considered, although they include only indirect benefits to children. In development, among child-specific programmes the highest investment is on the “Kekulu Udana” programme followed by the National Plan of Action for children (2008). Resource allocations on ECCD and promoting child participation, as well as programmes that target the development needs of specific groups of children, if any, are not specifically mentioned.

In protection, the UNICEF child protection programme, National Child Protection Authority (NCPA) and the “Lama Saviya” programme have received and spent the highest amounts. Programmes targeting children with special protection concerns such as children in conflict with the law, disabled children, street children and child victims of abuse, are not well-reflected in the budget. What the report highlights is that the lack of resources is not always the main reason for the inability to meet the needs of children and address their issues. It is more often the ineffective fund utilisation/mobilisation. It has been observed that there are substantial funds, but coordination among the different components needs to be improved.

Child-centric budget analysis is now a popular and important trend in the field of child protection and development, both within governments and the civil society in Sri Lanka specially in the light of the objectives set out in the National Action Plan for the Protection and Promotion of Human Rights 2011-2016 and by the Mahinda Chinthana – Vision for the Future. It can be used by any government or non-governmental stakeholder, including communities and children, for resource analysis/tracking in any human development sector.

The Child Rights Advocacy Network has organised a systematic advocacy using child centred budget analysis (CCBA). Their report

was released in July 2013 after bringing on board several powerful and important representatives from government as well as civil society as champions of CCBA. A significant achievement of the alliance was ensuring the involvement of both the Ministry of Child Development and the Ministry of Finance and Planning. The launch of the report generated a lot of interest and has opened up many possibilities for lobbying for visible and meaningful resource allocation for the 2014 budget.

Another step planned is engaging communities, especially children, in budgeting/resource allocation for children. For this, separate follow up workshops on the four sectors have been suggested. Yet another achievement has been the proposal from the Ministry of Child Development to conduct a series of training/orientation workshops on the Child Centric Budget Analysis/Budget for Children methodology/tool for government officials at national, provincial, district and divisional levels. This would provide a valuable opportunity to ensure greater attention to budgeting for children since child protection, education and health are devolved subjects and the decisions are made at provincial levels and implemented through divisional bodies. Since budgets are formulated initially at the divisional level through a bottom-up approach which involves/consults all the stakeholders, such workshops would be most effective.

*Young Child Rights Defender Rashmi Vidyani Wijesinghe:  
The empowerment of children will change society*

**“Children in South Asia face the challenges of child marriage, child trafficking, child labour and child sexual abuse and exploitation. I and other young child rights defenders working systematically to promote child rights are not satisfied with the condition of child rights after more than 20 years with the Convention on the Rights of the Child. We want everyone in the community to have the common goal of working together towards the wellbeing of children and ensuring child rights.”**

The attention of governments towards child rights has increased. Today, there is more support for children’s participation in decision-making in the family, community and at the international level than ever before. South Asian governments, NGOs, INGOs, the UN and SAIEVAC have been working hard towards this. Still, serious cases of child rights violations are occurring every day in the South Asian countries. When we are working with our friends we have come to understand that most children have problems in their families or communities, making them unhappy. Many children also face problems due to their lack of awareness of child rights. I myself had to face lots of challenges in my work as a child rights defender. It was really difficult to understand the mentality of people in the community as their nature is different. Sometimes the adults were not ready to listen to our suggestions and at other times I had to give up my own priorities and devote time on behalf of the common goal. But I enjoyed each and every step we took towards it.

According to my view, children should be empowered in order to influence their situation – it will lead to a change in the whole society. First, children’s participation in decision-making in the family, school and community has to be strengthened. By supporting children and developing mechanisms for their participation, children’s awareness of rights can be increased. What is more, according to my experience children can work together to increase the awareness of the whole community and even help friends who are struggling with various problems. With a strong level of child participation we can motivate the community to protect children and promote child rights. We can also cooperate with and get support from government officials. We need to work together to change the situation for children and give them a violence-free and supportive environment.

