REGIONAL WORKSHOP ON
DEMystifying NON-DISCRIMINATION
For effective Child Rights Programming in South and Central Asia
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DEMYSTIFYING NON-DISCRIMINATION
For effective Child Rights Programming in South and Central Asia

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Kathmandu, Nepal
Save the Children fights for children’s rights.
We deliver immediate and lasting improvements to children’s lives worldwide.

Save the Children works for:
• a world which respects and values each child
• a world which listens to children and learns
• a world where all children have hope and opportunity

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Discrimination exists in every society whether rich, poor or developed. Likewise, children face discrimination, but the type of discrimination and how they experience it differs according to the existing political, economic, social and cultural systems of different societies. Discrimination is enacted by treating an individual or group of people in ways according to their status and background, where individuals and groups with more power treat those with less power unjustly. Discrimination can be the result of direct and deliberate action or it can happen unconsciously. Social exclusion and lack of access to services and resources are common effects of discrimination.

Children in virtually all societies have less power than adults and accordingly are more vulnerable to discrimination. Most girls and boys grow up with the awareness that, as children, their status is inferior to that of adults. Many children face additional forms of discrimination because they are girls, have disabilities, are trafficked, are HIV/AIDS infected, belong to an ethnic or religious minority or because of their social status, to name a few.

The principal of 'non-discrimination' is integral to child rights programming and is one of the four key guiding principals of the UNCRC. However, many programmes in the region are diversity-blind and do not directly address root causes of child rights violations such as patriarchal structures and unequal power relations. Particularly, very little information is available on how children themselves perceive discrimination and what coping mechanisms they have developed.

To gain an understanding of how children perceive discrimination and to ensure that the principal of non-discrimination is addressed in-depth, Save the Children Sweden, Regional Office for South and Central Asia, has been initiating exploratory work on non-discrimination. This will hopefully open the door for strengthening existing and new programmes and policies in the area of non-discrimination and children.

With this understanding, Save the Children Sweden brought together 30 development professionals from Bangladesh, India, Nepal, Kenya, Sri Lanka and Tajikistan to initiate the first-ever Regional Workshop on Demystifying Non-Discrimination for Effective Child Rights Programming in South and Central Asia held in Nepal, 24-28 October 2005. Participants represented various groups of children who are discriminated against due to such differences as gender, age, ethnicity, language and caste; both mental and physical disability, sexual orientation, HIV/AIDS, and conflict and disaster-affected, among others.

The Regional Workshop focused on the multiple layers and forms of discrimination as defined under Article 2 of the UNCRC. It was an intensive learning experience. Participants were asked to analyse and comprehend the various forms of discrimination, their immediate and root causes, including patriarchal structures and unequal power relations. In addition, participants were asked to develop strategies for addressing discrimination in all forms at all levels. The Workshop discussed intervention tools on
working with discriminated children such as inclusive education, children's participatory film making, community rehabilitation and life skills training. It further highlighted the accountability of different actors and emphasised the importance of working together as an alliance with other movements such as women's, minority's and disability rights.

**Lisa Lundgren**  
Regional Representative  
Save the Children Sweden  
Regional Office for South and Central Asia
Our greatest appreciation goes to Dr. Kamal Siddique, Principal Secretary to the Government of Bangladesh and the first-ever South Asian committee member to the UNCRC, for gracing the workshop and sharing with us his invaluable insights and suggestions.

There are several other people who should be thanked, all of whom have contributed to making this workshop a huge success. First of all, the planning team - Bandana Shrestha, Shaila Parveen Luna, and Ranjani K. Murthy - who co-facilitated the workshop along with me. We would also like to thank Adul Farah Mohammed Saleh (BITA), Hellen Atieno Ndede (Save the Children Sweden Kenya), Indira Joshi (Patan Community Based Rehabilitation), Khandaker Jahurul Alam (CSID), Nepali Sah (Save the Children Japan Nepal), Sayorakhon Ishonova (Save the Children UK Tajikistan), Sita Ghimre (Save the Children Norway Nepal) and Sunil Pant (Blue Diamond Society) for sharing their valuable experiences in the field.

In addition, a special mention for all the participants who came from different regions to learn and share their experiences. Their enthusiasm and interest on the subject was overwhelming and we thank them for their cooperation and commitment on working for this difficult issue.

Our gratitude also to the logistics team - Anil Kumar, Anju Pradhan, Machche Maharjan and Prajwol Malekoo - for efficiently organising and running the workshop.

Finally, a special thanks to Emily Palma and Neha Bhandari for documenting the proceedings in the form of a report so that we can refer to it as a reference guide.

Ravi Karkara
Regional Programme Manager
Save the Children Sweden
Regional Office for South and Central Asia
Abbreviations & Acronyms

AIDS: Acquired Immuno Deficiency Syndrome
BDS: Blue Diamond Society
CBR: Community-Based Rehabilitation
CBO: Community-Based Organisations
CEDAW: Convention on the Elimination of all forms of Discrimination Against Women
CER: Combined Enrolment Ration
CERD: Convention on the Elimination of all Forms of Racial Discrimination
CMR: Child Mortality Rate
CO: Concluding Observations report of the UNCRC Committee
CRP: Child Rights Programming
CSID: Centre for Service & Information on Disability
CSO: Civil Society Organisations
DANIDA: Danish International Development Agency
FEA: Female Economic Activity
FGC: Female Genital Circumcision
FGM: Female Genital Mutilation
FIR: First Information Report
GDI: Gender Development Index
GEM: Gender Empowerment Measure
GO: Government Organisation
HDI: Human Development Index
HIV: Human Immunodeficiency Virus
HR: Human Rights
HRC: Human Rights Committee
ICCPR: International Covenant on Civil and Political Rights
ICESCR: International Covenant on Economic, Social and Cultural Rights
IDP: Internally Displaced People
IMF: International Monetary Fund
IMR: Infant Mortality Rate
INGO: International Non-Government Organisation
MDG: Millennium Development Goals
MMR: Maternal Mortality Ratio
MSM: Men having Sex with Men
NFOWD: National Forum of Organisations Working with the Disabled
NGO: Non-Government Organisation
NPA: National Plan of Action
PCDCI: Participatory Community Development through Cultural Initiatives
PIL: Public Interest Litigation
PPP: Purchasing Power Parity
PRSP: Poverty Reduction Strategy Paper
RBA: Rights-Based Approach
SAARC: South Asian Association for Regional Cooperation
SPLM: Sudan People's Liberation Movement
<table>
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<tr>
<th>Acronym</th>
<th>Full Form</th>
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<tr>
<td>SWAP</td>
<td>Sector Wide Approach</td>
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<tr>
<td>UDHR</td>
<td>Universal Declaration of Human Rights</td>
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<td>UNCRC</td>
<td>United Nations Convention on the Rights of the Child</td>
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<td>UNICEF</td>
<td>United Nations Children’s Fund</td>
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<tr>
<td>USAID</td>
<td>United States Agency for International Development</td>
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<td>VDC</td>
<td>Village Development Committee</td>
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Executive Summary

Save the Children Sweden Regional Office for South and Central Asia brought together 34 development professionals from Bangladesh, India, Nepal, Kenya, Sri Lanka and Tajikistan to initiate the first-ever workshop focusing solely on the multiple layers and forms of discrimination as defined under Article 2 of the United Nations Convention on the Rights of the Child (UNCRC).

The participants represented various groups of children who are discriminated against due to their gender, age, ethnicity, religion, language and caste; disability (both mental and physical), sexual orientation, HIV/AIDS, and conflict and disaster-affected, among others.

The organisations represented at the workshop were:

<table>
<thead>
<tr>
<th>Bangladesh</th>
<th>Association for Community Development (ACD), BITA (Bangladesh Institute of Theatre Arts), CSID (Centre for Services and Information on Disability), INCIDIN, Save the Children Sweden, Denmark</th>
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<td>India</td>
<td>Martin Luther King Centre for Democracy &amp; Human Rights</td>
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<tr>
<td>Kenya</td>
<td>Save the Children Sweden</td>
</tr>
<tr>
<td>Nepal</td>
<td>Blue Diamond Society, Patan Community-Based Rehabilitation, Sahid Gangalal National Heart Hospital, Save the Children Japan, Save the Children US</td>
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<tr>
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<td>Save the Children UK</td>
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The five-day workshop was an intensive learning experience for participants to deeply comprehend the various forms of discrimination, their immediate and root causes as well as an opportunity to develop strategies on addressing discrimination in all forms, at all levels. At the same time, the workshop provided participants with a refresher on Child Rights Programming (CRP), emphasising a holistic view of the necessity to focus on child participation, non-discrimination and accountability.

Data on discrimination by age and gender with regard to survival, education, nutrition, work and resources, political participation and violence in various South and Central Asian counties were analysed. This revealed some startling aspects of the position of women as it relates to the status of children in all of these spheres, providing insight to the nature of the work that should be undertaken in each setting and context.
Linkages were drawn from the women’s movement to the child rights movement. This resulted in lessons on principles and strategies to apply these lessons at international, national and local levels in the child rights movement. Monitoring of child rights budget and expenditure, placing child rights focal persons within government, donors and NGOs and evolving child rights indicators at all levels were emphasised. In addition, building alliances at international, national and local levels on child rights, and sensitising media, religious institutions, corporate houses and human rights groups at all levels to take up issues of gender and child rights were found to be crucial.

The workshop also addressed intervention tools in working with discriminated children such as inclusive education, children’s participatory film making, community rehabilitation and life-skills training. However, it was stressed that despite having legislations and policies prohibiting some types of discrimination, these laws and policies are not implemented either due to lack of political will, information or societal attitudes.

The keynote speaker of the workshop, Dr. Kamal Uddin Siddiqui, Ph.D, Principal Secretary to the Prime Minister of Bangladesh and first ever South Asian Committee Member of the UNCRC, shared his experience of working with the CRC Committee with particular reference to the principle of non-discrimination. He highlighted the need to work with all groups of children who are discriminated against including marginalised children due to economic, cultural and political power struggles. He emphasised the need to use the UNCRC and the Concluding Observations as a powerful tool in ensuring that all children have access to all of their rights as ensured by international human rights law.

To hold States accountable to their obligations and duties as promised upon ratifying the UNCRC and other international human rights instruments, the workshop looked at how NGOs can advocate and lobby with the States to uphold their duty, promising all children the right to develop to their full capacity without discrimination of any form. The workshop looked at how States need to address this by reviewing policies and allocating budgets and other resources, both technical and human.

The workshop ended with a brainstorming session on strategic planning by suggesting various approaches and tools, making States, UN agencies, and NGOs accountable for creating the means to work with girls and boys as well as adults, to further promote child rights and enable non-discrimination in the works of all civil organisations.
The issue of child rights, discrimination and health care was first presented by Eglantyne Jebb in June 1919, after World War One. It was long before the Universal Declaration of Human Rights (UDHR) came into effect that children had been identified as people with special rights. However, the UNCRC only came into existence in 1989. Within those 70 years, between its initiation and declaration, many movements gained force in parallel. The feminist movement, trade union movement and minority rights movement were being discussed along with child rights. But, due to its complexity, few in these movements looked at the issue of diversity.

Today, although a great deal of work has been initiated in the area of child rights and gender issues, quite often diversity amongst women and children is neglected. This sense of diversity can be based on religion, ethnicity, HIV/AIDS, different abilities, sexual preference, colour of skin, class, caste, age within a lifecycle and so on.

In light of the above, this workshop was organised as the first forum of its kind in South Asia which raises issues of non-discrimination and diversity on a wider level. It looks at child development through a non-discrimination perspective, placing emphasis on linking child participation, non-discrimination, survival and development, and accountability within Child Rights Programming (CRP).

1.1 Background

Discrimination exists in every society whether rich or poor, developed or underdeveloped. Children, too, face discrimination in all societies. However, the type of discrimination and how they experience it differs according to the existing social and cultural system of different societies.

Discrimination often involves treating an individual or group of people in ways according to their status and background. Discrimination occurs when individuals or groups with more power treat those with less power unjustly. Examples may be found in the policies of governments against citizens, the discrimination by adults against children, older
Children against younger children, one community against another or within groups themselves, depending on the power structure within. Discrimination is a common phenomenon and is closely linked to power relations throughout civil society that determine the status of individuals and groups within that social context. Discrimination can be the result of direct and deliberate action or it can happen unconsciously. Social exclusion and the lack of access to services and resources are common effects of discrimination.

Children in virtually all societies have less power than adults and are therefore more vulnerable to discrimination. Most girls and boys grow up with the awareness that, as children, their status is inferior to that of adults. Many children face additional forms of discrimination because they are girls, have disabilities, have been trafficked, are HIV/AIDS infected, belong to an ethnic or religious minority or because of their social status, to name a few.

According to the Human Rights Committee (HRC), “discrimination should be understood to imply any distinction, exclusion, restriction or preference which is based on any ground such as race, colour, sex, language, religion, disability, sexual preference, HIV/AIDS status, political or other opinion, national or social origin, property, birth or other status, and which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise by all persons, on an equal footing, of all rights and freedoms.”

Article 2 of the UNCRC states that, “States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child’s or his or her parent’s or legal guardian’s race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.”

1.2 Rationale

There is a growing interest in rights-based approaches and CRP among various organisations in South and Central Asia. The overall vision is to achieve greater benefits for girls and boys by managing a coherent plan based on CRP.

The principle of non-discrimination is integral to CRP. However, many programmes in the region are blind to diversity and do not actively address the root causes of child rights violations such as patriarchal structures and unequal power relations. Particularly, very little information is available on how children themselves perceive discrimination and what coping mechanisms they have developed. To ensure that the principle of non-discrimination is further addressed, the need for an in-depth exploratory work on the subject is pivotal. This would hopefully open the door to further in-depth study in the region, followed by strengthening current and new programmes in the areas of non-discrimination and gender. In South and Central Asia, girls’ and boys’ perceptions on discrimination and their actions to promote inclusion and equity were identified as vital for designing and implementing a child rights based programme.

It is with this backdrop that the Regional Workshop on Demystifying Non-Discrimination for effective Child Rights Programming in South and Central Asia was organised, enabling a greater understanding of non-discrimination and its application to ongoing programmes in different areas. A total of 15 organisations, including Save the Children Alliance Members, from Bangladesh, India, Kenya, Nepal, Sri Lanka, and Tajikistan were present (see Annex 1).

**EXERCISE: SELF-REFLECTION**

Participants drew a metaphor from the natural environment, which gave them inspiration to appreciate non-discrimination and diversity. They also identified a person from another country, of the opposite sex, wearing different coloured clothes than them to make a pair, which was followed by a discussion on their reflections and backgrounds. Some excerpts were:

**River** - It represents nature where birds, animals, trees, mountains and the like live in harmony despite being diverse. They all have a different yet meaningful purpose in the ecosystem.

**Slippers** - A participant identified slippers with his own experience from school. A pile of slippers lying outside the classroom makes it difficult to identify which slipper belongs to whom. But within the class, the teacher would divide the children into separate groups of girls and boys. This implies that segregation occurs not only because of mental but also physical attributes.

**Bee** - The bee has many dimensions and characteristics. It can sting, is colourful, makes honey, and also helps in pollination. Despite having diverse attributes, it performs an important function in nature.

**Sunflower** - Petals of the sunflower represents different people in the world who come together to make a beautiful flower. The sunflower also has seeds, which can grow more flowers, continuing the cycle of harmony.

### 1.3 Expectations and Objectives

Participants expressed the following expectations from the workshop:
- To develop a better understanding of the concept of non-discrimination.
- To find ways to transfer the principle of non-discrimination into action, by changing individual perceptions and then society.
- To understand CRP and non-discrimination programming.
- To develop tools and strategies to address non-discrimination and diversity.
- To share and learn about good practices and experiences from different countries.
- To create a network of participants for flow of information after the workshop.
These expectations matched the objectives of the workshop, which were as follows:

**By the end of the workshop, participants will have:**
- Increased understanding of the principles of non-discrimination and its linkages to Child Rights Programming.
- Increased awareness of the kinds of discrimination faced by various vulnerable groups and their impact on children’s holistic development.
- Shared approaches, strategies and tools for working on non-discrimination (good practices and challenges).
- Learnt how to incorporate the principle of ‘non-discrimination’ as it is interlinked with participation, survival and development, and the best interests of the child, to the work of partner organisations thereby strengthening CRP.
- Developed action plans to promote equity, equality, inclusion and diversity.

Participants also agreed to follow certain rules such as respecting and listening to others, keeping track of time and being punctual to all sessions and participating fully and freely during the entire workshop.

The sessions that followed provided participants with an understanding of CRP, and its principles and approaches in relation to non-discrimination. Causes, forms and reproduction of discrimination were examined. In particular, discrimination based on gender, sexual orientation, ability, ethnicity, HIV/AIDS, displacement and culture were delineated through the experiences of various organisations in the field. Approaches and tools to work with children in relation to media, men and boys were also detailed in the light of non-discrimination. An emphasis was placed on the use of human rights mechanisms to further the inclusion of children in all aspects of their lives, through the use of accurate reporting to the CRC Committee and its Concluding Observations. In this way, the rights of girls and boys would be promoted.

Towards the end of the workshop, action plans developed by participants at the country, regional and international levels to strategise such practises of inclusion were showcased. (The agenda of the workshop is located at Annex 2.)
This section provides a better understanding of the concept of childhood and the process by which children acquire knowledge and behaviour through various institutions and experiences. It also presents a model of oppression and exclusion – a way to comprehend when, where and how discrimination takes place. A short background about the UNCRC is introduced with special emphasis given on the principles of non-discrimination, child participation, and accountability. All these principles are encompassed within Child Rights Programming, which tries to uphold the ‘best interests of the child’ in any intervention.

2.1 Predominant Concepts of Childhood in Development

Adults mostly see children as passive, vulnerable and helpless. Rather than understanding that children have the right to holistic development, and duty bearers are accountable to fulfil those rights, adults tend to have a charitable or welfare approach towards children. Moreover, adults view childhood as a period of transition to adulthood. Childhood as a stage of development is often not recognised. Adults also assume that they know ‘best’ for a child.

People also subscribe to the ‘trickle down theory’, which implies that children benefit automatically from benefits that reach their families. Following this theory, even if the benefits reach children, girls, children from lower caste and other discriminated children rarely receive such benefits. Furthermore, models of children and childhood in development projects are based on social science research, derived from a ‘western-centred’ development psychology and pedagogy, where actually, concepts of childhood evolve over time, culture and location. It is imperatives to question these theories and look at them within the proper cultural context. Such theories also tend to overlook gender and other dimensions such as class, disability, and ethnicity, as most often, children are viewed as being of one constituency, instead of boys and girls.
**A Child-Centred Approach**

When working with children from a child-centred approach, greater awareness and sensitivity to certain issues should be considered. Some of these issues include learning about the various cultures, traditions and perceptions of girls and boys prevailing in a particular country. In addition, gathering more information about the linkages between the perceptions of children and the work for children's rights would open an awareness from the children's point of view. For example, it is important to understand how children view discrimination and what strategies they devise to counter it.

Furthermore, it is best to avoid the condemnation of harmful traditional practices before having understood their function and background in the community. Wherever possible, positive traditional practices and attitudes should be emphasised. Likewise, it is best not to focus only on children's vulnerabilities, weaknesses and disabilities, but rather look at their competencies and strengths. For example, it is best to see that children most often look after one another, as opposed to judging them only through the lens of discipline and good manners.

Overall, children should be considered within the broader context of family, society, economy, policies, and laws. Within that context, it is essential to continue to find and use methods whereby boys and girls would be consulted and involved in all actions and decisions that would have an impact on their lives. And finally, there is a crucial need to understand our own culture and personal beliefs, seeing how they influence all of our attitudes and work. This self-reflection is vital to our ongoing work with children.

**2.2 Socialisation Process**

The socialisation process was introduced using a tree as a metaphor. The roots of the tree represent the norms and values of a society. The trunk represents the social institutions which perpetuate these norms and values while having the potential to change them. The leaves and fruit represent people's attitudes, which are derived from the predominant culture, norms and beliefs.

Culture consists of values, attitudes, norms, ideas, internalised habits and perceptions as well as the concrete forms or expression they take. Culture is the basis within social roles, structures and relationships, codes of behaviour and explanations for behaviour that are to a significant extent shared among a group of people. Culture is learnt and internalised. It influences the actions and interpretations of circumstances of all boys and girls, men and women. At the same time, the content of culture is influenced by a people's compliance with or challenge against it.

Culture also changes due to outside influences. It is never completely uniform, static or entirely agreed upon by everyone concerned. Girls and boys learn culture while contributing to its continuity and its transformation. Adults use traditional systems and customs to explain or justify child-rearing and socialisation practices, for instance, even if it involves unequal treatment and abuse such as physical and psychological punishments.

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3 See 'Toolkit on How to Consult With Children' by Save the Children Sweden for more ways to involve children in actions and decisions that concerns them.

Positive beliefs and norms that recognise girls and boys as right-holders will lead to the development and evolution of a child-friendly social institution that is gender sensitive, inclusive, respectful of children’s voices, and encourages children’s participation in decision-making. This, in turn, will result in a more democratic society that discourages all forms of oppression and discrimination. On the contrary, disabled boys and girls, for example, will be unable to share their trauma with their parents, teachers or relevant authorities if the perception and attitudes of adults discourage them from expressing their feelings or experiences whether positive or negative. Adults who value children’s opinions create a more inclusive environment, one that enables children to share and express themselves without fearing oppression or ridicule.

Patriarchal values and a power structure which results in different socialisation processes for boys and girls lead them to adopt different coping mechanisms. This is because the impact of abuse and trauma affects them in different ways. Both will experience low self-esteem and psychosocial impact. However, girls tend to internalise and develop more self-destructive behaviour patterns while boys may externalise behaviour and risk becoming violent to others. A family or social environment that encourages children to express themselves leads children to develop more resilient types of behaviour, enabling them to emerge from trauma more easily.

To bring about change, a number of strategies have to be worked together. Apart from shifting the patriarchal values and power structure in society, change has to be brought about in various social institutions as well as the oppressive workplaces for children. These old social institutions that perpetuate such harmful behaviour should be influenced so that more constructive and supportive behaviour might be forthcoming. Obviously this has been and will continue to be an extremely challenging process.
2.3 The Cycle of Oppression and Exclusion

Children are born into societies that practice oppression and exclusion. As a result, they learn and practice prejudicial behaviour during childhood. They call names, bully and exhibit targeted violent behaviour, perhaps toward minority children or girls. As they grow into adulthood they take on rigid sets of stereotypical behaviour. This cycle of oppression and exclusion results in transmitting the same practices to the next generation.

Gender roles and relations, ideas and perceptions are reproduced from one generation to another. A society’s views and values are internalised, shaping attitudes, perceptions, behaviour and decisions later in life. Men and women are constrained by these perceptions, preventing them from developing to their full potential and making the choices they would like to make. Such perceptions also influence the kinds of decisions boys and girls may take concerning their own lives, the games they play and the professions they want to pursue or are allowed to choose. Especially, these perceptions impact on their relations with the opposite sex.

However, it is possible to break this cycle of oppression and exclusion by addressing the root causes of discrimination and propagating inclusion and respect for rights as true human values. This would result in societies that are characterised by greater equality and respect, and less violence.

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When addressing root causes, there is a need to identify and address different power structures. These could be patriarchal structures or power structures based on age, caste, class, ability and so forth. Investing in children’s participation processes will lead to addressing the root causes of the violations of children’s rights. At the same time, focus should be on the positive aspects of social values and norms, which should be used to challenge the negative values.

Moreover, to break the cycle of violence, strategies should be developed to eliminate oppression from all aspects of the life cycle. It is also necessary to promote the various movements—child rights, minority and women’s rights—to work together rather than separately.

### 2.4 Introduction to UNCRC

The United Nations Convention on the Rights of the Child (UNCRC) is a comprehensive code of rights for children. It is the most widely ratified international instrument ever created within the short period from its adoption by the United Nations General Assembly in 1989. As of October 2005, 192 countries have ratified it.6

The UNCRC is comprised of 54 separate articles defining the core principles overarching the Convention, the different types of rights as well as the mechanisms for monitoring and implementation.

There are 41 substantive articles that set out the rights of all children. These rights are said to be interrelated, indivisible,7 inalienable8 and universal.9 It is the only convention which covers all the civil, political, economic, social and cultural rights (e.g. freedom, family, environment and alternate care, health and welfare, education, leisure and cultural activities) under one instrument. Special protection measures on child labour, trafficking, juvenile justice and sexual exploitation are also covered by the UNCRC.

To ensure accountability of the State Parties to implement the rights as envisioned and set out in the UNCRC, State Parties that have ratified the Convention are required to report to the CRC Committee two years after ratification and every five years thereafter. When reporting, the State is required to present information on actions that have been undertaken to promote, protect and fulfil children’s rights. Such actions could be accomplished through legislation reforms, budgetary allocations, changes in policy and so forth.

**Principles of the Convention**

The major principles of the UNCRC embody its spirit and are fundamental to the interpretation of all other rights. These principles are further explained throughout the report.

- Non-Discrimination
- The Best Interests of the Child
- Survival and Development
- Participation
- Accountability

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7 Indivisibility means that all of the rights are interconnected; all articles and rights are at the same level and are equally applicable.
8 Inalienability means that the rights of one person are inseparable from that person; they cannot be taken away.
9 Universality means that the Convention is applicable to each and every child, whoever and wherever they may be.
When applying these principles, there is a need to look at children, as boys and girls with different backgrounds, situations, and needs; and not as one constituency. For instance, toilets in schools should be designed and situated according to the needs of boys and girls by keeping in mind the physical growth of children, their need for privacy, and other matters. For example, younger children may need more light and lower handles. Specific toilets for physically-challenged children may also be needed in the school. Therefore, all of these principles should be applied by keeping in mind the diversity and needs of various children.

Following a rights-based approach involves looking at children as claimants of and entitled to rights. It requires the clear obligation and duty of agencies to ensure the active participation of everyone involved while at the same time, respecting their equal rights.

Whether working on child rights or with any other right-holders, following the RBA requires working, enabling, investing resources and creating opportunities so that such right-holders can become social actors and participate in claiming their rights. At the same time, RBA entails working with governments to ensure their accountability in providing conducive environments which allow access to the full set of rights as envisioned under the UNCRC.

Many times it is believed that a government is not doing enough. Here, there may be a need to reflect on whether the INGOs and NGOs are performing a government’s role or, somehow enabling the government to do its work. But above all, there is a need to find ways to work inclusively with the State, community, family, other elements of civil society and the children in a manner that fully supports child rights.

Rights – Responsibility – Claim

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10 Joachim Thies, Promoting Rights-Based Approaches, Experiences and Ideas from Asia and the Pacific, Save the Children Sweden, 2004
There is also a need to assess the work done through a non-discrimination lens, to see whether all boys and girls are participating in claiming their rights, or is it more of a selective process. Many times, younger children, girls and children discriminated on various accounts do not fully participate in claiming their rights. There is a need to make processes more inclusive so that not only children who have access to information and services participate, but that all others do as well. Budgetary analysis also needs to be undertaken to ensure that the work of non-discrimination reaches out to support all children.

EXERCISE: SELF-EXPERIENCE OF NON-DISCRIMINATION

A sticker–red, blue or green– was pasted on the foreheads of all participants. The participants themselves were completely unaware of their sticker’s colour, but were able to see the stickers on other participants. Using only gestures and body language, participants found people with similar stickers and formed groups.

If a group of people felt welcoming, they knew they belonged with them and had found the right group. Likewise if they went to a group of a different colour, the displeasure on the faces of the participants conveyed the message. This relates to the larger society where people with similar backgrounds are accepted in a community and are made to feel comfortable; whereas they are excluded if they do not share something in common with the group.

After the three groups were formed, the red group was given the instruction to not respond to the blue group who was asked to pursue them, while the blue group was asked to ignore the green group who would try to get their attention. None of the groups however were aware of the others’ instructions. Moreover, participants were limited to using only non-verbal communication.

Reflections:

The groups symbolise divisions in a community, while the stickers were metaphors for attributes that provide inclusion in a group.

Red Group: This group felt powerful and important, as the blue group went around pursuing them. At the same time, females in the red group felt uneasy with the attention and wanted to be in their own group. Overall, however, the red group was extremely united, but with a particularly negative attitude. The red group in the exercise is a metaphor for the highest class or caste in a society.

Blue Group: The people in this group felt like a minority. They had mixed feelings of being ignored by the red group, while having the power to ignore someone else, i.e. the green group. They also realised that while pursuing someone, one attempt wasn’t enough. However, when they pursued as a group, they found they had more force and impact. The blue group represents the middle class or caste in a society.

Green Group: The green group felt very neglected, ignored and powerless. They found it extremely difficult to convince others. They also found that being persistent helped in getting the attention of another group. Furthermore, it was noticed that within the green group there was a lack of communication, with most participants working individually rather than as a group. The green group represents the lowest class or caste in a society.
**Group Task**

Participants undertook a group task to comprehend the effect of discrimination between and within groups of children. They worked on four case studies with the following objectives:

- To reflect on the issues that affect discriminated children,
- To outline the rights which are violated, and
- To explore positive or negative traditional values, which either help or hinder child development.

An example of the group work is as follows: (See Annex 3 for other group work.)

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**CASE STUDY**

Girija is a five-year-old girl belonging to the lowest caste in a village in Tamil Nadu, India. Her family has been displaced because of the tsunami disaster. She is malnourished and has discontinued her schooling. She also suffers from a form of mental disability.

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### Issues that affect the child:

- Vulnerable to sexual exploitation and abuse
- Lack of adequate nutrition and education
- Discrimination because of gender and disability
- Psychological trauma
- Discrimination in getting aid from the government and NGOs after the tsunami due to her parent’s caste and economic status
- Inability of the disabled child to access health, education and child care services because the resettled area is far away
- Due to disability, she may be hidden by the family
- Labelling by the community
- Lesser access to proper and sufficient food and clothing because of gender discrimination and disability
- Vulnerable to opportunistic diseases
- Chances of having uterus removed by the family due to her disability

### Rights violated:

- Rights to special education, psychosocial support and services
- Right to special health care
- Right to body integrity (sexual)
- Right to adequate food and nutrition
- Right to equal treatment within the family and community
- Right to reproduction
- Right to play and leisure
- Right not to be discriminated because of class and caste
- Right to protection and participation
- Right to property, because of gender, caste status and disability
From the case studies, commonalities emerged irrespective of the differences in children's background, age, economic standing and so forth. In each case, denial of one or more rights has an affect on access to other rights and services. The following are some key consequences of discrimination that came forth from analysis of the case studies:

- Lack of children's participation
- Violence
- Psychological and psychosocial difficulties
- Gender discrimination
- Curtailment of overall human development
- Exclusion related to health and education
- Imbalance in power relations
- Limited access to services
- Extremely negative experiences
- Invisibility

The case studies looked at discrimination between girls and boys, but it is also important to be aware of discrimination within these categories. Both girls and boys may be discriminated within a group because of colour of skin, disability, class, caste, age, ability, economic status, working or school-going children, language, and so forth. There are also geographical, conflict and disaster aspects of exclusion. For instance, children belonging to a certain part of the country, children from a conflict situation or from a tsunami-hit area could be more excluded than other children.

Such exclusion has many manifestations and mostly relates back to control over resources and benefits. This could take various forms such as social exclusion, political exclusion, exclusion in decision-making as well as other forms. Exclusion also creates further marginalisation, such as a lack of economic benefits, exclusion in receiving nutrition and services such as education and health care.

### 2.5 Understanding Discrimination

Throughout the document, the UN Convention on the Rights of the Child articulates its mission to protect children from all forms of discrimination. The UNCRC emphasises that all rights apply to all children without exception. It is the duty of the State to ensure that children are protected from discrimination. Furthermore, the principle of non-discrimination is relevant to all substantive articles in the Convention.
To better understand the various factors and elements of discrimination, participants worked in groups to recognise and categorise groups of children or individuals who are excluded, the reasons for such discrimination and its impact. The results of this interaction are seen in the following table:

<table>
<thead>
<tr>
<th>Groups of children in our society who are regularly excluded, left out or discriminated against:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Children are often discriminated against because they are children. The problem is further compounded for the following groups of children:</td>
</tr>
<tr>
<td>- Children with disability</td>
</tr>
<tr>
<td>- Low caste children</td>
</tr>
<tr>
<td>- Children of single parents</td>
</tr>
<tr>
<td>- Dalit children</td>
</tr>
<tr>
<td>- Working children</td>
</tr>
<tr>
<td>- Street children</td>
</tr>
<tr>
<td>- Religious minority children</td>
</tr>
<tr>
<td>- Girl children, particularly girl children with girl siblings</td>
</tr>
<tr>
<td>- Orphans</td>
</tr>
<tr>
<td>- Children in prostitution and whose mothers are prostitutes</td>
</tr>
<tr>
<td>- Migrated children</td>
</tr>
<tr>
<td>- Children from remote areas (rural areas)</td>
</tr>
<tr>
<td>- Children with HIV/AIDS</td>
</tr>
<tr>
<td>- Children born out of rape</td>
</tr>
<tr>
<td>- Children who are sexual minorities</td>
</tr>
<tr>
<td>- Children from juvenile homes</td>
</tr>
<tr>
<td>- Children in conflict with the law</td>
</tr>
<tr>
<td>- Refugee children</td>
</tr>
<tr>
<td>- Internally displaced people and children</td>
</tr>
<tr>
<td>- Children with physical attributes that are not valued (i.e. short children, white or dark-skinned children, children with glasses)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Reasons for discrimination:</th>
</tr>
</thead>
<tbody>
<tr>
<td>- Lack of access to resources</td>
</tr>
<tr>
<td>- Cultural identity</td>
</tr>
<tr>
<td>- Poverty</td>
</tr>
<tr>
<td>- Economic status</td>
</tr>
<tr>
<td>- Power relations (It is seen that people coming from lower caste but in a powerful position are still discriminated.)</td>
</tr>
<tr>
<td>- Lack of information</td>
</tr>
<tr>
<td>- Political conflicts</td>
</tr>
<tr>
<td>- Natural calamities</td>
</tr>
<tr>
<td>- War</td>
</tr>
<tr>
<td>- Inequalities between countries where child is born</td>
</tr>
<tr>
<td>- Lack of education</td>
</tr>
<tr>
<td>- Prejudices</td>
</tr>
<tr>
<td>- Fear of unfamiliar people</td>
</tr>
<tr>
<td>- Taboos from superstition, religious or cultural ideas</td>
</tr>
</tbody>
</table>
Approaches for Combating Discrimination

There is no single method known to eliminate all forms of discrimination. Rather, a multifaceted approach needs to be applied, simultaneously targeting the different levels and institutions of society that are responsible including the family, community, government, workplace, NGOs and other elements of civil society. Various tools can and should be employed to eliminate discrimination. For example, awareness about the issue can be raised; the group being discriminated can be empowered; and reforming legislation can be developed and implemented.