Rashmi Vidyani Wijesinghe, 18 years, Sri Lanka

# Appendix: Methodology

The South Asian Report on the Child-friendliness of Governments uses a combined quantitative and qualitative approach to evaluate the child-friendliness of the eight South Asian governments. The assessment draws on a core concept in international law: that the state is the primary duty-bearer for the obligations it has subscribed to by ratifying the Convention on the Rights of the Child. Even so, this report also takes into account the multiple stakeholders involved in ensuring the realisation of children's rights, as highlighted in the CRC – notably civil society organisations, the private sector and children themselves.

The child-friendliness of governments' concept draws inspiration from The African Report on Child Wellbeing 2008: How Child-friendly are African Governments? by the African Child Policy Forum (ACPF). The African Report identifies three pillars as underlying child-friendliness and the obligation of states to respect, protect and fulfil children's rights: protection (legal and policy framework), provision (budget allocations and child-related outcomes) and child participation.

To give a more complete picture of the necessary legal and policy framework, the South Asian Report goes further than the African Report by measuring country progress towards realising eight General Measures of Implementation and the structures in place for engagement with civil society and other non-state actors. In addition, child participation is assessed in relation to legal and policy frameworks enabling children to be heard – which is complemented by a brief child survey. Together the General Measures, non-state actors and children's right to be heard themes constitute the dimension of an enabling legal and policy framework which the state needs to put in place to implement the CRC.

A second dimension of the South Asian Report covers government provision in the form of education, health and child protection outcomes. This dimension also includes child-friendly budget analysis.

The South Asian Report uses a combination of easily measurable, quantitative indicators that feed into a composite index – ranking the performance of the governments wherever data is available – and qualitative information across the two dimensions and six related themes (see Figure A.1), excluding budgeting for children and some sections related to protection which are not part of the index. The report largely follows the methodology of the African Report in indicator standardisation and weighting, as well as the India Child Rights Index.

In order to give a fuller picture of the state of child-friendliness in the region, the South Asian Report has attempted to nuance the index findings by collecting substantial qualitative data for each of the chapters representing the six index themes. This data includes results not easily measured objectively, such as the effectiveness of an institution or the extent to which new laws or policies are being implemented. Nevertheless, as far as possible, the indicators do cover elements of effectiveness and implementation. Furthermore, the child-friendly budget analysis chapter is entirely qualitative in nature.



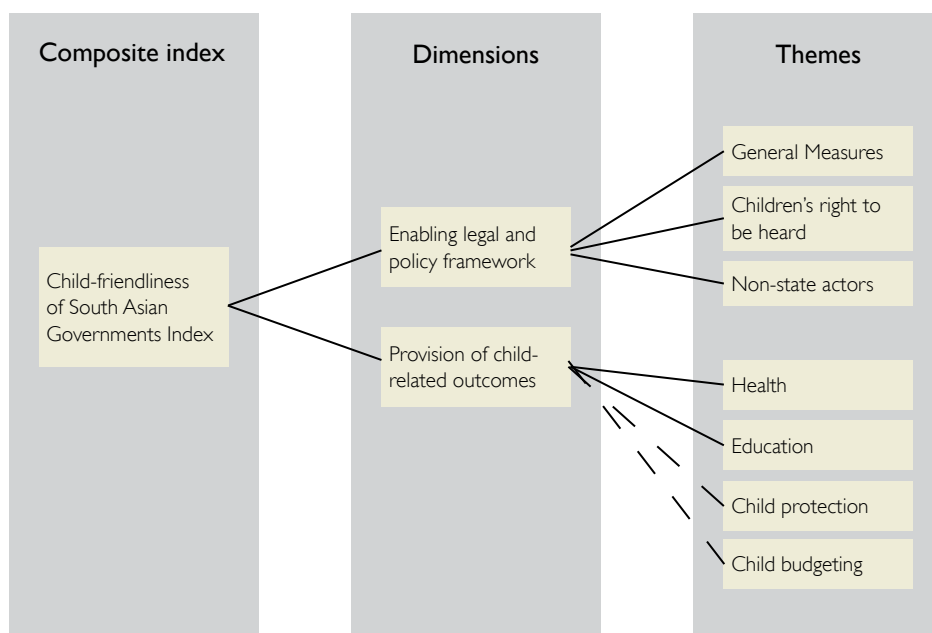
## The Child-friendliness of South Asian Governments Index