Who discriminates:  
- State and government agencies themselves
- Adults against children
- One community against another
- One group of children against another
- Employers
- Heterosexuals (sexual majorities)
- People from one region against those of another region

Impact of such discrimination on children:  
- Increase in child labour
- Child trafficking and prostitution
- Children deprived from all rights
- Lack of confidence and self-esteem
- Increase in psychosocial disorders
- Low psychosocial development
- Suicide and murder in extreme cases

Awareness Raising
- Actively engage in public awareness and educational campaigns on discrimination. Very often such issues remain hidden in manifestos and agendas.
- Train professionals and opinion leaders on the implications of the principle of non-discrimination.
- Promote human rights education in schools and children’s organisations. Revise education policies to combat discrimination and violence in schools, and make UNCRC part of the curriculum in South Asia.
- Encourage media to challenge stereotypes and avoid prejudicial expressions.
- Involve community and religious leaders in actions to change attitudes and discourage discrimination.
- Raise awareness and develop skills to appreciate diversity within organisations.

**Empowerment**
- Identify those who are left out and overlooked, and make them visible. For instance, engaging children who are not part of NGO activities.
- Listen to and involve those who are discriminated against.
- Work with children's organisations to reduce discrimination.
- Take proactive measures and affirmative actions.
- Promote and develop programmes for raising self-confidence and esteem.

**Legislation**
- Collect and analyse relevant data from different sources, showing trends over time.
- Develop a national strategy and follow up legal reforms with practical action.
- Implement and enforce non-discriminatory legislation. For example, in many cultures sodomy is not recognised as a crime. Here, there is a need to create legislation that clearly spells out age guidelines and background perspectives.
- Analyse budgets and maximise resources that allow money to go to the real people affected.
- Analyse how budget cutbacks affect different groups of children.
- Institutionalise and establish a self-monitoring system.
- Promote independent review mechanisms that are separate from governmental monitoring systems, such as the appointment of an ombudsperson. (In South Asia, none currently exist.)

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**EXERCISE: LINKING CHILD PARTICIPATION AND NON-DISCRIMINATION**

Participants were equally divided into two groups, both representing a community. Within each group, one person was handcuffed while another was blindfolded. The task for both groups was to create the longest possible human chain using all the people in each community. The communities were also given time to discuss their strategy.

It was observed that both communities did not include the disabled people in their discussions, simply going about the task they were given. The disabled people, though eager to join the human chain, felt helpless and confused. At a later stage, some people came forward to guide them and involve them in the activities. In fact, the disabled people themselves started helping each other to be part of the human chain.

The exercise symbolises some of the issues that arise in any community. There is participation of communities in many areas, but it may not include everyone. Collective decisions are made, but some people are left out, such as children and adults with disabilities. It also clearly shows that no matter how different they may or may not be, those disenfranchised could contribute and participate actively if provided the opportunity.

The exercise also helped workshop participants to reflect on their own actions that include or exclude others. Above all, the activity emphasised the link between child participation and non-discrimination; i.e. the need to ensure collective involvement of all children irrespective of backgrounds, situations, and attributes in all activities affecting them.
2.6 Layers of Child Participation

‘Participation’ is used by Save the Children and others to mean children and young people thinking for themselves, expressing their views effectively, and interacting in a positive way with other people. It means involving girls and boys in the decisions that affect their lives, in the lives of their families and community and the larger society in which they live.11

While encouraging children to participate and voice their concerns, it is important to be aware of how children express themselves. This could be through verbal expressions or through various forms of non-verbal communication. Children often express themselves through their actions and behaviour, bodily language and gestures, and through play among others. After recognising their views, the next step is to respect and show consideration for their thoughts and voices.

At the same time, adults need to develop their own listening capacity towards children, as they themselves grew up ‘not being listened to’. Adults also need to encourage children’s involvement by sharing their own information with children. They need to model participatory behaviour in all aspects of life. Likewise, adults should develop the skills needed for participation, training in understanding what childhood is, and how child rights and ethical standards of child participation are essential. By doing this, an encouraging environment is created in which children feel safe and appreciated.

When working with children, certain issues need to be considered before seeking their participation:

- An ethical approach needs to be followed with a commitment to transparency, honesty and accountability.
- A safe approach needs to be followed in which children’s protection rights are properly safeguarded.
- A non-discriminatory approach that ensures that all children, regardless of their age, gender, ability, language, ethnicity, class, etc., have an equal opportunity to be involved.
- A ‘child-friendly’ approach which enables children to contribute to the best of their abilities.

Children can change their lives by:

- Speaking out and expressing themselves.
- Getting involved in decision-making by gaining access to information in order to make informed choices.
- Taking actions based on information received from children, such as from children’s groups or organisations.

In a similar way, children have the right to participate on an individual basis.

11 For more details, refer to Save the Children’s ‘Practice Standards in Child Participation’, 2005.
2.7 The many facets of Accountability

The State is the primary and ultimate duty bearer accountable to fulfilling the rights of girls and boys. However, others are also accountable. For example, the media, the private sector, INGOs and NGOs also need to ensure that they are encouraging, accountable, and responsible structures that fulfil and respect the rights of girls and boys. UN and other international organisations are also obligated to help the State fulfil its responsibilities. However, when it comes to children, the family is the immediate duty bearer, though often it may lack the capacity to fulfil this primary responsibility. The UNCRC explicitly says that States should provide support to families to be able to fulfil their duty towards their children. Likewise, the community plays an important role in the lives of girls and boys and is therefore also responsible and accountable to them.

At the same time, children need to be ingrained with the values of their rights and responsibilities. For example, as they have the right to education, they also have the responsibility to study. As they have the right to safe drinking water, they also have the responsibility not to waste water. Therefore, it is important to ensure that children come to understand this sense of reciprocal accountability and responsibility at a younger age.
Within accountability, it also becomes important to ask particular questions as to who is accountable; accountability with regard to what; when such persons are accountable; and accountable to whom.

For example, within government departments, it is usually those at the bottom rung who are held accountable rather than policy makers. Likewise, within the education sector, it is the teacher who is held accountable instead of the District Education Officer. Very often, schools and teachers are questioned on rates of enrolment, but the pass-no pass rate is not given due recognition. Therefore, accountability with regard to what becomes important as it is not just the input but the impact on the child that is also important. Moreover, the teachers and the larger education administration often do not realise their responsibility and accountability towards the children, viewing boys and girls as merely passive receivers. They perceive their accountability, but only to their superiors.

At the same time, there have been many occasions when children have confronted local government authorities and made them accountable. For instance, in Orissa, India, children confronted MLAs (Members of Legislative Assembly) in their efforts to ban physical and psychological punishment. In Egypt also, children have created a cartoon series asking teachers to stop using violence against them. There are similar examples from around the globe where children have been taking collective actions and meeting challenges to ensure accountability of duty bearers at various levels.

Clearly, there are many ways to strengthen accountability for the realisation of child rights. In particular, having democratic institutions, from the central government down to the local community, creates an enabling environment for the growth of all peoples. This is essential. With that in place, better policies, laws and law enforcement can be more accountably managed. Furthermore, within a democratic profile, norms and values for children as well as all citizens, are enhanced, leading to a wider civic participation. This in turn, leads to the establishment and maintenance of effective institutions.

### 2.8 Child Rights Programming

The overall goals of Child Rights Programming (CRP) are to improve the position of children so that all boys and girls can fully enjoy their rights and to build societies that acknowledge and respect children’s rights. The deeper meaning of CRP can be understood from the definitions adopted for these three words:

**Child:** Every boy and girl under the age of eighteen years, unless by law majority is obtained at an earlier age.

**Rights:** Defined as international human rights laws applicable to children, set out primarily in the UNCRC.

**Programming:** Situational analyses, planning, implementation, monitoring and evaluation of a set of activities towards a defined goal.

The combination of these three provides the definition of Child Rights Programming:

“Child Rights Programming means using the principles of child rights to assess, plan, manage, implement and monitor programmes with the overall goal of strengthening the rights of the child as defined in the international law.”

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Applying a Rights-Based Approach to CRP

CRP is an approach that enables organisations to implement, monitor and evaluate their programmes from a child rights perspective to ensure that the rights of children are strengthened and maintained. Applying a rights-based approach to programming means putting children at the centre; recognising them as rights holders and social actors. It involves developing abilities and competencies of the child that focus on a child’s developmental needs. In particular, children are looked at in a broader context where their differences and diversities are taken into account.

There are also several ‘added values’ of CRP. It provides long-term goals towards which all work is directed and sets the standards from which progress is measured. CRP also identifies the responsibilities of governments, donors, private sector, civil society, communities and individuals, which bind them into action, as well as ways in which they can be held accountable. Furthermore, CRP incorporates what is widely regarded as ‘good development practice’ (e.g. focus on participation, equity, sustainability, non-discrimination, poverty eradication and multi-sectorial practise) into one overall approach.

Changes in Children’s Lives

To ensure the survival, development, protection, and the participation of children as well as the accountability of duty bearers, there is a need for policies and laws which embody all the principles of CRP. In relation to rights, responsibility and claim, there is a need to advocate, influence and enable the government to make their processes and policies more inclusive. To ensure effective programming and policies, data and statistics are required to access the situation of boys and girls in various contexts, which then needs to be supplemented by adequate budgets and resources.

Moreover, an independent judiciary should exist to ensure that children’s human rights are protected. This could be in the form of a commission on children or the setting up of ombudspersons. Likewise, the quality of institutions needs to be closely monitored. And finally, because changing attitudes is a long-term process, capacity-building of the society is required while the debate regarding such massive change at all levels is moved forward and sustained.
In addition, there is the need to work with the principles of non-discrimination, child participation and accountability together as they cannot be separated within CRP. Non-discrimination needs to be worked following a rights-based approach, while enforcing accountability at all levels. Multiple approaches need to be devised to enhance child participation that follow the best interests of the child. Rather than working on behalf of children, INGOs and NGOs should work with them. Work on diversity and inclusion needs to be mainstreamed in the development sector. Currently, organisations working on non-discrimination are not working with children and those working with children are not incorporating non-discrimination.

2.9 Discussion Paper: Demystifying Non-Discrimination for Effective Child Rights Programming

While a great deal of work on ‘child participation’ is taking place in the region, there is a need to look at the principle of non-discrimination from within a wider perspective, transcending gender and disability. To strengthen the work in that direction, Save the Children Sweden has developed a Discussion Paper with the overall vision that to understand and achieve greater benefits for girls and boys, a coherent programme based on child rights programming must be implemented.

In both the UDHR and the UNCRC, equity and non-discrimination is fundamental in respecting, fulfilling and protecting the rights of children. But in reality, the in-built power dynamics and structures in society often confine or limit the access of discriminated groups in their attempts to access their rights. As a result, discrimination is the leading constraint in the promotion of a ‘rights-based approach’ to development.

In addition, many programmes in the region may not have a holistic perspective on diversity and do not actively address root causes of child rights violations such as patriarchal structures and unequal power relations. To ensure that the principle of non-discrimination is further addressed, an in-depth exploratory work on non-discrimination was considered pivotal. This would hopefully open the door for a further in-depth study in the region followed by the strengthening of existing and new programmes in the area of non-discrimination and gender.

Likewise, while participation of boys and girls is integral to all Save the Children Sweden programmes, it was found that little information was available on how children themselves perceive discrimination and what coping mechanisms they had developed. In South and Central Asia, an understanding of girls’ and boys’ perceptions on discrimination, and their actions to promote inclusion and equity were identified as being vital for the development and implementation of a child rights-based programme. The Discussion Paper therefore looked at the perceptions of some children’s groups on the issue. From this, a more holistic understanding about discrimination as a social issue may be seen, and used as a tool to discovering what mechanisms might be effective in its elimination.

The Paper looks at discrimination as a form of violence in itself. It analyses the root and immediate causes of non-discrimination while focusing on the Concluding Observations of the CRC Committee and the States, communities, INGOs, NGOs, family and other civil society’s obligation and duty.

13 Presentation by Bandana Shreshtha, Regional Consultant (Non-Discrimination), Save the Children Sweden, Regional Office for South and Central Asia. Publication pending.
The objectives of the study were:

- To understand the perceptions of children from diverse backgrounds (i.e. caste, gender, age, disability, sexual orientation, IDPs, etc.) concerning the ways they are discriminated against.
- To analyse and promote recommendations and actions suggested by children's groups and organisations to promote inclusion and equity.
- To prioritise and use the appropriate recommendations thus gathered for developing policies, programmes and tools to address discrimination with the intention of applying them to the future work of Save the Children Sweden and its partners.

The Study primarily uses secondary research to begin a discourse on non-discrimination. Using children's voices that have also been taken from secondary materials available, the study presents the views of various groups who face multiple discrimination. However, several factors affect the paper. While some forms of discrimination were researched in depth, others are not so visible due to constraints on available research time.

There are numerous international human rights instruments that recognise the need to address discrimination. Non-discrimination is alluded to in the UNCRC through Article 2 (Non-Discrimination), Article 3 (Best interests of the Child), Article 4 (Accountability), Article 6 (Survival and Development), and Article 12 (Participation). Besides the UNCRC, the principle of non-discrimination is an integral part of other conventions such as Article 1 of the UDHR, Article 2.1 of the ICCPR, Article 2.2 of the ICESCR, Article 1 of the CEDAW, and Article 1.1 of the CERD (For more details, see Annex 4).

Furthermore, on reviewing the national constitutions of many of the South and Central Asian States, the principal of non-discrimination is found to be a central component, but not in an all-encompassing manner. For example, the Constitution of Afghanistan, 2004, states that “discrimination between citizens is prohibited including between man and woman (Article 22).” In the Constitution of the People’s Republic of Bangladesh, 1972, Article 27 maintains that “women shall have equal rights with men…equal protection before the law and discrimination based on religion, race, sex or place of birth prohibited.” Then again, in Article 11 of the Constitution of the Government of Nepal, 1990, it is stated that “all citizens shall be equal before the law; no discrimination on grounds of religion (dharma), race (varya), sex (liga), caste (jât), tribe (jâti) or ideological conviction (vaicârik); and State shall not discriminate among citizens.”

Implementation of International and National Instruments

Once States have ratified the UNCRC, they are obligated to undertake actions to fulfil, protect and promote those rights through various reforms and actions. The most noticeable have been through the formation of National Plans of Actions on various sections, such as for women and children. Legislations on violence against women and children, and trafficking are present in Nepal, India and Bangladesh. Laws on scheduled caste and tribes, preconception and prenatal diagnostic techniques now exist in India and Nepal. Furthermore, in Sri Lanka, India and Nepal, National Human Rights Commissions have been established to monitor the implementations of these instruments.

However, despite ratifying these international human rights treaties, national constitutions which prohibit discrimination and legislations that mandate non-discrimination, numerous implementation problems continue to exist. Foremost among them seems to be the lack of political will and poor inter-sectorial coordination among and within ministries.
Moreover, participation within the wider civil society is lacking in both the planning and implementation stages of programmes and policies. This is even more true for the limited participation of discriminated groups. Furthermore, many legislative reforms and policies are not fully disseminated, if at all, including the States’ responsibility toward the children.

Finally, the problem can become one of exasperation due to the number of diverse ethnic groups and languages, compounded with inadequate financial resources and limited person-to-person and technical expertise. The dilemma is worsened still by the lack of information and data that is accurately disaggregated by age, caste, gender and so forth, as well as poor levels of monitoring and evaluation. All of these factors, existing either separately or altogether, continue to hinder the implementation of whatever instruments are created.

**Voices of Children on Discrimination**

In various settings and levels across the region, children are expressing their opinions and concerns on exclusion and discrimination. Their voices clearly reveal the extent of the problem and its impact on children.

**Education Setting**

“In my school, teachers take more care of the upper caste children…Sometimes, the teachers only give attention to the rich people not to the poor people.”

— *A Girl in Luarduj, Afghanistan*

**Age**

“We children are not listened to. I feel sad.”

— *An 11-14 year old boy from Afghanistan*

**Within Groups**

“When elder boys and girls sit together and talk and when I go and sit there, they tell me I cannot sit there because I am younger, so I am scared to sit there.”

— *A child from Bangladesh*

**Caste-Based Discrimination**

“When I go to school, they mock at me telling that I belong to the lower caste. They look at us differently when we walk through the street with chappals. Moreover, we are going to school through the Ur area where the upper caste people live. That time, they used to scold us using filthy language, making us unable to walk through that way.”

— *Ilavarasi, a child from India*
“We are not allowed to take water in the public well. Only non-dalits are allowed to take water. At the bus stop, if a dalit stands there, the non-dalits will ask him to stand away from them. At the tea shop, there are separate glasses for us to drink tea.”

– A child from Tamil Nadu, India

**Discrimination Based on Religion**

“In our village, at festival time, we poor are not allowed to enter into the temple. But those who have money will go into the temple.”

– A child from Tamil Nadu, India

**Discrimination due to Ethnicity and Language**

“I stopped going to the government school because when I spoke to my friends in Urdu they punished me.”

– An Urdu speaking child from Andhra Pradesh, India

**Discrimination due to Disability**

“When I come out of my house, people point at me and say, ‘Why don’t you stay in. Look at you! You cannot walk properly!’ But my problem is not my disability. It is the attitude of people who make fun of me.”

– 12-year old boy from Pakistan

**Examples of actions taken by children in Bangladesh**

- **Policy Advocacy**
  - Participation of children in NPA (National Plan of Action)
  - Meeting with different institutions, i.e. law enforcement authorities, local government authorities, education officers and employers
  - Actively participating and sharing experiences on discrimination at national and international levels

- **Children and Media**
  - Children using media to accurately reflect their situation
  - Sharing experiences with journalists and gaining significant coverage
  - Children producing their own media, such as children’s newspapers, photographic exhibitions, etc
  - Children using Theatre for Development (TfD) processes to create awareness at the community level

- **Children in Programmes**
  - Children actively work with Save the Children partners to identify, plan and implement projects.
**Recommendations of the Study**

- **Legislation reform**
  - Develop a national strategy and follow up legal reforms with practical action
  - Implement and enforce non-discriminatory legislation

- **Lobby and Advocacy**

- **Media**
  - Encourage media to challenge stereotypes and avoid prejudicial expressions

- **Participation of relevant sectors (Empowerment)**
  - Listen to and involve those who are discriminated against, e.g. girls and boys from various backgrounds
  - Work with children’s organisations to reduce discrimination

- **Awareness-raising on non-discrimination**
  - Raise public awareness and promote educational campaigns amongst opinion leaders on the implications of the principle of non-discrimination, and elsewhere
  - Promote human rights education in schools and children’s organisations
  - Revise education policies to combat discrimination and violence in schools
  - Involve community leaders in actions to change attitudes and discourage discrimination

- **Data collection and Documentation**
  - Collect and analyse relevant and disaggregated data, showing trends over time. Currently, data on boys and girls in different age groups is not available. This continues to hamper the creation of proper programming

- **Allocation of budgetary resources**
  - Analyse budgets and maximise resources
  - Analyse how budget cutbacks affect different groups of children
  - Monitoring & Evaluation mechanisms
  - Institutionalise and/or establish a self-monitoring system
  - Promote independent review mechanisms apart from governmental monitoring systems, such as an ombudsperson

- **Cooperation with NGOs**
  - Promote and develop programmes for raising self-confidence and esteem
  - Train professionals on the principals of non-discrimination
  - Raise awareness and develop skills on appreciating diversity within all organisations.
Gender discrimination is based on socially assigned differences and power relations between men and boys, and women and girls. Gender-based discrimination interlocks with discrimination based on class, caste, age, ethnicity, religion, marital status, location (place of birth), birth order, fertility status, sex of children, occupation, sexual orientation, HIV/AIDS status, disability, and others, to keep women in a subordinate status.

Gender discrimination is also perpetuated through different institutions such as the family, the marketplace, the State, religious and caste institutions, and interstate organisations such as the World Bank and the International Monetary Fund.

Research has shown that women and girls are discriminated in the following ways:

- Survival, health and education
- Labour/work and mobility
- Resources, such as income
- Political participation
- Physical body, and identity
- Fertility, in that women lack control over how many children they wish to have, when to have them, or whether to have any children at all.

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14 By Ranjani Krishna Murthy, Regional Consultant, Save the Children Sweden
15 In South Asia, there is a hierarchy between married women and single women. Single women are women living outside the institution of marriage, and include widows, those deserted, divorced, women who have never married, and women who are devadasis (women in temple prostitution).
16 In the South Asian context, the first born and the last born have certain privileges or obligations.
17 In much of South Asia, women who don’t have any children are discriminated.
3.1 Reflections from Data

A study of data on discrimination by age and gender with regard to the above issues for India, Pakistan, Bangladesh, Nepal, Sri Lanka, Tajikistan—the participating countries in the workshop—suggests some stark aspects of discrimination in the region.

3.1.1 Survival

Infant Mortality Rate is highest in Tajikistan and lowest in Sri Lanka. Unlike South Asia, where IMR has declined in the last 10 years, in Central Asia it has increased. This is mainly because of the collapse of the Soviet Union, as the State had been providing healthcare services and poverty levels were lower. Data also shows that the rate of IMR is higher in the lowest 20 per cent of the population, by income, when compared to the richest 20 per cent of the population in all the countries. The greatest difference in IMR between the lowest and richest 20 per cent of the population is in India, which means that the country has a very high degree of inequality. A country where class disparity is surprisingly low is Pakistan where lower IMR differentials have been recorded.

The Child Mortality Rate (CMR) is again lowest in Sri Lanka and highest in Tajikistan. India again records the maximum difference between poorest and richest sections with regard to CMR. There are also caste and class differences that affect CMR. In all countries, except Tajikistan, Maternal Mortality Rate (MMR) is higher than CMR and IMR. This shows the low status of women in these countries, and the presence of several children living without their biological mothers. MMR is highest in Nepal and lowest in Sri Lanka.

<table>
<thead>
<tr>
<th></th>
<th>India</th>
<th>Nepal</th>
<th>Sri Lanka</th>
<th>Bangladesh</th>
<th>Pakistan</th>
<th>Tajikistan</th>
</tr>
</thead>
<tbody>
<tr>
<td>Life Expectancy (2003) Females:</td>
<td>65</td>
<td>62</td>
<td>77.0</td>
<td>64</td>
<td>63</td>
<td>66</td>
</tr>
<tr>
<td>Males:</td>
<td>62</td>
<td>61</td>
<td>71.5</td>
<td>62</td>
<td>63</td>
<td>61</td>
</tr>
<tr>
<td>IMR (1995-2001) L:</td>
<td>63</td>
<td>61.0</td>
<td>13</td>
<td>46</td>
<td>81.0</td>
<td>92</td>
</tr>
<tr>
<td>R:</td>
<td>96</td>
<td>85.5</td>
<td>-</td>
<td>93</td>
<td>89.0</td>
<td>-</td>
</tr>
<tr>
<td>CMR (1995-2001) L:</td>
<td>38</td>
<td>53.0</td>
<td>-</td>
<td>58</td>
<td>62.5</td>
<td>-</td>
</tr>
<tr>
<td>R:</td>
<td>87</td>
<td>82</td>
<td>15</td>
<td>69</td>
<td>103.0</td>
<td>118</td>
</tr>
<tr>
<td>MMR:</td>
<td>141</td>
<td>130</td>
<td>-</td>
<td>140</td>
<td>124.5</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>45</td>
<td>68</td>
<td>-</td>
<td>72</td>
<td>74.0</td>
<td>-</td>
</tr>
</tbody>
</table>

Legend: L (lowest 20 per cent of the population); R (highest 20 per cent of the population)

3.1.2 Education

Combined Enrolment Ratio (CER) for primary, secondary and tertiary schools is lower for females than males in most of the countries reviewed. Sri Lanka and Bangladesh are exceptions, wherein CER of females is higher than that of males. In Bangladesh, the government has been focusing on enhancing female literacy through scholarships and other means. In northern Sri Lanka, many boys are involved in a war situation and do not attend school, which may explain the lower CER of boys compared to girls.

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Female adult literacy is lower than male adult literacy in all the countries reviewed. Female adult literacy as a percentage of male literacy is highest in Tajikistan and lowest in Pakistan. As women spend more time with the children than men, female literacy has a bearing on children’s education levels and nutrition. Their low literacy level is indeed a point of concern.

A surprising finding was that in Pakistan, the girls-to-boys ratio in tertiary education was 81 per cent while the ratio was lower with regard to CER. This is a contradiction which needs to be studied.

<table>
<thead>
<tr>
<th></th>
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</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Females:</td>
<td>Males:</td>
<td>Females:</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Female to Male:</td>
</tr>
<tr>
<td>India</td>
<td>56</td>
<td>64</td>
<td>10</td>
</tr>
<tr>
<td>Nepal</td>
<td>55 (65 per cent)</td>
<td>56 per cent (63)</td>
<td>33 (4 per cent)</td>
</tr>
<tr>
<td>Sri Lanka</td>
<td>69</td>
<td>67</td>
<td>-</td>
</tr>
<tr>
<td>Bangladesh</td>
<td>54</td>
<td>52</td>
<td>4 (50 per cent)</td>
</tr>
<tr>
<td>Pakistan</td>
<td>31</td>
<td>43</td>
<td>2 (81 per cent)</td>
</tr>
<tr>
<td>Tajikistan</td>
<td>69</td>
<td>82</td>
<td>8 (34 per cent)</td>
</tr>
</tbody>
</table>

3.1.3 Nutrition status of children

In Sri Lanka, the maximum population lives near the coast where there is adequate supply of fish. Thus, the minimum proportion of children in Sri Lanka is underweight as compared to other countries reviewed. Pakistan again, fares much better than India, Nepal and Bangladesh on ‘low birth weight’ and ‘under weight for age’ percentages. There is a need to conduct a study on this phenomenon, as Pakistan is considered a backward nation. However, as seen here, the nutrition status of children in this country is much better than other countries in South Asia, other than Sri Lanka. There is also a need to have gender aggregate data on this subject.

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>India (47 per cent)</td>
<td>Nepal (48 per cent)</td>
<td>Sri Lanka (29 per cent)</td>
</tr>
<tr>
<td></td>
<td>Bangladesh (48 per cent)</td>
<td>Bangladesh (45 per cent)</td>
<td>Bangladesh (48 per cent)</td>
</tr>
<tr>
<td></td>
<td>Pakistan (38 per cent)</td>
<td>Pakistan (37 per cent)</td>
<td>Pakistan (36 per cent)</td>
</tr>
<tr>
<td></td>
<td>Tajikistan (-)</td>
<td>Tajikistan (36 per cent)</td>
<td>Tajikistan (15 per cent)</td>
</tr>
</tbody>
</table>

3.1.4 Work and Resources

The data for Female Economic Activity (FEA) shows that a high 66 per cent of women in Bangladesh are in the labour force, while the figure is lowest in Pakistan where only 37 per cent of women are in the labour force. Figures for ‘work minutes per day’ of women

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21 Ibid.
and men in India, Nepal and Bangladesh show that women are working more than men, especially if reproductive and productive work are taken into account. The differences in work load are highest in rural Nepal amongst the three countries studied. Women in Nepal have to walk a long distance to work and to gather fuel because of poor infrastructure. There may also be a number of men involved with the Maoist insurgency and, as a result, women run the household. In addition to its consequence on a woman’s health, a work load of over 10 hours a day may also not provide sufficient time for family care, thus affecting the children’s well-being.

Data on earned income of females and males through Purchasing Power Parity method, which takes into account consumer price indices, expenditure and inflation, shows that Tajikistan records very low income (male and female combined), followed by Nepal and Bangladesh. Sri Lanka, however, records the highest household income. Data also shows that men earn much more than women. Studies also suggest that men mostly spend a significant proportion of their earnings on leisure activities while women tend to spend more on children. This means that if women’s earnings are meagre, less money is being spent on the children.

<table>
<thead>
<tr>
<th></th>
<th>India</th>
<th>Nepal</th>
<th>Sri Lanka</th>
<th>Bangladesh</th>
<th>Pakistan</th>
<th>Tajikistan</th>
</tr>
</thead>
<tbody>
<tr>
<td>FEA (&gt;15) per cent of MEA 2003</td>
<td>42.5</td>
<td>57</td>
<td>43.5</td>
<td>66</td>
<td>37</td>
<td>56</td>
</tr>
<tr>
<td>Work minutes per day (1978-2000)</td>
<td>50 per cent</td>
<td>67 per cent</td>
<td>63 per cent</td>
<td>76 per cent</td>
<td>44 per cent</td>
<td>81 per cent</td>
</tr>
<tr>
<td>Female:</td>
<td>457</td>
<td>641-r</td>
<td>-</td>
<td>545</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Male:</td>
<td>117</td>
<td>117-r</td>
<td></td>
<td>110</td>
<td></td>
<td>-</td>
</tr>
<tr>
<td>Earned Income 2003 PPP USD</td>
<td>1,569</td>
<td>949</td>
<td>2,579</td>
<td>1,245</td>
<td>1,050</td>
<td>854</td>
</tr>
<tr>
<td>Female:</td>
<td>4,130</td>
<td>1,868</td>
<td>5,009</td>
<td>2,289</td>
<td>3,082</td>
<td>1,367</td>
</tr>
<tr>
<td>Male:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

3.1.5 Political Participation

Amongst the countries studied, women’s participation in parliament is highest in Pakistan due to seat reservations for women. Whereas women in the managerial level of the workforce are highest in Sri Lanka, very few women are part of the parliament.

<table>
<thead>
<tr>
<th></th>
<th>India</th>
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<th>Pakistan</th>
<th>Tajikistan</th>
</tr>
</thead>
<tbody>
<tr>
<td>per cent seats women in parliament 2005</td>
<td>9.3 per cent</td>
<td>6.4 per cent</td>
<td>4.9 per cent</td>
<td>2 per cent</td>
<td>21 per cent</td>
<td>-</td>
</tr>
<tr>
<td>per cent female legislators officials, managers 1992-2003</td>
<td>-</td>
<td>-</td>
<td>21 per cent</td>
<td>8 per cent</td>
<td>2 per cent</td>
<td>-</td>
</tr>
<tr>
<td>per cent women in technical and managerial 1991-2003</td>
<td>-</td>
<td>-</td>
<td>46 per cent</td>
<td>25 per cent</td>
<td>26 per cent</td>
<td>-</td>
</tr>
</tbody>
</table>

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3.1.6 Violence Against Women, HDI and GDI

The table below presents some of the data on violence against women, the Human Development Index, and the Gender Development Index. Data on violence against women was available only for India, particularly Mumbai and Delhi. Data reveals that in India, Mumbai is a more violent city than Delhi. Sexual assault is also higher in Mumbai.

The Human Development Index, which gauges the level of progress, income, life expectancy and education, is most favourable in Sri Lanka and the worst in Pakistan. The Gender Development Index, which is a similar measure for women, also follows a similar trend. In all countries, GDI value is lower than HDI, suggesting that women are discriminated against with regard to education, life expectancy and incomes. The difference between HDI and GDI rank is stark in Pakistan and Nepal, suggesting that gender inequalities in access to education, health and incomes are more marked in these two countries.

<table>
<thead>
<tr>
<th></th>
<th>India</th>
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<th>Sri Lanka</th>
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<th>Pakistan</th>
<th>Tajikistan</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sexual assault (1995)</td>
<td>3.5 - Mumbai per 1000 population</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Assault (1995)</td>
<td>1.7 - Delhi</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>0.8-Mumbai</td>
<td>0.8-Delhi</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>HDI-GDI rank (2003)</td>
<td>0</td>
<td>-2</td>
<td>7</td>
<td>2</td>
<td>-4</td>
<td>2</td>
</tr>
<tr>
<td>GDI value</td>
<td>0.586</td>
<td>0.511</td>
<td>0.747</td>
<td>0.514</td>
<td>0.508</td>
<td>-</td>
</tr>
<tr>
<td>GEM rank (80)</td>
<td>7</td>
<td>72</td>
<td>0.370</td>
<td>79</td>
<td>71</td>
<td>-</td>
</tr>
<tr>
<td>GEM value</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
</tbody>
</table>

GEM (Gender Empowerment Measure) which looks at political participation, managerial role and decision-making, is lower than GDI in all the countries studied. This suggests that women’s empowerment lags between their human developments. However, amongst the countries studied, GEM value is highest in Pakistan because of the reservation of women in parliament. There is a need to find out if more women at the decision-making level have helped improve women’s and children’s status. Presently, women’s condition is still worse in Pakistan as compared to other countries.

3.2 Applying Lessons from Gender Movement to CRP

Four kinds of lessons on principles and strategies can be learnt by the child rights movement from the women’s movement: (a) application at the international level, (b) application at the national level, (c) application at the local level, and (d) application at all levels.

**Lessons on Principles:**
- Mainstream gender, and also ask for special programmes. Similarly, mainstream CRP, and also ask for special programmes.
- Collect disaggregated statistics and indicators by age and gender.

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- Generate indicators of condition and position. For instance, indicators on children’s condition—health and education—and position should be created. A composite measure of children’s condition and position for children should be available along the lines of HDI/GDI and GEM.
- Reform of policy, legislation, budgets, and expenditure is important for gender mainstreaming as well as CRP.
- Recognise diversity within children, like diversity amongst women.
- Recognise that women and girls are not always the victims. Boys and men suffer also. Recognise that at times, men and boys are also vulnerable.
- Distinguish between formal equality—such as legal reservations—and substantive equality—recognising that women and girls have domestic chores.
- Build alliances across different ideologies for women’s and children’s empowerment. Address child poverty and equity between children and rights of children just as the women’s movement has attempted to address women’s poverty, equity and rights.

**Applying the principles at the International Level**
- Mainstream gender and child rights into UN conferences, WTO meetings, etc.
- Create separate conventions, conferences and action plans on women and children. (At the moment, there is an outcome document which is a global document for NPA. A conference on the progress of UNCRC and a Special Session on Children is held every 10 years, while the Stockholm Agenda on Sexual Abuse of Children is held every 5 years.)
- Integrate child rights, as with women’s rights, into all instruments: PRSPs, Millennium Development Goals (MDG), SWAP (Sector Wide Approach).
- Mobilise donor commitment to work with women, girls, men and boys on equality. (Although large amounts of funding are generated within the child rights sector, much of it remains unspent.)

**Applying the principles at the National Level**
- Pressurise the governments to sign and ratify international instruments pertaining to both women’s rights and child rights.
- Ensure gender equality and child rights through the enactment of legislations and rules.
- Create specific policies on gender and child rights while ensuring both issues are mainstreamed in other policies such as education policies, agricultural policies, and so forth. This is the weak link in the child rights movement.
- Create ‘reservations’ for women in state institutions and local government. Similarly, children also need to be brought into local governance in a consultative forum.
- Promote gender and child rights training of the legislature, judiciary and executive.
- Create autonomous women’s and children’s groups—non-party political formations—that are constituency-specific.
- Promote organisations of men and boys in support of women’s and girl-child rights at the national level.
- Create a women’s wing and a children’s wing in political parties.
- Strengthen the State’s accountability to women and children through national and State level participation structures, public hearings, media advertisements, commissions and commissioners, audits and Public Interest Litigations (PIL).
Influence PRSP and other reform instruments on gender and child rights issues, as there is a need for mobile parliamentarians on child rights.