The Child-friendliness of South Asian Governments composite index measures the performance of the South Asian governments across two dimensions and six themes (See Figure A.1). Each theme includes a sub-index (which, in turn, is made up of several sub-indices, at the domain level under each theme), the average scores of which are added together to form the composite index. The two index dimensions are an Enabling legal and policy framework and the Provision of child-related outcomes. General Measures of Implementation, Children’s right to be heard and Non-state actors make up the three themes of the first dimension; Health, Education and Child protection those of the second dimension. Since all sub-indices are weighted equally, the composite index is the sum total of efforts made in a number of aspects of government child-friendliness, each given the same importance. In this way, biases in favour of a certain theme or domain, such as education or enrolment, were avoided.

In order to ensure reliability and objectivity, and given the dearth of child protection indicators globally and data locally, the child protection theme only includes indicators for the domains of birth registration and child marriage, while qualitative information has been used to explain the situation in the other domains. The child-friendly budget analysis theme features as a separate chapter outside the index describing the budget processes in the countries and links to child rights.

The overall index results, as well as the results of the themes included in the provision of child-related outcomes dimension, are presented as country rankings. At the same time, the main findings of the themes included in the enabling legal and policy framework dimension are presented in the form of a four-level “traffic light” chart. The average indicator score determines which level a country is qualified for.

Figure A.1: The Child-friendliness of South Asian Governments Index



## Indicator development and data collection

For each of the six themes under the two main index dimensions, comprehensive background papers were drafted and quantitative indicators developed or selected. First, most of the indicators for the themes under the Enabling legal and policy framework dimension were specifically developed for the purpose of this study. This is anticipated to be one of the contributions of this report to the current scarcity of governance indicators related to children. Second, for the themes related to the Provision of child-related outcomes dimension, indicators were directly selected from UN sources. Here, selection was based on the availability of data across the maximum number of countries from one source to ensure consistency and comparability. The number of indicators varies for each theme because of the great difference in the nature of the themes and the availability of data.

In order to adhere to international recommendations and address the bigger picture of government child-friendliness, the indicators attempt to cover the key aspects of each theme as outlined in authoritative, mainly UN, documents. In addition, another important factor in the development and selection of indicators was relevance to the South Asian context.

Quantitative indicator data and qualitative country information were collected using sources from the governments themselves (through official documents and direct contact, as well as indirect contact via contracted researchers), regional inter-governmental agencies (such as SAARC and SAIEVAC) and the UN and its specialised agencies, notably the Committee on the Rights of the Child, UNICEF, UNESCO and WHO. At the same time, to verify the data, information was also sourced from international non-governmental organisations such as CRIN, Save the Children, Plan International and Terre des Hommes, as well as national NGOs such as HAQ: Centre for Child Rights. International children's rights experts also reviewed the

collected data (as well as the chapters written for each index theme) to ensure indicator viability, accuracy of data and alignment with current debates.

### Index dimension 1: Enabling legal and policy framework

Most indicators were developed by the South Asian Report team, since governance indicators related to children, if available, are generally not mainstreamed. The main sources for indicator development were the Convention on the Rights of the Child and the authoritative documents of the Committee on the Rights of the Child. Article 4 of the Convention calls for all appropriate legislative, administrative and other measures of implementation, and the Committee has exercised its authority to interpret this recommendation on a number of occasions. Notably, the Committee organises Days of General Discussion and regularly publishes General Comments to guide State Parties to the CRC, incorporating new thinking on the implementation of the Convention. Some pre-made indicators were selected directly from UNICEF and children's rights experts (General Measures of Implementation and Children's right to be heard themes).

Since an over-arching aim was for the index to present an objective picture of the status of child-friendliness of the governments in South Asia, care was taken (as far as possible) to avoid indicators that would represent a judgement on a country's performance – and instead focus on comparability and measurability. For example, indicators that look into the actual effectiveness of laws, a very complex assessment in any country, were generally not used (although authenticated qualitative data, where available, does cover these issues).

The process of collecting quantitative and qualitative data primarily involved desk studies, with independent researchers from each

of the eight SAARC countries providing additional country data and double-checking information. In addition, other national child rights specialists were consulted to provide more information and verify the data. The main data sources for the enabling legal and policy framework dimension were the periodic country reports to the Committee on the Rights of the Child, the Committee's Concluding Observations and documents related to the Universal Periodic Review, as well as reliable national and regional research studies. Data was verified across multiple sources to ensure accuracy.