**Applying the principles at the Local Level**
- Create gender and child rights awareness participation and participatory research tools.
- Combine organisation strategies for struggle and development to end discrimination against children and women.
- Focus on marginalised women, girls and boys.
- Build capacities of women and children to be either part of local governance or make them accountable.
- Strengthen accountability to women and children through right-to-information campaigns, health structures, education structures, etc.
- Intervene in markets, families and communities for women’s and children’s rights.

**Applying the principles at All Levels**
- Monitor child rights budget and expenditure along the lines of gender budget monitoring at international, national and local levels.
- Place child rights focal persons within government, donors and NGOs along the lines of gender focal persons.
- Evolve child rights indicators along the lines of gender indicators.
- Build alliances at international, national and local levels on child rights along with the alliances on women’s rights.
- Sensitise media, religious institutions, corporate houses and human rights groups at all levels to take up the issues of gender and child rights.

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**ONCE UPON A BOY**
_Film by Instituto PROMUNDO, Brazil_

This animated film shown at the workshop, showcases stereotypical gender roles of boys and girls in the society. It focuses on the socialisation process which perpetuates the cycle of discrimination. The film is without any dialogue, but with explicit use of sound and graphics. An animated pencil in the film is symbolic of social pressure that makes boys and girls conform to societal expectations of them.
In this session, participants shared their experience of working in their respective fields and lessons were culled from this sharing. The obstacles encountered by the organisations and their future strategies were also briefly presented. It was noted that while many participants were aware or at least familiar with some types of discriminated groups, such as disability and gender, other types of discrimination were new such as sexual orientation and HIV/AIDS.

4.1 Discrimination by Different Abilities and Disability

Through various case studies and examples from different countries in the region, discrimination faced by children due to disability and different abilities were outlined. Actions taken by NGOs, challenges faced and the ways to move ahead were explored to find a holistic approach to work against discrimination.

4.1.1 Case study: Centre for Service & Information on Disability24

The Centre for Service & Information on Disability (CSID) in Bangladesh is working to make disability one of the general development issues nationally and globally. The organisation is working to create an equity of opportunities and dignity for children with disabilities, while also assuring their freedoms to express their opinions and enjoying their rights in general.

An initial research by CSID in Bangladesh did not reveal any practises of people working with disabled children that were beneficial. It was also seen that 15 per cent of disabled girls were engaged in sex work, while a number of disabled boys and girls worked in the bangle-making industry. A large number of children were involved in begging from which they earned a good income.

24 Presentation by Khandaker Jahurul Alam, Executive Director, Centre for Service & Information on Disability (CSID) and President, National Forum of Organisations Working with the Disabled (NFOWD).
Keeping in mind the above scenario, CSID designed a programme focusing on sensitisation and advocacy, research and community-based facilitation, and support services with rights and participatory approaches for disabled people, especially for children and women. The organisation’s ongoing activities range from operating an internet-based Disability Information Dissemination Network, conducting study and research on specific disability issues, to implementing a project focused on creating an inclusive employment environment for people with disabilities. They also run Community-Based Rehabilitation (CBR) programmes for street and working children with disabilities, rural children with disabilities, visually impaired people as well as programmes for the inclusion of women with disabilities into mainstream society.

In addition, CSID in partnership with Save the Children Sweden in Bangladesh, has conducted two studies: ‘Situation Analysis and Need Assessment of Street Children with Disabilities in Dhaka City’ and ‘Possibilities of Including Street Children with Disabilities into Mainstream Development Services.’ Based on the findings of these studies and recommendations, the project ‘Community-Based Rehabilitation of Street and Working Children with Disabilities,’ has been designed and implemented since May 2001. The project follows a rights-based participatory approach including promotion of self-advocacy initiatives, capacity building, facilitation, linkage and networking, and flexibility. In the last four years, the project has amassed several achievements in the areas of survival and development, participation, non-discrimination and accountability. (For more details about the programme, see Annex 5.)

**CASE STUDY: A SUCCESS STORY**

Ibrahim is a disabled adolescent boy who earned an income by begging on the streets of Dhaka city. After the project identified and motivated him and his family, he received a wheelchair, got enrolled as a member of the self-advocacy group and became the ‘unofficial’ leader of the group of disabled children. He now despises his earlier profession and instead runs a roadside shop while actively participating in the rights movements. He has also participated in the Young Disabled People’s International Congress, “Rights into Action,” held in the UK and in a regional children and media workshop, in Nepal.

He is now valued as a ‘person’ by his family and others who are in contact with him. His self-esteem has increased and he is full of confidence about his future.

**Lessons learned**

Children are brilliant, but at times they may get emotional and think impractically, due to lack of information and experience. Adults should not deny or refuse their decisions, opinions and suggestions, but try to explain the negative and positive aspects of their decisions.

It was also noticed that children with disabilities were not being treated with sensitivity by the facilitating organisations, especially when participating in different meetings, workshops, and rights movements with groups of children without disabilities. Moreover, families were preventing them from participating in different activities as this would lead to a loss of income because most of the disabled children were also working children.
In addition, it was also observed that employers were not interested in employing disabled children. Those who did would not pay reasonable wages and often mistreated them. In fact, for disabled children, income from begging and other high risk jobs is much more than the incomes from trades they might be trained in. As a result, families often send their children back to the streets for begging.

Since children with physical disability have problems with movement, they often require funds for transportation to attend school which their families are unable to provide. Moreover, since special schools are expensive and special education a long process, families often lose interest and withdraw children due to the high costs involved and the loss of income support from the child.

4.1.2 Disability and Poverty: Bangladesh Context

There is a strong relationship between disability and poverty, especially where poverty is defined by land-holdings. Although, there is no reliable data or baseline information relating to the poverty situation of disabled people in Bangladesh, the findings of research conducted by the Impact Foundation of Bangladesh indicates that the rate of disability increases where land-holding in households decreases. The research found that 61 per cent of the total disabled people are identified with 0 to 0.49 acres of land-holding groups. This means that most of the disabled persons are located in households which have little or no land-holdings. Twenty percent (20 per cent) of the total disabled persons are located in households with 0.50 to 2.99 acres of land. In addition, 19 per cent of the total disabled people are located in households with three or more acres of land holding.

According to information from other studies and researches conducted on disability in Bangladesh:

- Only 4 per cent of children with disabilities have been enrolled into the education system.
- Only 2 per cent of people with disabilities are employed and among them 95 per cent are self-employed.
- Approximately 80,000 disabled people are receiving some kind of services from the government and NGOs.
- But, only 15 per cent of Bangladesh is covered by GOs/NGOs’ disability services.
- Women and children with disabilities are in the most vulnerable and deprived situation.
- NGOs are providing 95 per cent of the services and the government is providing the remaining 5 per cent.
- 99 per cent of existing infrastructure of the country is inaccessible to disabled people, while the transportation system is completely inaccessible.
- 30 per cent of all disabled people have never met a doctor for disability treatment.

Disability Situation in Bangladesh

According to a national sample survey conducted by NFOWD and Handicap International, the prevalence of disability in Bangladesh is 5.60 per cent. Of that percentage:

- Physical Disability is 27.80 per cent.
- Hearing and speech impairment is 22.50 per cent.
- Visual impairment is 32.20 per cent.
- Intellectual impairment is 6.80 per cent.
- Multiple disability is 10.70 per cent.

25 Presentation by Khandaker Jahurul Alam, Executive Director, Centre for Service & Information on Disability (CSID) and President, National Forum of Organisations Working with the Disabled (NFOWD).
Experience from Bangladesh

The government has initiated a National Policy on Disability (1995) and the Disability Welfare Act (2001) to improve the situation of disabled people in Bangladesh. It has also signed and committed itself to all the Regional and International Declarations and Proclamations on Disability. However, inadequate budgetary allocation hinders the implementation of these instruments.

Poverty Reduction Strategy Paper (PRSP): In the interim, PRSP disability issues have been excluded, but due to NGO pressure, disability has been re-included, but not adequately. What’s worse, the World Bank, Asian Development Bank, Embassy of Japan and DFID (Department for International Development) in Bangladesh have been preparing a joint country assistance strategic plan which also excludes disability issues. NFOWD is now advocating for the inclusion of disability into the strategic plan; however, only the Japanese government has given a positive response in considering the issue.

Millennium Development Goal (MDG): The government is now implementing the MDGs, but since disability issues are excluded from MDG, the government is reluctant to allocate money to disability development issues. Moreover, even bi-lateral donors do not address disability issues when they fund a programme.

In Bangladesh, development ministries ignore the issue of disability as they consider it the exclusive work of the Ministry of Social Welfare. This indicates the government’s view of disability as a charity and welfare issue. Education of disabled children also comes under the purview of the Ministry of Social Welfare and not the Ministry of Education, thereby emphasising the need of only special education for disabled children. Moreover, the micro-credit service providers’ policies exclude disabled people. Recently, the Bangladesh government has drafted an action plan on disability incorporating 18 ministries, but it has yet to be approved by the cabinet for implementation.

Conclusion

It is globally recognised that disability causes poverty while poverty also leads to disability. Therefore, in poverty reduction strategic plans and in their related budgets, disability issues should be given equal importance with other causes of poverty. As disability is an integral part of development issues, all plans in development countries should be disability-inclusive. Country offices of UN Bodies, World Bank, Asian Development Bank, and other development agencies should have adequate policy to support disability issues and influence governments to undertake appropriate development programmes for an all-inclusive barrier-free society.

There is also the need for discussion on the many forms of discrimination that disabled children face. In addition to their disability, children are discriminated because of their age, class, sex as well as other issues. By focusing on their root causes, new policies could aim at removing such unfortunate forms of discrimination.

4.1.3 International Instruments on Disability

The organisations working for disabled people celebrated the International Year of the Disabled in 1981. A year later, the Standard Rules on Disabled People document was passed with 22 agendas. Unfortunately though, these rules have not been used nor applied by the governments. In 1992, the UN appointed a committee to see if a separate
convention on disabled people was required. As previous policies and documents had not been adequately applied, the committee agreed to the need of such a Convention. Thereafter, an ad hoc committee was formed to assess the details of creating the needed instrument.

In the last two years, there have been six meetings of the Ad Hoc Committee where governments and NGOs participated. The Draft Convention now has 25 articles, but only Article 16 of the Convention has specific reference to children with disability. The SC Alliance is lobbying and participating in the proceedings of the Ad Hoc Committee to have the rights of disabled children be more inclusively written into the Disability Convention.

Elsewhere, Asia Specific Decade of Disabled Persons (second decade) has finalised seven targets in the Biwako Millennium, but here again, the document does not specifically address disabled children. In particular, issues of children with visual and hearing impairment have not been included. A mid-term review is scheduled for October 2007, where there is hope that these issues will be incorporated.

4.1.4 Case Study: Patan Community-Based Rehabilitation

Patan Community-Based Rehabilitation (CBR) programme was established in 1995 to cater to the growing demand for the rehabilitation of children with disability in the district of Lalitpur in Nepal. At present, it provides CBR facilities to children with disabilities in 22 wards of Lalitpur Sub-Municipal Corporation (LSMC), 19 VDCs (Village Development Committee) of Lalitpur district, 3 wards of Kathmandu metropolitan city, 6 VDCs of Kathmandu district and all wards of Bidur municipality and one VDC of Nuwakot district.

Patan CBR carried out a sample survey in Lalitpur to identify the number of disabled children and adults. The results showed their population in Lalitpur district as 5,743 and 11,485 respectively. It was also observed that despite the large number of disabled children and adults, they were hardly seen in the society or at community functions. This is mainly because of the prevalent belief that disabilities are the result of past sins. Even parents of disabled people felt ashamed to involve them in societal functions. This is first degree discrimination of disabled people which results at the family level itself.

Other forms of discrimination include:

- Discrimination in food – Children with disabilities do not get as much nutritious food as do other members of the family.
- Discrimination in clothing – Children with disabilities are forced to wear clothes used by older children in the family.
- Discrimination in education – Disabled children neither get the opportunity to go to special schools nor mainstream schools.
- Discrimination in property rights – Disabled children are often not given their fair share of property.
- Gender bias – Among disabled children, girls get less priority than boys in each and every aspect.

Disabled people are commonly discriminated at the community and national level as well.

26 Presentation by Indira Joshi, Coordinator, Patan Community-Based Rehabilitation.
These types of discriminations include:

- Discrimination at social gatherings – Disabled children and adults are not offered the opportunity to participate in social functions, and where they do participate, they are badly treated.
- Discrimination at schools – Private and even government schools are reluctant to admit children with disabilities.
- Lack of special treatment facilities – In hospitals and health centres, people with disabilities do not get treatment as per their particular need.
- Lack of disabled-friendly infrastructure – All buildings and public places do not have any facility for disabled people.
- Lack of trained human resources – There are very few trained personnel who could be involved in caretaking, education and treatment of disabled people.
- Lack of materials and equipments – Materials and equipment required for education, treatment and mobility of disabled people are not easily available, and are very expensive.

### Actions of Patan CBR to minimise discrimination of children with disabilities

<table>
<thead>
<tr>
<th>Level</th>
<th>Actions</th>
</tr>
</thead>
<tbody>
<tr>
<td>At Family Level</td>
<td>Counselling of parents of children with disabilities through home visit programmes, capacity building of physically and mentally disabled children, on a per need and advocacy basis.</td>
</tr>
<tr>
<td>At Community Level</td>
<td>Awareness campaigns through mass rallies, sports programmes, oratory contests, drawing competitions, dance programmes, street dramas and the media.</td>
</tr>
<tr>
<td>At District Level</td>
<td>Orientation classes for local government officials and staff, students, teachers, health workers and volunteers at the VDC. Basic training on disabilities to social workers, including those involved in the rehabilitation of children with disabilities.</td>
</tr>
<tr>
<td>At Patan CBR Level</td>
<td>Managing and providing scholarships, health treatments, medicines, special equipments and education materials as per the individual requirement of children with disabilities.</td>
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### Reflections

**Dhonno Dhonno Boley Tare**  
Process documentation film of non-discrimination workshop in Dhaka

In 2004, on the occasion of Disability Day, Save the Children Sweden-Denmark, together with the British Council assembled 60 children, with and without disability, at a workshop to explore whether it was possible for children from diverse backgrounds to relate to each other. Children were involved in puppet making, computer aided opti-music and TdF (Theatre for Development), where they worked together to prove that given the opportunity, they could live together.

Moreover, in other events organised by Save the Children, such as a children’s rally and a photo exhibition, children demonstrated yet again, that children with and without disability could easily work together.
For the CBR programme on disability, the biggest challenge was to impart a basic understanding of disability and its issues to the family and the community. There was also the need to go beyond physical disability and look into its other forms. Disability, and the discrimination that goes with it, hinders the development of the child. The need exists for specific policies at the national and local levels with adequate budgetary allocations to support all disabled children.

*Disability and Age:* Research is required to explore whether children with disabilities are more vulnerable than adults with disabilities. Some development professionals believe that children are more vulnerable as they have less accessibility to services, information and socialisation and are dependent on special care and support. They also have fewer opportunities such as education, play and have a higher mortality rate as well. Disabled children are often ignored in the family and community, while disabled adults are more confident and respected, allowing them more chance to express themselves.

Another group of development professionals believe that the above is only specific to a location, family and community. Sometimes, disabled children do get more support from their families. This may vary geographically with change in aspects and dimensions of socioeconomic norms, religion and institutions.

*Disability and Gender:* In a study conducted by CSID, 450 disabled girls were interviewed that highlighted the discrimination they face vis-à-vis disabled boys. In many instances, it was seen that families raise disabled boys and girls differently. Disabled girls are more vulnerable to sexual, emotional and physical exploitation, and they get fewer opportunities to study and interact with the community. Girls also undergo physiological change during puberty, which poses particular problems for disabled girls. It is also seen that disabled girls rarely marry, whereas disabled boys often find partners.

Many families also seek to have hysterectomies performed on disabled girls as they fear that the children could be liable to sexual harassment. There are several debates around this issue, as many rights activists believe that the reproductive rights of the girl are being taken away. There is the need to work on the root causes of this issue within the communities, with parents and policy makers to ensure that child-friendly information is available, and in particular, to enable children’s awareness of the issue as well. Young adolescents and adults need to be made aware of reproductive rights and responsibilities while working with perpetrators at the same time. Thus, there is a specific need to address the issue of disability and sexuality, which is often not talked about. At the same time, focus should also be given to disabled boys as they could be emotionally, physically and sexually abused as well.

*Other factors aggravating discrimination based on disability:* Within the disabled category, it has been observed that disabled children in urban areas have more opportunities than disabled children in rural areas. Children with physical disabilities have more opportunities than children with intellectual disabilities, visual and hearing impairment. Class, caste, and the location of disabled children also make a difference. Moreover, disabled children from lower castes are unable to access services adequately. However, in some countries, like Afghanistan, people with disabilities might be taken as community heroes, as very often they became disabled during the fighting of a war.
Best practices in relation to government policies

Tajikistan
In the southern region of Tajikistan, rehabilitation for children with disabilities was given free premises and doctors’ service by the government. These doctors went house to house to identify disabled children. The survey came across fifteen children of play school age, out of which seven have been admitted in mainstream schools. Teachers in these schools have also prepared texts for children with hearing and visual disability in primary classes. The government is also paying 25 per cent of their salaries.

Bangladesh
In the last ten years, there have been several changes regarding disability in Bangladesh. As part of the NPA, in the last 2-3 years, a foundation has been developed to support organisations working with disability at the grassroots level. The education ministry is also working to mainstream disabled children by sending them to regular schools.

However, there is still a need to assess how many disabled children are getting access to these services and are participating in these policies. A government order in Bangladesh instructs 78,000 schools in the country to enrol children with disabilities. But to make the policy beneficial, there is a need to measure whether there is an adequate resource allocation in the following areas: 1- is the school accessible to the disabled child; 2- are there disabled-friendly spaces in the school; 3- are the books flexible for disabled children; as well as other considerations. Moreover, other children in the school need to be trained or made aware of the diverse abilities or inabilitys of children in the classroom. The teachers and school management also need to be sensitised. Practical implementation of the policies along with appropriate budgetary allocation, hence, becomes of prime consideration.

Other Countries
In South Asia, Sri Lanka has good legislation, policy, special steps and an action plan for disabled children. In India, too, there are numerous policies, programmes and set targets. Some examples are the disability legislation, non-discrimination law, law for intellectually-disabled children, law for schizophrenia and others. In Nepal, there are a number of policies, but implementation is inadequate, as in other South Asian countries. Kenya, too, has many special facilities for the disabled.

There are numerous factors, however, that need to be looked into to ensure practical implementation of these policies and their covenants. Most often, the legislations are marred by lack of implementation and finance. Lack of situation analyses also hampers the impact assessment. There is also the need to assess what resources actually do exist, and the methods that are available to advocate with the various governments to focus on all the issues regarding discriminated children with and without disability.

4.2 Discrimination based on Ethnicity

This section covers some issues of discrimination against children from different ethnic backgrounds. A situation analysis of the ethnic community from the Chittagong Hill Tracts in Bangladesh revealed that boys and girls are still deprived of basic services despite a Peace Accord between the Government of Bangladesh and the political wing of the armed

[27 Presentation by Adul Farah Mohammed Saleh, Project Coordinator, BITA.]
ethnic fighters. A cross-regional understanding of discrimination based on ethnicity was also uncovered from the respective countries of the participants. Lastly, this section provides an overview of the various international instruments that promote and respect the rights of indigenous people, including their children.

4.2.1 Case Study: BITA’s (Bangladesh Institute of Theatre Arts) experience in Chittagong Hill Tracts (CHT) region

The CHT region is a hilly area in Bangladesh which covers about 10 per cent of the total area of the country. The region is home to 12 ethnic minorities whose lifestyle revolves around their indigenous cultures, norms, values and traditions. The region has been fuelled by armed conflicts for the last two decades, which was resolved with the signing of the CHT Peace Accord between the Bangladesh Government and the political wing of the armed ethnic fighters. The Peace Accord was widely accepted by the ethnic community, but unfortunately, most of the clauses have not been implemented.

The armed conflict, historical displacements and rehabilitation, migration, low socio-economic status along with multiple ruling systems—civil, customary, forestry, military—have led to a negative worldview of the lifestyle of the ethnic peoples.

Summary Findings of Situation Analysis

As part of their work with the ethnic minorities in the CHT District, BITA undertook a situation analysis that revealed conditions of pervasive poverty where illiteracy and limited education among parents resulted in a low level of awareness regarding child right issues. Similarly, general public awareness about childcare, basic rights, health, water and sanitation was found to be very low. On one hand, lack or inadequate provision of safe drinking water and sanitation is a pervasive problem. Most of the inhabitants of hamlets regularly use untreated water from hill fountains, springs and rivers for daily household purposes. On the other, government health services are grossly inadequate, the majority of the families depending on traditional healers, soothsayers and other forms of ritual and belief. The present understanding and inter-personal communication between the mainstream medical personnel and local inhabitants also pose major problems.

Currently, organised institutional development services, notably education, are clearly inadequate. The limited public facilities are also dispersed and remotely located. In education, particularly, there are an inadequate number of schools and insufficient teaching staff. This manifests as irregular presence and low quality or unskilled teaching staff; inadequate teaching aid, poor reading materials, poor logistics as well as an inconsistent academic calendar and timing of classes with respect to the distinct mode of life and living in the CHT District. In addition, many children cannot access schools due to problems of communication, poverty of their families, limited parental awareness, and their regular involvement in household chores and other forms of labour. In particular, during the jhum season, many children typically must attend to fieldwork along with other members of their families and remain absent from school for prolonged periods.

Nearly all respondents reported that children are involved in one form of child labour or another; some of which are particularly tough and hazardous, such as working in tobacco kilns or tending the jhum fields. But worse, there is a prevalence of sexual abuse and exploitation in all sections of the community that ranges from bad comments, physical touch, and exposure to organised rape against adolescent girls.
Children's opinions, ideas and innovation are rarely recognised nor valued by the adult members of their families, and so they have no organised, systematic or recognised ways of expressing their views and opinions in such areas of daily life as schools, family and social gatherings. In addition, there are limited and inequitable opportunities for children to nurture their own distinctive rituals, traditions and practices, learn in their own languages or further their cultural identity. Given these realities, it is not surprising that there have been occasional cases of children's involvement in more serious types of crime, such as drug trafficking and the use and trade of firearms in school areas.

**Participatory Community Development through Cultural Initiatives (PCDCI)**

After the situation analysis, BITA initiated the PCDCI project to reduce multiple child rights violations in the CHT District. The various stakeholders included children, parents, local administration, religious leaders, local government, school, local clubs, NGOs and the community people.

Strategies involved learning about the culture, traditions and perceptions on child rights, considering community norms while using traditional, cultural values. The project ensured community participation and involvement of local administration in planning, implementation and monitoring. At the same time, effective participation of different ethnic children was given importance. Cultural activities such as theatre and puppetry were used as education, development and communication tools. In addition, networks with GOs, NGOs, CBOs and service provider agencies were established.

Children's mobilisation under the project was done by organising them into ‘children's spaces’, where awareness-raising and education was done using the children's mother language. Children were sensitised on rights, life skills, and reproductive health, and were given psycho-social counselling. This enabling course was done through various capacity-building processes, such as the Child Resource Group, the Child Cultural Campaign Group and the Theatre in Education (TIE).

Community participation was ensured by the creation of the Mother's Volunteer Group, the Children Space Development Committee, the Child Rights Promoting Body, trainings for duty bearers, issue-based dialogues and community consultations. Community awareness was undertaken through cultural campaigns, IEC materials, workshops and seminars, courtyard meetings and special day observances.

**4.2.2 Situation of Ethnic Children from Different Countries**

The participants were asked to think about the situation of children from different ethnic backgrounds in their respective countries. They were requested to provide answers to the following questions: 1- Which children are discriminated against; 2- How are they discriminated; 3- By whom are they discriminated against; and 4- What policies are in place to protect children from discrimination. This group task thus created a cross-regional understanding of discrimination based on ethnicity.

**Sri Lanka**

Children from different ethnic backgrounds as well as from tea estates face discrimination in Sri Lanka. They are discriminated based on gender, socioeconomic status and even insensitive government systems. The latter refers to the government’s asking who are married and who are not, seeking to discover the ethnic backgrounds of parents. From this information, children are not allowed to register if the parents come from different
backgrounds. In addition to this, children are also discriminated according to economic status.

Questions were raised regarding the number of ethnic and tribal groups in Sri Lanka that may have an impact on the lives of the child, and the situation of children in armed conflict.

**India**

Mostly Dalit children and children from other ethnic groups are discriminated against in India. They experience discrimination in the playground and in schools. Some scheduled caste and scheduled tribe children reside in government hostels to study, as schools are not located near their villages, or because they come from poor families, food being free of cost in the hostels. Unfortunately, these boys and girls face discrimination from their peers as well as from the institutions and authorities.

As for policies, there are provisions to mainstream ethnic groups, but the implementation of these has always been a problem. There are also policies that let these children gain access to education and obtain jobs and positions in the local government. The Scheduled Caste and Tribe Atrocity Act was established to protect the rights of scheduled castes and tribes, but again, implementation has been problematic.

The participants raised questions about the *devdasi* group. *Devdasi* is a cultural practice in mainly dalit communities where a girl-child is at times offered in marriage to the ‘gods.’ However, this is only a cover for forcing these girls into prostitution. The young girls from these families are given to ‘priests’ or upper caste because of their parents’ inability to pay for dowry, or due to their economic dependence on these groups. Thus, these girls are exposed to sexual exploitation and trafficking. However, the practice is diminishing due to awareness programmes and campaigns of women’s, children and human rights groups in Orissa. Another concern brought out in the discussion is the situation regarding the ‘gypsy’ group in India. There is a popular myth that gypsies are liberal. However, there is a strong male preference among children within some of the gypsy communities in Andhra Pradesh and additionally, there’s evidence of female infanticide.

**Nepal**

In Nepal, there are more than 61 ethnic groups, some living in a common geographical area. The country is divided into three groups: hilly, mountainous and terrain (Terai). In Nepal, ethnicity is subsumed into the caste system, unlike in India. Children belonging to some indigenous groups and lower castes such as the *mushar, dham, choudury, danay, kami,* and *shamars* are discriminated by their peers and society. Many do not have access to education and health services. As in other countries, the government has enacted laws to provide support to children coming from the lower castes. However, implementation of these laws has been a problem.

The practice of the *deuki* system in Nepal also generates discrimination against children. For a family with problems such as illness, the belief is to offer a child to serve ‘god.’ The practice has changed though, as in some families, the child is bought by the temple priests and becomes vulnerable to sexual exploitation. However, not many people in the country

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28 One of the discussions about ethnicity issues in India focused on the dalit community, a “class” group rather than an “ethnic” group. It was later clarified that class and ethnicity are separate concepts in the country.

29 During the open discussion, the need was seen to differentiate the meaning of castes and ethnicity. Although the two are very different, within the context of Nepal, the two are cross-cutting. For example, there are different ethnic groups within a caste. In any case, discrimination does exist within castes. In India, caste and ethnicity are entirely separate. It was therefore suggested that the regional office make a study on the distinction among caste and ethnicity.
are aware of this system. Other discrimination issues brought out by the participants from Nepal are the *kumari* system, job discrimination against non-Brahmans, and leadership positions of upper caste children in child groups or clubs.

As for policies, Nepal has established a Dalit Commission to look after the rights of the Dalit community. The Ministry of Education has also been promoting children from lower castes to attend schools.

**Bangladesh**

In this country, children who either go or do not go to school, those living in temples or Buddhist houses, and children in armed conflict all face discrimination. These children are discriminated by school teachers, traditional law and policy, and by the government. They experience social exclusion due to language and unfair policies of land rights, education, and health. Thus, they are vulnerable to sexual, physical and mental abuse. The participants from Bangladesh added that despite having 45 ethnic minorities in the country, no basic information about these groups exist. Save the Children Sweden and DANIDA are jointly in the process of making a situation analysis of these ethnic minorities. The government of Bangladesh, on the other hand, has provided a quota system for these children to attend school. In addition, it has created a peace accord in which a special affairs division will deal with ethnic groups in the mainland. Furthermore, the government is in the process of analysing the budget and the PRSP, to allocate a certain amount of money for the benefit of ethnic minority children.

**Tajikistan**

Tajikistan is surrounded by two other Muslim countries, Uzbekistan and Kyrgyzstan. Children from these groups are discriminated based on their language, migration, and disabilities. In addition, children who live in institutions also face discrimination, and like similar situations of child discrimination in the above mentioned countries, boys and girls are socially excluded by the government. For example, after Tajikistan's independence from the Soviet Union, the curriculum on education was changed resulting in problems of language translation into the local dialect that have yet to be addressed. Furthermore, the practice of early marriage forces parents to marry their children after finishing the 9th grade in school. To counter this, the government of Tajikistan has allocated a scholarship budget that has motivated girls to continue their schooling, with the government creating a quota system to send children abroad, particularly to Russia, for higher education. In addition, a child rights committee has been established with the help of UNICEF, but as yet, has no structure to carry out the UNCRC.

**Kenya**

According to the participants from Kenya, discrimination based on ethnicity does not exist in the country, though it does exist due to geographical area or location. People and their children are not discriminated due to differences of language because almost all children learn Swahili and English. However, if the accent is different from the ‘norm’ then social exclusion becomes apparent, particularly between city and rural children, despite having a common language. Refugee discrimination also occurs among children originating from Sudan, Somalia and other Asian countries. Other forms of discrimination are based on socioeconomic status. For example, children in boarding schools have nicer clothes than those in government-run public schools. Furthermore, customs such as female circumcision and early marriage, nomadic lifestyle with little access to education, and children with HIV/AIDS leave children open to discrimination. As for Kenya’s policy of non-discrimination, the government outlaws FGM and early
marriage among tribes, and though basic education is free and compulsory, some children such as those from the Masai community, still do not go to school.

**Synthesis of the Group Work**

Several points were made after the group work. First, reflecting back at the overall ethnic situation in these countries, discrimination still exists. Unfortunately, not a great deal of information about various ethnic groups and the different elements that affect them exists or is readily available. Second, although the governments of each respective nation have created policies, they still lack the resources to make these laws accessible and mainstreamed to people at the grassroots level. Third, there is a need to respect the diversity of these groups and their cultural way of life. Instead of forcing children to go to schools, for example, the challenge instead is to bring education to these groups. However, the participants were clearly aware of the dilemma of how much these schools should be ethnic specific, and to what extent they should be integrated at the economic and macro levels. Finally, in any form of discrimination, political and economic power was seen to be a pervasive cause.

**4.2.3 Working with Indigenous People**

According to UN estimates, there are around 300 million indigenous people in more than 70 countries worldwide. Approximately half of these live in Asia with an estimated 50 million living in South Asia.

Indigenous people often experience discrimination which can lead to various forms of exclusion or marginalisation including:

- Cultural exclusion, whereby indigenous cultures are perceived as inferior and in some cases, may be actively suppressed.
- Economic exclusion, which prevents indigenous communities from benefiting and participating in national economic development.
- Political marginalisation, which hinders indigenous people from enjoying full citizenship, participating in decision-making processes and acquiring adequate representation at both national and local levels. This is the most important factor of discrimination.

Many more women and children are trafficked from indigenous communities, minorities or migrants compared to other groups. Hence, they are deprived of the rights they would normally enjoy.

The presentation proceeded with the listing of numerous international instruments that have particular reference to the rights of indigenous children (see Annex 6). All of these Conventions have been used and can be used in court. But, the problem exists as to whether the judges themselves are aware of the substance of these Conventions.

Articles of the Draft United Nations Declaration that deal specifically with the rights of indigenous children are Article 6 – full guarantee against any act of violence; Article 11 –

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30 Presentation of Bandana Shrestha, Consultant, Save the Children Sweden, Regional Office for South and Central Asia.
Voices of Indigenous Children

“I had never before heard these two words together: ‘indigenous’ and ‘pride’. Now I know that I want to be a proud indigenous boy.”

— A 16-year-old boy from Peru

“I am called Celina Tembé because I am a Tembé Indian ... I like living by the river; I want to live here for the rest of my life. I love the forest, and it makes me sad when people chop down the trees.”

— A 9-year-old girl from Brazil

“I came to live with Nanna because I am half Maori and I wanted to find out about that part of me... I like reading and studying Maori ... At the moment we are reading this book about a man who tries to catch the sun to stop it from going down.”

— A 9-year-old child from New Zealand

— Adapted from: UNICEF, Innocent Research Centre, Innocenti Digest 11: Ensuring the Rights of Indigenous Children

non-recruitment into the armed forces; Article 14 – right to preservation of culture and tradition; Article 15 – right to all levels and forms of education; and Article 22 – right to special measures for the improvement of their economic and social conditions.

One of the international structures created to protect and promote indigenous rights is the establishment of the Permanent Forum on Indigenous Issues in 2000. It mandates the discussion of indigenous issues relating to economic and social development, culture, the environment, education, health and human rights. Furthermore, it provides expert advice and recommendations on indigenous issues to the UN Economic and Social Council as well as to UN programmes, funds and agencies. The Forum raises awareness and promotes the integration and coordination of activities relating to indigenous issues within the UN system, and prepares and disseminates information on those issues.

In addition, a Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people was designated in 2001. Designed to gather and exchange information and communications on indigenous issues, it additionally formulates recommendations and proposals on measures and activities to prevent and remedy violations of indigenous peoples’ human rights and fundamental freedoms, with particular attention to the situation of indigenous children.

Reflections

Many points were brought out during the open discussion. First, one of the participants felt that the allocation of resources of these Conventions to work on issues of indigenous groups is poor, and suggested that the issue is not properly addressed. In such cases, participants felt that children from indigenous groups have already lost their identity. This is evident in educational curriculums that have not been at par with the needs of indigenous groups. Likewise, the proportion of indigenous people in public service is very low, and there has been very little involvement of indigenous local leaders.

Another contention brought out by the participants was the role of NGOs. Some have expressed that NGOs are only now starting to recognise and learn from indigenous groups but the challenge is still how to work with the indigenous. If NGOs create and manage a strong voice for indigenous groups, the resulting movement would be stronger. But there is also the need for NGOs themselves to evaluate who they are working for, what they are working for and how they are working with indigenous groups. For example, should NGOs try to push moral values to these groups or impose their own ideologies? Most often, civil organisations do not listen to the needs of the indigenous. Furthermore, how much should NGOs intervene with the cultural way of life of indigenous groups, and how should NGOs...
deal with practices which are considered wrong but are culturally relevant? An example given is the practice of female circumcision. Some NGOs in Africa have provided an alternative ‘rite of passage’ where young girls do not have to undergo the painful ‘cutting’ experience.