For the Children's right to be heard theme, a small child survey was also undertaken with the help of a team of young researchers.

## Limitations of the index

When seeking to develop or use easily measurable and objective indicators, it is often the case that some of the positive (and less positive) nuances of a country's achievements will be less than perfectly covered. As mentioned above, the South Asian Report seeks to address this issue by providing extensive, qualitative country-level information. As a result, a fuller picture of the country context is provided.

Another limitation common to all the index themes was the lack of available data and its implications on indicators. Either the data simply was not there, or it was unreliable or not sufficiently authenticated. In light of this constraint, the availability of reliable data significantly influenced the final selection of indicators. For an indicator to be viable, data would have to be available for all or nearly all countries in the region. In some cases, more suitable indicators were discarded because of a lack of comparable data. One of the recommendations of this report is therefore to develop states' capacity to collect and centralise reliable data on children.

In addition, to ensure the comparability of indicators, it was necessary to overlook some

### Index dimension 2: Provision of child-related outcomes

For the health, education and protection themes, indicators were directly selected from the World Health Organisation (health), UNESCO Institute for Statistics (education) and UNICEF *State of the World's Children* (protection). Data for the indicators was also collected from these sources. The choice of source was based on reliability as well as availability of data on maximum indicators for maximum countries. This was to ensure that data was compatible (collected using the same methodology) and comparable.

The data collection from the three UN agencies was accompanied by the collection of authoritative qualitative data on the eight countries, mainly from other UN and governmental sources.

differences between countries. The countries of South Asia vary greatly in size, population, governance structure and so on – and it is impossible to account for all these national differences in a regional index. As a result, a particular indicator suitable for one country may seem unsuitable to another. This was, in particular, the case for the Enabling legal and policy framework dimension. For example, since the Committee on the Rights of the Child welcomes the development of Child Acts, the existence of such legislation constitutes one of the indicators for the General Measures of Implementation theme. However, a few countries in the region have no apparent plans to enact such legislation, the argument being the unsuitability to the country context or the currently existing body of laws that already cover the necessary issues. In this particular case, it was decided to retain the indicator to stay consistent with the Committee's recommendations – and because the indicator is relevant for most countries in the region, which are in a process of developing such acts. There are other similar issues, such as diverse governance structures, that ensure that actions play out differentially. In India,

for example, action at the state levels is determined by its federal structure and there may not be similar action across all states.

The difficulty in measuring implementation and effectiveness was another limitation specific mainly to the Enabling legal and policy framework dimension. The main reasons for this were both lack of data on the performance of governance structures and the challenge of fairly and accurately comparing the level of implementation of laws, policies and institutions across countries. A complete quantitative and qualitative study of effectiveness is beyond the scope of this study. As a

result, structural aspects make up most – although not all – of the indicators. For example, although the coordination mechanism indicators (General Measures of Implementation) measure structural determinants of implementation performance, effectiveness as such is not covered. Under the circumstances, authenticated qualitative information on the effectiveness of laws, policies and institutions has been included. It should be noted that, from the beginning, it was decided that the focus would be on the governments’ progress in establishing laws, policies and institutions for children. Therefore this study is an invitation for further research in this area.

## Building the index: standardisation of data and aggregation of indicators

Construction of an index follows a procedure that includes the standardisation of indicator values, weighting and aggregation. The various indicators identified for measuring governments’ performance have different values with significantly different ranges. Where values differ, the index would be biased towards indicators with higher ranges, and meaningful changes in indicators with low ranges would not register in the index. To overcome this issue, indicator values have to be standardised and equivalently scaled to adjust for not only the difference in ranges but also varying units of raw data.

Different indicators have different units of measurement. While some indicators are

expressed in percentages, others are rates expressed per 1,000 or 100,000 units. And yet others are provided as yes-no types. To make the data comparable, the following approach was adopted, which follows that of the African Report and the India Child Rights Index.<sup>1</sup>

### From raw data to normalised scores

It was decided to adopt the Linear Scaling Technique (LST), a conventional method that standardises varying ranges of indicator values to scores from 0 to 1 (see box below).