There was also the dilemma of how to both include indigenous children in the wider society as well as preserve their cultural way of life. This made clear the need to rethink how these questions can be accommodated within a globalising world. One example of a solution was seen in the addition of two hours of an indigenous language class per curriculum-day.

Especially, there should be a balance between diversity and mainstreaming. How best to incorporate cultural experiences including the working with religious and traditional healers and leaders should be incorporated wherever possible. However, the overall guiding principle in any and all actions taken should be in the ‘best interests of the child’.

**4.3 Discrimination based on Cultural Beliefs**

The presentation began with a historical background of South Sudan and Save the Children Sweden’s work with internally displaced people and children conscripted by the army through educational programmes.

As in many parts of the world, there are harmful cultural beliefs and practices in South Sudan. As a patriarchal and cattle-keeping society, girls are married off as early as 11 years old so that brothers in the family can get cattle to pay for their wives’ dowry and add to the family wealth. As soon as a girl menstruates, her family celebrates with songs and dances and ties a red scarf on the roof to signal that there is a mature girl ready for marriage and welcome suitors. The suitors are chosen by her brothers, father and uncles basing their choice on the highest bidder. Since polygamy is not uncommon in South Sudan, an 11-years old girl often ends up marrying an older man, even to someone as old as 60 or 70, so long as he can meet the family dowry demands.

Girls are further discriminated against with regard to division of labour and food. Girls are expected to fetch firewood, water and cook and be the last one to eat, and they are not allowed to eat such foods as eggs and chicken. On the other hand, it was unacceptable for boys to enter the kitchen.

These harmful traditional practices were not only against the girl child, but against the boy as well. Boys are denied opportunity to go to school and forcefully conscripted into the military. Many of these children die in war. Even before that, the boys go through a painful rite of passage, a cultural practice which involves marking of their faces, which has sometimes led to death due to infection.

Discrimination is also directed towards disabled children. There are disabilities that children are born with but there are also disabilities that children have attained from war. Children born with disabilities face more discrimination than those disabled from the war. These children are seen as curses and are believed to be the result of sins committed by the parents. Thus, they remain hidden from the outside world.

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31 Presentation by Hellen Atieno Ndede, Project Coordinator, Save the Children Sweden Kenya.
What is Save the Children Sweden doing about these discriminative cultural practices?
Save the Children Sweden is using a rights-based approach to advocate against harmful traditional and cultural practices. The practices of teeth removal and facial marks are being eradicated through education and protection programmes in collaboration with the Sudan People’s Liberation Movement (SPLM), the military wing, and the currently running government of South Sudan. The local community has also been mobilised by encouraging children in communities to attend school instead of joining the military. Now that the war is over, Save the Children Sweden and the Government of South Sudan (GOSS) is conducting a demobilisation and disarmament of the child-soldiers who had been fighting this war.

Save the Children Sweden has also put up several model girls’ schools to encourage other girls to attend school as well as encourage the employment of the local Sudanese, as opposed to foreigners, with the objective of having these as role models for the larger South Sudanese (Dinka) communities.

Save the Children Sweden also provides Community-Based Rehabilitation programmes for children with disabilities. The programme provides psychosocial support, distribution of artificial limbs and physiotherapy services to children with physical disabilities through Save the Children Sweden’ partnership with the Medical Care International Development and USAID. Through collaboration with the local community, Save the Children Sweden has built pre-primary and primary schools and has embarked on teacher training seminars, including advocacy against corporal punishment for these levels.

Advocacy against early marriages has also been intensified by working with the community leaders and the local authorities. Being leaders and more advantaged, they tend to enhance the practice of marrying young girls. Change, therefore, needs to come from them. Another approach that seems to be successful has been the introduction of pre-primary schools. In this case, education is introduced at an early age with the hopes that children will be reluctant to abandon school for marriage.

Reflections
A question was raised about the advocacy programme of Save the Children Sweden in South Sudan. According to the participant from Kenya, Save the Children Sweden focuses on community mobilisation by training and enlightening South Sudanese about the rights of the girl child. Handouts and literature about the issue are distributed in churches, mosques and to other local organisations. Save the Children Sweden works with the local communities and the existing structures of the SPLM because there is currently no other form of government.

Nevertheless, Save the Children Sweden is faced with several challenges. For one, the local leaders are the ones who marry young girls. Second, young boys are still recruited into the army. Third, education among the locals is still poor compared to neighbouring countries. And, finally, child participation is not fully embraced. For instance, Sudanese boys and girls can comfortably advocate their rights to other children from other countries, but are often repressed when parents are around due to fear and cultural inhibition.

The confusion between dowry and bride price was also clarified. Dowry refers to a girl-bride giving money or other valuables to the parents of the boy-groom. Bride price, on the other hand, is when a boy’s family gives some money or other valuables to the bride’s family. Another clarification raised by the participants is the practice of FGM or female
circumcision. FGM not only happens in the African continent, but also occurs in Muslim Asia, particularly in the Bohra Muslim Community. It was also pointed out that FGM is a cultural practice and not a religious ritual.

One of the key points brought out during the discussion was that the rights of children and women should take precedence over cultural rights. The best interests of the child must always be a priority. In keeping with this, there is the real need to work with, parents, leaders, local community, and so forth, through a multi-faceted approach in order to address cultural beliefs and practices that are detrimental to children. Another important suggestion made was to learn more about South Asian cultural beliefs and practices such as the effects and consequences of dowry to a woman or child. Just as important is to open a discussion on the misinterpretations of the law that have an impact on the status of women and children in the Muslim community.

4.4 Discrimination based on Sexual Orientation

Children are discriminated based on gender identity even before they decide their sexual orientation. The Blue Diamond Society (BDS), the first non-government organisation in Nepal to work for the rights of people with different sexual orientation, recently made a study on social exclusion and found that sexual orientation is one of the main causes of discrimination in children. For example, it was found that body language can be a basis for people to discriminate or gender socialise boys and girls.

Gender means the social and cultural interpretation of biological or sexual differences. It is how society expects boys and girls, males and females to behave according to accepted mores of that society. Boys are expected to wear boots, pants and play football, and should not play with dolls. However, this kind of gender role defined by society is not necessarily what a child always grows up with. Consequently, when society talks about men and boys, and women and girls, they leave out transgender and transsexual peoples.

Transgender means the transfer of gender roles, as in masculinity in a female and femininity in a male. Some biological males do not behave like boys and some biological females do not behave like girls. They are referred to as ‘transgenders.’ A transgender person may be a heterosexual or a homosexual. ‘Intersex,’ on the other hand, is defined as people or children who have no one particular biological identity. Though society does not recognise it, there may be a medical ambiguity regarding the sexual organ as understood by the child, in that either they have none, they have both, or their sexual organs are not fully developed for a choice to be made regarding gender. Regardless of this information, discrimination does take place against intersex people and transgenders in society.

BDS has been providing support to the transgender and gay community in Nepal. In their work, they often see transgender children in the countryside leave schools because of peer bullying. Recently, a transgender child was removed from school because of the teacher’s refusal to allow the child to remain in class. The teacher despises what seems an affront to acceptable mores, and the family has a hard time keeping these girls and boys at home due to social pressure. In such cases, children are forced to leave home and their villages, becoming more vulnerable to sexual exploitation and trafficking to India.

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32 Presentation by Mr. Sunil Pant, Director, Blue Diamond Society.
33 Sexual orientation refers to a person’s sexual or emotional attraction to a person of either the same or opposite sex.
Homosexuals, defined as those who have sex with persons of the same sex—also referred to as gays—feel embarrassed about their sexuality. They remain frightened and feel abandoned by their family, peers, and school. Homosexuality is not accepted in the family and there is almost no peer and support group for these people within the local context. Most often, young people leave school because their sexual orientation has been exposed. Like transgenders, they too are forced out by the local society. In comparison, gay and lesbian children face more stigma but less than transgenders. Gay, lesbian and transgender children face more psychological problems, though transgender children are likely to face even more discrimination and isolation.

On the issue of trafficking, people seldom talk about male trafficking. Many young boys are trafficked, especially the transgendered and homosexual boys in a family. There was a case of a young man who was offered a good job in Mumbai but who eventually fell in love with the person offering the job. The young man was then taken and locked up in a Mumbai brothel. On average, he was forced to serve 25 men a day, in addition to being physically abused with cigarette burns. Aside from physical and sexual abuse, trafficked young boys are exposed to HIV/AIDS. It is therefore essential that civil society addresses the male trafficking issue as well as the issue regarding girls.

Transgenders also face abuse in light of the current conflict and security mobilisations in Nepal. There are more than 200 cases of transgenders who were attacked, beaten, arbitrarily arrested, solicited for money and forced to have sex with police. To make things worse, security forces lack any level of sexual awareness or sex education and do not use condoms. Because of their vulnerability, transgenders are forced to leave home, don’t get any jobs and are forced to work in the sex trade. Furthermore, the power of the police has grown stronger as a result of the current situation, thus increasing the power to perpetuate more violence and discrimination.

In Nepalese culture, sexual orientation is not a matter of discussion. If a person is not married, then he or she is ‘singled out.’ Even heterosexual people who do not wish to get married are also ‘singled out.’ It is imperative that children learn about ‘sexual orientation’ early on so that they do not lose self-confidence, are not excluded and can gain support and information on safe sexual practices.

As an organisation working for gay and transgender rights, BDS is still confronted with many challenges. For example, societal and cultural norms run contrary to their need for expression and acceptance. In particular, the media often attacks them, they have difficulty renting office space and no one wants to give them jobs nor provide funds for micro-enterprises. Though they do receive small amounts for condom distribution as part of HIV/AIDS programmes, they receive little if anything for the rights of sexual minorities. In fact, some of the human rights organisations, when approached, even refuse to report violence against transgenders.

Counselling for transgenders, their parents, and teachers should be more established. Some couples are exceedingly worried about the stigma their children face due to bullying and teasing in school regarding their sexual orientation.
**Reflections**

Many enlightening points were conveyed during the open discussion. First, children should be given an equal opportunity to develop their personality, to attend school, and to choose their profession. It was suggested that at class 6, ‘sexual orientation’ should be discussed among girls and boys. People oftentimes label sex and sexuality as dirty and taboo topics but discussion at an early age is just as essential as the way religion is introduced at an early age. In the countryside, even though locals do not talk about sex, high rates of unwanted pregnancies continue to occur.

Second, the problem of a child transgender to express his or her sexuality is deeper than for adult transgenders, because the child is isolated, confused, and faces being disowned by his or her family. Third, there is very little news, if at all, nor discussion about sexual abuse against boys. This needs immediate attention. Fourth, associating with gays and lesbians does not necessarily mean the person will turn out to be gay or lesbian. Different sexual orientations are not contagious. There are many cases where children grow to become heterosexuals despite having parents who are gay or lesbian.

With reference to masculinity, a masculine female can be more dominating and respected by society because ‘the notion of masculinity’ is valued and is seen as aspiring to a higher level in the patriarchal society. On the other hand, a feminine male is seen as a social problem because of the notion that they have fallen to a lower level of masculinity, challenging the sexual and social norms of masculinity. At the same time, attacks against lesbians are more severe than against men who have sex with men. For instance, a father hired ‘goons’ to rape his lesbian daughter.

With reference to caste and class in Nepal, homosexuality is more accepted in the Rana and Chetri caste. However, although a child from a wealthier family may have wider exposure to the diversity of gender, lesbians and gays in higher castes have more psychological issues from the pressure of being part of an affluent and influential family. The poor, on the other hand, are likely to be exposed to sexual exploitation and trafficking.

Section 377 of the Penal Code of India, Bangladesh and Pakistan penalises homosexuality, and has been used to discriminate and abuse homosexuals. In India, for instance, marriage is defined as two ‘persons’ and yet marriage between two men or two women is not honoured. In Nepal, however, the law specifies that marriage should be between ‘a man and a woman.’ The State should provide equal rights regardless of sexual orientation. They should provide special attention and benefiting programmes and policies such as scholarships for marginalised children based on sexual orientation, better opportunities and jobs as well as psychological support.

**Some country situations of discrimination due to sexual orientation**

In India, there are more organised groups working with MSM than groups working for lesbians. Groups working for MSM are more visible and assertive to claim their rights. Funding however, is basically allocated to programmes that involve prevention of HIV/AIDS and safe sex, and not entirely or at all, to the rights of homosexuals.

In Kenya, homosexuality is simply not talked about in rural areas, as it is considered a foreign discourse, and not a common topic of discussion in the country. The people believe that it is not practiced culturally and that it is a crime, a natural offence. However, the speaker pointed out that homosexuality should not be denied because it is not so uncommon. It can never be said that homosexuality is not part of African culture, because its occurrence in society is readily apparent.
In Tajikistan, sex education starts at the 9th grade. However, the curriculum only discusses the difference between men and women. The teachers are not comfortable discussing homosexuality. Transgenders may exist in the country, but their existence is not widely known.

Finally, the discussion pointed out that the issues of culture and religion are neither universal nor static, but change over the course of time. It was therefore suggested that homosexuality be addressed openly when, for example, it is openly spoken of in Hindu literature. Workers in human rights cannot allow a tradition of silence and discrimination based on sexual identity to continue if it is against one’s inalienable rights. There is a strong need for attitudinal change. Specifically, children should be given the right to decide their own sexual orientation.

4.5 Children of Sex Workers

This session was introduced by a group exercise. Participants were asked to form a circle while the facilitator shared the story of Maya (see Annex 7). In between the stories, the facilitator asked questions to participants as to which social relations—caste, class, age, marital status, etc.—and institution—family, work place, education, media, State, NGO—was responsible for Maya’s situation. A ball of string was used to show how the different social relations and institutions interlocked and led to exclusion, discrimination and violence against Maya and her mother. The exercise also highlighted the inter-connectedness of rights, i.e. with one right violated, the resulting difficulty of gaining access to other rights.

The case study also demonstrated the society’s prejudice and attitudes as to how sex workers and their children are treated by law enforcement, government and community agencies as well as ourselves as rights workers and NGO representatives. Finally, it stressed the need to take a multi-faceted approach in working towards the elimination of discrimination however it occurs within the workplace, NGOs, family, community, State, or the media.

4.6 Children Living with HIV/AIDS

This session started with a group exercise. Each group was presented with the case story of Deepak Thapa (see Annex 8), and requested to answer three questions:
1. Why did Deepak and his sister come back home from their uncle’s house and decide to drop out of school?
2. What are the causes of discrimination against these children?
3. What should be the NGOs’ and Government’s role so that the rights of these children are protected?

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34 Facilitated by Ranjani K. Murthy, Consultant, Save the Children Sweden Regional Office for South and Central Asia.
35 Presentation by Sita Ghimire, Programme Manager on Violence, Sexual Abuse and HIV/AIDS, Save the Children Norway (Nepal).
The groups responded in the following manner:

<table>
<thead>
<tr>
<th>Why Deepak and his sister came back home from their uncle’s house and decided to drop out of school?</th>
<th>What are the causes of discrimination against these children?</th>
<th>What should be NGOs’/Government’s role to protect these children’s rights?</th>
</tr>
</thead>
</table>
| • Discrimination from the family, peers, teachers and school  
• Lack of compassion  
• Lack of friendly behaviour  
• Due to parental pressure  
• Background  
• Low self-esteem  
• Feeling of humiliation | • Due to HIV status of parents  
• Lack of community awareness on HIV/AIDS and how it spreads  
• Lack of government policy  
• Social stigma  
• Poverty  
• Lack of proper health care  
• Child to child discrimination  
• Inadequate family and child support  
• Lack of knowledge and information from parents to children  
• Superstitious beliefs  
• Because of not having parents  
• Age of children  
• Gender of child | NGO’s role:  
• Public awareness  
• Advocacy  
• Rehabilitation and Reconstruction  
• Research  

Government’s role:  
• Make strong policies and actions  
• Budgetary allocation  
• Institution building (i.e. rehabilitation centres)  
• Creating mass awareness  
• Reproductive health education among adolescents  
• Awareness and support from local level  
• Using the UNCRC for pressing national legislation  

NGO’s & Government’s role:  
• Coordination and networking on national and international policy levels |

**CHILDREN AFFECTED OR INFECTED BY HIV/AIDS**

*In the world:*
- Every minute, one child dies and one gets infected by HIV/AIDS.
- Through mother to child transmission, 0.5 million children die every year below 15 years of age.
- 15 million children have lost at least one parent because of AIDS.
- In Sub-Saharan Africa alone, 12 million children have been orphaned due to HIV/AIDS.
- In Sub-Saharan Africa alone, 18 million children will be orphans by 2010 (UNICEF).
- Nepal has 13,000 orphans (UNICEF).
- Less than 10 per cent of women have access to HIV related services (gender issue to access HIV education; women until recently, have not known how to negotiate for themselves).
The need for short and long-term support programmes for Deepak and his sister was particularly emphasised. Under immediate needs, children need food and nutrition, shelter, clothes, health and medical attention, including psychosocial, mental and physical assessment. Though placing them in a shelter or institution is a possibility, the importance of keeping siblings together was stressed, and that they be rehabilitated within the community.

Save the Children Norway shared what they actually did to address the discrimination being faced by Deepak and his sister. It embarked on two approaches to assist these children and prevent further social exclusion. Save the Children Norway organised a mobilisation of social volunteers to discuss HIV/AIDS in VDCs. When the siblings came back from their uncle’s house, they lived in a small hut with a leaking roof. The social volunteers started dialogues with all the concerned stakeholders in the community and collected money to help repair the house. Furthermore, a system of income was introduced where the land of the siblings was hired out for crop production. The children now continue to go to school as a result of HIV/AIDS training and peer education in the school and in the community.