1 HAQ: Centre for Child Rights (2011), *India Child Rights Index*.

When an increase in the value of an indicator corresponds to an increase in the performance, the score value ( $I_u$ ) for that particular indicator ( $X_i$ ) of a country is given by:

$$I_u = \frac{X_{ij} - \text{Min} \{X_{jk}\}}{\text{Max} \{X_{jk}\} - \text{Min} \{X_{jk}\}} \dots(1)$$

Inversely, if an increase in the value of an indicator corresponds to a decrease in performance, the score value is calculated using the complementary formula:

$$I_u = \frac{\text{Max} \{X_{jk}\} - X_{ij}}{\text{Max} \{X_{jk}\} - \text{Min} \{X_{jk}\}} \dots(2)$$

Where  $\text{Max} \{X_{jk}\}$  refers to the maximum value of the indicator  $X_i$  in the range of countries included in the comparison and similarly,  $\text{Min} \{X_{jk}\}$  denotes the minimum value of the indicator  $X_i$  in the range of countries.

**Table A.1:** Key findings “Traffic light” table model

Significant results	Notable results	Some results	Little or no results
Average score: 0.75–1	Average score: 0.5–0.74	Average score: 0.25–0.49	Average score: 0–0.24

For the indicators on child-related outcomes, a higher value sometimes corresponds to an increased effort by the government towards realisation of child rights (e.g. higher vaccination rates correspond to better performance by the state), whilst for some other indicators a higher value corresponds to a gap in the state’s realisation of children’s rights (e.g. higher pupil–teacher ratio indicates lower quality in delivery of education). The LST technique takes care of this issue of directionality when it comes to scoring various indicators. Hence, with LST, the value 0 corresponds to lowest/worst performance, and 1 corresponds to highest/best performance. In a few cases, data for a particular indicator was not available for a particular country. As far as possible, the approach was to arrive at an approximate score using data from other sources, mainly other UN agencies. In the very few cases where no data at all was available, the average score for that particular country was calculated without including the indicator for which data was unavailable. Care was taken to ensure that the country rankings were not unduly affected.

In relation to the enabling legal and policy framework dimension, indicators of the yes-partial-no type were used. In this case, “yes” corresponds to 1, “partial” to 0.5 and “no” to 0 in the LST model. Care was taken to ensure that each option reflected a clear, measurable achievement (or lack thereof). A “traffic-light” model was used to visualise the results per group of indicators (domains within a theme) and the average of all domains combined. Average indicator scores determined which of the four levels – significant, notable, some and little or no action taken – a country ended up in under the key findings (see Table A.1). A traffic light model is useful when seeking to explain the overall situation when efforts

taken by heterogeneous countries may be difficult to compare and rank with certainty.<sup>2</sup>

### Weighting scheme

Weighting is an important aspect of the construction of an index. In this assessment, apart from the intrinsic weight generated while scaling values, a weighting scheme was used, treating all indicators employed in the construction of the domain indices equally, with equal weights. In addition to the indicators, the domain indices that constitute the theme indices have also been treated equally and given equal weight. The same scheme was used for the theme and dimension indices, since all the domains, themes and dimensions identified in this assessment are all equally important aspects of the child-friendliness of the South Asian governments. Hence the need for a weighting scheme that treats all these aspects equally.

### Aggregating the domains, themes and the dimensions: Creating the child-friendliness index

As in the weighting scheme, aggregation of the various elements is an important procedure in the construction of the child-friendliness index. An appropriate method was used to combine score values and obtain both the overall index and the sub-indices – such as domain indices (comprised of several indicators), theme indices (comprised of several domains) and dimension indices (comprised of several themes). In line with the weighting scheme described above, the additive aggregation method was chosen to combine score val-

<sup>2</sup> UNICEF internal assessment review for the UN Convention on the Rights of the Child GMI research project.



ues into sub-indices. These sub-indices were in turn aggregated into one overall composite index, that is the Child-friendliness of South Asian Governments Index.

The additive aggregation method is obtained by simply adding the score or index values and by dividing the sum by the number of indicators or components making up the various sub-indices. For example, a domain index (such as school enrolment and retention) was created by adding the score values of the relevant indicators and dividing the sum by the

number of indicators used for that particular domain. Furthermore, the index value for the education theme was obtained by adding the related domain index values and dividing the sum by the number of domains, and so on. At the last stage, the overall Child-friendliness of South Asian Governments Index was constructed by taking the simple average of the index values of the two dimensions: the dimension for enabling legal and policy framework and the dimension for provision of better child-related outcomes.

## Index theme I: General Measures of Implementation

The General Measures of Implementation chapter and index of this report are breaking new ground. Although there is some comparative research available on the General Measures,<sup>1</sup> never before have the General Measures been comprehensively included in a child rights index.

The African Report on Child Wellbeing composite index includes some aspects of the General Measures. However, the South Asian Report differs in that it is broader, seeking to cover the most important aspects of most of the General Measures as conceived by the Committee on the Rights of the Child in General Comment No. 5. There is no agreed-upon number of General Measures and this uncertainty stems from the fact that their exact number and categorisation is not entirely clear from the General Comment. The understanding of the requirements necessary to fulfil the CRC obligations has also been discussed and researched by the Committee through its Concluding Observations, General Comments and Days of General Discussion, leading to a more comprehensive understanding of the General Measures and leaving some room for interpretation.

<sup>1</sup> For example: Save the Children Sweden (2011), *Governance Fit for Children: To what extent have the general measures of implementation of the UNHRC been realised in five European Countries?*

The chapter covers eight General Measures of Implementation, while budgeting for children and cooperation with NGOs and other non-state actors were upgraded to individual chapters. Moreover, it was found that the General Measure on international cooperation was more suited to developed countries, and comparable data on state and non-state service providers' (another potential General Measure) was difficult to come by for all countries in the region. A decision was also made to merge some General Measures for the sake of argument, such as when child impact assessments and evaluations were included under data-collection.

### Indicator development

In addition to methods common to all index themes, the following criteria were crucial to indicator development for the General Measures of Implementation.

First, the UNICEF General Measures of Implementation Project, which is an online database on country adherence to 10 General Measures, was consulted. The four indicators developed for each General Measure of the UNICEF project influenced the development of the indicators for the chapter of this report. Second, regional child-related documents were scanned with a view to identify

South Asian priorities relevant to the General Measures. Notably, the list of recommended treaties and conventions reflects, to some extent, those international instruments highlighted in regional documents.

Most of the General Measures of Implementation indicators are of the “yes/no” type, although for some a “partial” option was added to indicate a measurable effort. In three cases, an indicator was deemed not applicable for a particular country. The average scores for the countries in question were, thus, calculated without including the non-applicable indicator. Care was taken to ensure that the results presented in the traffic light model were not unduly affected by this compromise.

## Index theme 2: Child participation

The child participation chapter consists of two related parts: first, the legal and policy framework of children’s participation is assessed across four separate domains. Second, a child survey in the South Asian region, whose results cannot be generalised because of the limited size of the sample, attempts to illustrate some major trends and changes in the roles and participation for some children.

The African Report on Child Wellbeing composite index did not include child participation because of a lack of available data. Although data availability is certainly a challenge in South Asia as well, it was decided that the child’s right to be heard could be included within the legal and policy framework dimension by identifying the legal, policy and procedural entitlements for children’s participation.

Three broad domains were identified under the rubric of child participation: Legal entitlements for children to take part in decisions, Children’s access to information and Children’s opportunity to influence agendas. These domains and their corresponding list of indicators are based on the articles in the CRC that outline children’s civil and political rights (and interpretations of these by the Committee) and the work of G. Lans-

### Limitations

The drawbacks to quantitatively comparing the performances of countries with vastly different sizes, demographics and, sometimes, governance structures sometimes include a lack of nuance and the issue of less-than-perfect indicator applicability. However, it should be noted that the General Measures are by their very nature general – and as such they constitute a basis from which children’s rights are more likely to be realised, regardless of country characteristics. As a reflection of this, the Committee regularly evaluates almost all the countries in the world based on the same objective criteria, which includes the General Measures.

down, who has also written guidance on how to translate these rights into practice.<sup>1</sup>

Thus, indicators that reflect the most important aspects of child participation in international standards were chosen. Here, authoritative documents such as the Convention itself and the Committee’s Day of General Discussion (2006) and General Comment (2009) on the right of the child to be heard were crucial.

The child survey was based upon interviews with 20 children from each country (40 from India) in South Asia. The respondents were mostly aged between 12 and 18 years with equal numbers of boys and girls. Child workers, school drop-outs and children from urban and rural areas from a range of economic backgrounds were represented in the study. Although general conclusions about South Asia or individual countries cannot be drawn from the findings because of the small sample of respondents (without the scientific method of random selection), the intention was to provide a few examples on how children might experience participation (or lack thereof) and wellbeing in the region. The survey was also useful to illustrate some major trends and changes in the roles and participation for some children.

<sup>1</sup> Lansdown, G. (2011), *A Framework for Monitoring and Evaluating Children’s Participation*.

## Index theme 3: Non-state actors and CRC implementation

According to the Committee on the Rights of the Child, civil society groups and non-state actors are essential in supporting the state to fulfil children's rights. Non-state actors include all groups, organisations, agencies and individuals that are not directly related to the government, including legally constituted civil society organisations (nationally based or part of an international organisation) and the private sector. The existence of informal civil society networks that are not legally constituted was also recognised. The process of indicator development was based on this terminology.

Three main indicator domains were identified, drawing on the idea that the work undertaken by civil society organisations is twofold – representing the interests of children as rights holders and delivering services in the interest of children. The domains are Legal and policy framework for civil society organisations, Gender dimensions and Other non-state actors' role in child rights (media, faith groups, academia and private sector). A lack of data contributed to the relatively low number of indicators for the non-state actors theme

## Index themes 4–6: Health, education and child protection

For the three themes of health, education and child protection, data expressed in actual numbers was discarded because of the vast difference in the size of populations across South Asian countries. For example, highlighting that in India 2,278,322 children were out of school in 2008, while in Maldives the number was consistently lower (1,178), does not give a clear comparative picture of school enrolment in these countries. To gain an understanding of the actual situation, these numbers have to be understood in the context of what proportion of the total population of children they constitute.

When the availability of data permitted, ten-year progress was included as an indicator. This is an indication of the efforts that states have made towards realisation of that right of children. The progress was calculated comparing the latest data available (usually from 2010/2012) with data from 1999/2001. In the tables, progress is shown using “+/-” before the actual figures. For example, the percentage of one-year-old children immunised against measles in Afghanistan in 2011 was 96, while it was 72 in 2000. Hence the progress is +24 per cent. In Bangladesh in 2011, the neonatal

mortality rate was 26 children for every 1000 live births. The rate in 2000 was 39, indicating a negative progress of -13.

### Data availability

Availability of complete data has been the most important challenge for many countries in the region. In very limited situations, when recent data was missing, data from other sources (mainly World Bank or other UN agencies), if available, was included to complete the calculations. For example, this has been done in the case of the indicator *Primary School – Gross Enrolment Ratio – 2010/2012*, since UNESCO data for Bangladesh was not available and it has been replaced with data taken from UNICEF's *State of the World's Children*.

When reliable data for a specific country was not available at all from any international, regional or national sources, two options have been explored. Removing the indicator from the index constituted the first option, while retaining the indicator, but not calculating it in the overall score of a specific country, was the second. For example, in the case of *Progress*

2000/2001 – 2010/2012 – *Pre-primary School – Gross Enrolment Ratio*, data for Afghanistan and Sri Lanka was not available. In this and the few other examples, the two options have been tested and the results of the calculations on the overall scores for the countries did not change in a significant way. Hence the indicators were retained, keeping a “no data” for the countries in question.

### Gender equality

Where possible, gender-disaggregated information was collected and used. Calculating gender equality involved two steps:

1. The “gender parity” was first calculated by dividing the data-value for the girl child by that of the boy child, obtaining the so-called Gender Ratio,
2. This measure of gender difference was standardised, adjusting for directional differences similar to the other scores (a higher score indicates a better situation for the girl child)

There is a limitation to this methodology. Gender generally refers to the social attributes and opportunities associated with being male and female and the relationships between women and men and girls and boys, as well as the relations between women and those between men. These attributes, opportunities and relationships are socially constructed and are learned through socialisation processes. They are context/time-specific and changeable. Gender equality is not a women’s issue but should concern and fully engage men as well as women.<sup>1</sup>

Ranking on the basis of gender parity raises some important questions. Given the patriarchal nature of societies in South Asia, greater participation of girls in education or better performance in health indicators for girls is seen as a success. However, these results do not fully adhere to the above-mentioned gender concept.

1 UN Women (n.d.), Concepts and definitions, <http://www.un.org/womenwatch/osagi/conceptsanddefinitions.htm>, viewed on 19/04/13.

Thus, in reflection of the need for greater progress for girls to ensure gender equality, it was decided that the indicator would be “girls’ empowerment” rather than gender parity or gender equality. As a result, in the index, countries which have very high female ratios and lower male ratios have been given the best scores. For instance, in Bangladesh, data shows that many more girls than boys are enrolled in secondary school programmes, whilst in Sri Lanka the number of boys and girls is almost the same. Through the above methodology, Bangladesh gets a higher score in reflection of its effort to ensure empowerment of girls.

### Health index

The health index was built with data from the World Health Organisation. Five domains were identified: Mortality & Morbidity; Immunisation; Malnutrition; Health Facilities, Water & Sanitation; and Girls’ Empowerment. Each domain included a set of indicators (see the details in the health chapter).

Evidence shows that infants whose mothers die within their first six weeks are more likely to die before reaching age two than infants whose mothers survive.<sup>2</sup> Hence maternal mortality ratio was included as an indicator in the mortality and morbidity domains.

In relation to the health facilities domain, some general and some specific indicators were selected. While Births attended by skilled health personnel is more directly connected to children’s health, so also is the availability of basic community services such as water and sanitation facilities important for the healthy growth of children.<sup>3</sup> Hence these have been included as indicators in the health theme.

### Education index

The education index was built with data from the UNESCO Institute for Statistics. Three domains were identified: Enrolment & Retention; Quality of Learning; and Girls’ Empow-

2 UNICEF (2012), *Committing to Child Survival: A Promise Renewed, Progress Report*.

3 Ibid.

erment. Each domain included a set of indicators (see the details in the education chapter).

In relation to school enrolment, the best indicators are net enrolment rates. These show the extent of coverage in a given level of education (e.g. primary) of children belonging to the official age group corresponding to that particular level. It also shows how many children are retained by the system once enrolled. On the other hand, gross enrolment simply relates to the number of children who have been admitted into the system. They may or may not have continued in it. However, net enrolment data, especially for pre-primary and secondary education, is not available for the majority of the South Asian countries. Hence, the education index was built using gross enrolment ratios.

In terms of data, other than the fact that it does not provide the true picture of how many children are actually in school, the use of gross enrolment indicators constitutes another limitation of the education index. Gross enrolment ratios can exceed 100 per cent because of the inclusion of under- and over-aged students due to early or late entrants and grade repetition. For this reason, net enrolment data has been included whenever possible in the narration of the chapter.

In the absence of other data such as regarding the percentage of trained teachers, the availability and access to education facilities and

the inclusion of gender- and human-rights-related issues in the school curricula, this data has been included in the narration whenever possible.

### **Child protection index**

Although several domains have been identified and selected in order to build a comprehensive protection index, data was not available for all them. Hence indices were created for the Birth Registration and Child Marriage domains. However, qualitative data was used to develop the narration on the domains of Child Labour, Corporal Punishment, Sexual Abuse & Exploitation and Child Trafficking.

All the data used for the calculations of the Birth Registration and Child Marriage indices has been taken from the UNICEF *State of the World's Children* database, which comes from the Multiple Indicator Cluster Surveys.

Both boys and girls may be victims of early marriage. Unfortunately, while data was available for girls, the percentages of boys married before 15 and 18 was not available. Hence the index has had to be constructed only on the basis of data for girls. The scores based on legal age of marriage in a country is based on the definition of a child as persons up to 18 years in the UNCRC. Hence, a score of 1 has been given when the legal age is 18, 0 when it is less than 18 and 0.50 when it is above 18.





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