One of the challenges that Save the Children Norway faces is the provision for continuous financial aid and income generation to families affected by HIV/AIDS. Although the mobilisation of social volunteers has somewhat alleviated the financial needs of children, there is the additional need to further sustain their survival and economic essentials. Another challenge is the lack of adequate HIV/AIDS testing facilities in the community. In addition, women may still face stigma and suspect themselves as HIV-positive even though they have not been tested. Aside from empowering the community to take care of themselves, Save the Children Norway is pressurising the government to provide testing facilities and raise HIV/AIDS awareness.

### 4.7 Synthesis of different forms of Discrimination

The conceptual framework and issues of the workshop were reviewed. From Day 1, issues, theories and approaches of childhood were discussed as well as a conceptual clarity of child-centred and a rights-based view. Children should always be at the centre of organisational programmes and missions whose actions should always be for the ‘best interests of the child.’

This was followed by an overview of the history of the UNCRC and its principles. General measures of implementation as well as ways to strengthen accountability were mentioned with the participants also engaging in a wider discussion of non-discrimination with special emphasis on child participation.

A summary of what the participants learned about the different sources, forms, institutions, causes and consequences of discrimination against children was presented with added inputs from the participants.

Overall, the workshop determined two major sources of discrimination: discrimination against a child because of his or her own identity, and discrimination against children because of their parents’ identity. Examples of the first source of discrimination are age, class, gender, ethnicity, caste, religion, disability, occupation, sexual orientation, HIV/AIDS, race (which the workshop seldom touched on), colour, beauty, size or physical discrimination, and birth order. Participants also mentioned discrimination due to migration, intelligence and personality, language and eating habits.
The second source of discrimination includes occupation, class, or power of parents, the marital status of parents, the location of parents, the HIV/AIDS/disease status of parents, the status of parents in jail, the citizenship status of parents, the refugee status of parents, the sexual orientation of parents, the educational level of parents, the nationality of parents, and the disability status of parents.

The impact of discrimination is mediated by the prevailing socio-economic and political context; the cultural context of government spending on social services; in-country and other countries’ legislation and policies and their implementation; the presence or absence of war, conflict and disaster; and whether the country has signed international treaties or not.

The consequence of discrimination is that the basic needs of children are often unmet and the rights of children are often violated. The unmet needs can be classified into survival needs, security needs, love and affection-related needs, self-esteem needs and self actualisation needs, as listed below.

<table>
<thead>
<tr>
<th>Needs Unmet</th>
<th>Survival</th>
<th>Security</th>
<th>Love, empathy and affection</th>
<th>Self-esteem</th>
<th>Self-actualisation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Survival</td>
<td>Food</td>
<td>Physical safety</td>
<td>Parental love</td>
<td>Identity</td>
<td>Ability to realise one’s full potential</td>
</tr>
<tr>
<td></td>
<td>Nutrition</td>
<td>Physical &amp; sexual security &amp; safety</td>
<td>Peer love</td>
<td>Confidence</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Clothing</td>
<td>Sustained income</td>
<td>Community love</td>
<td>Self Respect</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Health</td>
<td>Environment</td>
<td>Loving relationship</td>
<td>Respect from others</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Shelter</td>
<td>Peace</td>
<td>Teacher’s love</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Sexuality</td>
<td>Education</td>
<td>Family love</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Simply by analysing the sample cases drawn from the workshop demonstrated how different rights are infringed upon. Below is a listing of such rights and the applicable Articles of the UNCRC:

- Right to be protected against discrimination (Article 2)
- Best interests of the child (Article 3); right to an identity (Article 8)
- Right to live with one’s parents (Article 9); special protection if you cannot (Article 20)
- Right against being kidnapped (Article 11)
- Right to associate with friends (Article 13)
- Right to be protected from being badly treated (Article 19)
- Right to special education (Article 23)
- Right to the best health possible (Article 24)
- Right to a good standard of living (Article 27)
- Right to education (Article 28)
- Right to protection from sexual abuse (Article 34)
- Right to recreation (Article 31); and the right to enjoy one’s culture (Article 30)
- Right not to be punished in cruel way (Article 37)
- Right to protection in times of war (Article 38)
Discrimination occurs at every level in society: in the family, State, public space and extremist groups; in community, peers, local government and religious institutions; in media, the work place and even in civil society organisations such as NGOs and Human Rights organisations. Foremost in the reasons for the prevalence of discrimination is the pattern of ideological thinking found in patriarchy, caste, cultural and religious superiority; accepted norms and policies as well as entities that hold a reserve on resources, people, practices and power.

After undergoing a series of discourses and activities, various strategies to thwart discrimination were identified:

- Collecting disaggregated data,
- Developing composite indices on children's condition and position, disaggregated across different identities,
- Rethinking concepts and categories,
- Addressing the interconnection of rights violations,
- Addressing needs and furthering rights,
- Recognising diversity within each discriminated group,
- Considering the best interests of the child,
- Strengthening accountability of duty-bearers through reforming policy, legislation, commissions, child focal persons, budget, human resources, and other systems,
- Strengthening networks between groups working on different kinds of discrimination against children, as well as with other human rights groups,
- Institutionalising child rights into PRSPs, MDGs and other international efforts.

However, there are numerous dilemmas that continue to merit greater discussion and consensus:

- What should the balance be between cultural rights of communities and the individual rights of the child, especially if the former contradicts the latter?
- What should the balance be between the rights of parents vs. the rights of the child, especially when both contradict each other, as in the case of the right of parents to protect their livelihood through the hysterectomy of their disabled, post-pubescent daughters vs. the right of the disabled daughter to choices concerning her own body?
- What should the balance be between cultural preservation and bringing ethnic minority children into mainstream?
- What should the balance be between eliminating child labour vs. addressing the needs of children because they work?
- What should the balance be between child participation vs. the best interests of the child? For example, at times children are brought to forums in a token fashion, where they have no real opportunity to express their feelings or participate.
- What should the balance be between the rights of people with HIV/AIDS to confidentiality and the rights of future children and spouses to make informed choices?
- What should the balance be between advocacy through mainstream media and alternative media?
- What should be the role of government and NGOs? Should NGOs also get into service delivery?
- What is the difference between caste and ethnicity in the context of Nepal?
Thus far, the workshop had only considered discrimination as a cross-cutting issue working with its consequences, rather than analysing its root causes and working from the bottom up. At this point, it was decided to focus on the root causes of discrimination in a more systematic manner.

The participants were divided into three groups and were asked to make a collective decision about the following questions: (a) What are the immediate and root causes of discrimination; and (b) Enumerate five specific strategies to address the root causes of discrimination. Overall, the participants identified the following immediate and root causes of discrimination, and the related strategies to fight against such behaviour:

<table>
<thead>
<tr>
<th>Immediate Causes:</th>
<th>Root Causes:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lack of awareness</td>
<td>Extreme poverty</td>
</tr>
<tr>
<td>Lack of opportunity for education</td>
<td>Social stigma</td>
</tr>
<tr>
<td>Lack of sincere political commitment</td>
<td>Traditional cultural values/norms and practice</td>
</tr>
<tr>
<td>Weak enforcement laws</td>
<td>Social stratification and power structure</td>
</tr>
<tr>
<td>Corruption</td>
<td>Disproportionate allocation of resources</td>
</tr>
<tr>
<td>Unrealistic gender roles</td>
<td>Social structure</td>
</tr>
<tr>
<td>Inadequate budget monitoring</td>
<td>Geographical structure</td>
</tr>
<tr>
<td>Lack of coordination</td>
<td>Religion</td>
</tr>
<tr>
<td>Inadequate role and responsibility of duty-bearers</td>
<td>Class</td>
</tr>
<tr>
<td>Lack of health awareness</td>
<td>Policies</td>
</tr>
<tr>
<td>Lack of children’s forums with diverse discriminatory experiences coming together</td>
<td>Patriarchy</td>
</tr>
</tbody>
</table>
Suggested strategies to address the root causes of discrimination ranged from education to resource mobilisation and from advocacy to wider accountability issues.

<table>
<thead>
<tr>
<th>Strategies</th>
</tr>
</thead>
<tbody>
<tr>
<td>- Information sharing, empowerment of the individual and uniting for a cause</td>
</tr>
<tr>
<td>- Advocacy for policy reform</td>
</tr>
<tr>
<td>- Training and capacity-building of NGOs</td>
</tr>
<tr>
<td>- Networking and coordination</td>
</tr>
<tr>
<td>- Resource support</td>
</tr>
<tr>
<td>- Research</td>
</tr>
<tr>
<td>- Income generating programmes for sustainable livelihood</td>
</tr>
<tr>
<td>- Adequate distribution of human resources</td>
</tr>
</tbody>
</table>
After going through a series of discussions on child rights programming and various forms of discrimination against children, and analysing the root causes of discrimination, the workshop proceeded to consider some approaches and tools for working with children.

6.1 Children and Media

Various media, whether mainstream or alternative, are versatile tools that may be used in realising the rights of the child. Alternative media, such as theatre, puppetry, painting, comics, wall newspapers, and grassroots and participatory video, among others, has an important role in reaching out to the majority of marginalised people who have no other access to mass or mainstream media.

Media can and has become a dynamic and exhilarating platform for children to express their views, raise awareness and initiate community actions for social justice, especially on issues concerning them. The challenge is to ensure that children know how to interpret and analyse such media, and thereby make good use in having their voices heard. Some of the examples shown during the workshop of young people’s use of media were the Children’s Photo Exhibition created by nine boys and girls from different backgrounds in Dhaka, Bangladesh; and a film made by a group of disabled children in Nepal, highlighting the strengths and means they needed to overcome societal prejudices, entitled ‘Inside and Outside.’

Save the Children has taken the initiative in using participatory film making with children and young people in South and Central Asia region. The use of film can be a highly-effective communication, participatory and empowering tool. Film as a communication tool is an effective medium for campaigning, advocating towards policy makers and influencing others to change their behaviour. In addition, it becomes an exciting opportunity for boys and girls to learn new skills, exploring their innate creativity while enabling them to have their voices heard.

35 Presentation by Karna Maharjan, Consultant, Save the Children Sweden, Regional Office for South and Central Asia.
Objectives of Participatory Film Making:
- Provide basic technical skills on using a video camcorder.
- Provide basic knowledge on the film-making process (pre-production, production and post-production).
- Enable children to articulate their concerns and agendas using this innovative communication medium.

As a participatory tool, film amplifies the space for children to exercise their right to participate as active citizens. It encourages them to examine and find ways to understand the world around them, while becoming more actively involved in the issues affecting them. Finally, as an empowering tool, film builds up the confidence of young people to address their own issues, offering them the opportunity to both get acquainted with innovative technology and use that knowledge to bring about positive change. Participatory film making thus can be a particularly pertinent way of shifting the balance of power, opening up the many hidden channels of children's communications so that marginalised children can tell their stories to the rest of the world. Some of the films already made by children concern the following issues: Election in Afghanistan, HIV/AIDS in India, and Theatre for Development (TfD) in Calcutta.

A film entitled ‘Inside and Outside,’ planned, executed and produced by nearly a dozen disabled children, was shown to the participants. The children had agreed on the title as a way of showing how they felt inside about their disabilities, and at the same time how they were able to express themselves to the community. After seeing the film, the participants were shown a ‘Making of the Film’ video, to give them a sense of the how children were fully involved in all stages of developing the short movie.

The participants, however, were concerned about the training outcome of the disabled children who participated in the making of the film. What happened to the children who had been part of the participatory film making training? According to the speaker, almost all of the disabled children had been part of the child group, ‘Listen to Us.’ This group has been publishing their own books, brochures, and using the film ‘Inside and Outside’ as their advocacy programme. A few of them are members of children’s clubs that have been working to influence the people in their villages about their rights. Other boys and girls whom Save the Children has trained organised a campaign film against child marriage in Surket.

Methodology of Participatory Film Making
- Experiential learning
- Child Participant-led
- Group-based participation
- Rights-Based Approach
- Simulation exercises and games

6.2 Inclusive Education

“Inclusive education is a developmental approach seeking to address the learning needs of all children, youth and adults with a specific focus on those who are vulnerable to marginalisation and exclusion.”

This section presents two country cases of inclusive education, its success and its challenges.

6.2.1 Case Study: Tajikistan

A documentary film about the Inclusive Education Project in Tajikistan was presented to the participants to provide a better picture of this alternative approach to working with disabled children. The film shows how Save the Children UK has supported the

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37 Presentation by Sayorakhon Ishonova, Area Programme Manager, Save the Children UK (Tajikistan).
educational needs of disabled children in Tajikistan where children in disadvantaged situations are excluded by the education programme of the country. However, through Inclusive Education, young people with physical and mental disabilities are mainstreamed to attend school. The educational structure was modified to one that is conducive to the needs and level of adjustment of children with disabilities. This was accomplished through the training of teachers and redesigning the physical set-up of the school.

The community, as well as the school-going children were involved in the design of an inclusive plan for disabled boys and girls through a house-to-house collection of data by child rights organisations. Save the Children UK is now in the process of developing a country-wide strategy program and recently had several focus group discussions with INGOs, NGOs and children of different gender from different groups.

A major issue brought out during the discussion was whether to consider other groups such as blind children as well as children from different ethnicity and castes, to partake in inclusive education programmes. However, participants from the workshop were more than a little confused between the terms ‘inclusive education’ as opposed to ‘mainstream education’.

6.2.2 Case Study: Nepal

Save the Children Japan and Aasaman-Nepal are jointly working to eliminate child labour and universalise education through its ‘Getting Children Out of Work and Into School’ inclusive programme. The programme aims to increase the enrollment and retention rate of children in schools. In Nepal, ninety-six percent (96 per cent) of out-of-school children were engaged in various household work and unpaid labour; 4 per cent are in wage labour. SC Japan and Aasaman-Nepal carried out various strategies or approaches to bring inclusive education to children in the labour force, such as the ‘Each Child Monitoring’ tracking system, child rights protectors, volunteer teachers and regular sensitisation of Dalit and other hardcore groups. In addition, mass community mobilisations such as the khurpi rally, empowering Dalit and hardcore group children by interaction and child participation in both schools and community were also supported.

Their programme adopted five non-negotiable principles: (1) no child should work; (2) children have to attend formal school; (3) child labour has to be stopped; (4) communities should be free of child labour; and (5) there is no justification for child labour. The figure below shows the step-by-step process of the Each Child Monitoring system that Save the Children Japan and Aasaman-Nepal have used to track the children’s progress.

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38 Presentation by Nepali Sah, Programme Manager, Save the Children Japan (Nepal).
39 Khurpi is an instrument used to collect grasses in the Terai region. The children used a local phrase to impart their message that they should be removed from collecting grass. Using 500 buffalos during the rally, the children satirically expressed that older people or adults should ride on the buffalos and the younger ones should be sent to school. They went around the village sending out this message for 5 hours.
40 This refers to villages that are hard to reach due to lack of infrastructure, and communities that are mostly illiterate and economically poor.
One of the achievements produced by inclusive education is a slow but significant reduction in the gender enrolment gap. Dalits and girls are more empowered and inclusion has been increased. In addition, separate toilets for girls and boys were built in schools. Furthermore, child participation has begun to challenge community people to reconsider caste-based discrimination. In this sense, the community and stakeholders have become more sensitised on the principle of non-discrimination, though these actions are being taken slowly. Furthermore, Dalit and hardcore communities are now aware of the importance of education for their children. Save the Children Japan and Aasaman-Nepal recently documented key achievements and the factors that motivate the children to go to school. The programme, however, still faces challenges such as the lack of social security provisions by the State and local government, extreme poverty, lack of support to orphans and disabled children, and the existence of discriminatory practices due to strong, deep-rooted socio-cultural barriers such as dowry and early marriage.

Although the programme has not addressed the issue of poverty entirely, the value of education is used as a strategy or intervention, as a way of breaking the poverty cycle. The principle is being mobilised at the community level where parents are beginning to realise that lack of education is a major factor to being economically deprived.

**6.3 Working with Men and Boys**

In looking at gender issues, people tend to look at gender inequality and power relations. Who has power, and where does it remain? Men are controlling the power, but not all men engage in violence against children and women.

Masculinity at one level refers to ways of being men and boys. At another level, it refers to the concept of power, power exercised by men and boys over women and girls, as well as power of some men and boys over other men and boys. Masculinity also refers to a discourse of male privilege carried by a section of women and girls themselves. Why is there a need to look at masculinity in South Asia? For twenty years, the women’s movement has been talking about women’s equality with the increasing agreement that for women to receive equal rights, society needs to start working with both men and boys on their own ideas of masculinity.

Furthermore, to address child rights, there is the need to address the deeper issues of masculinity. For example, the notion that men need not engage in child care has to be challenged if children are to have a right to fathering and not just mothering.

A third reason for working on issues of masculinity is that men and boys also experience some disadvantages because of the social construction or definition of masculinity. They are told not to cry, always be the bread winner, and so forth. In many contexts, masculinity

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41 Presentation by Ravi Karkara, Ranjani Murthy and Sheila Luna Parvin.
We need to work with men and boys to:

- Question narrow definitions and perceptions of gender roles and relations, including masculinity.
- Increase the knowledge on gender issues among professionals and in the school curriculum.
- Promote programmes for men and new-fathers on parenting and responsible sexual behaviour.
- Share and analyse good practices of working with boys and men to promote gender equality and prevent gender-based violence.
- Identify men and boys who can become good role models.
- Call and organise boys and men in the society to protest against violence and sexual abuse.
Another initiative of Save the Children Sweden to address gender-based discrimination and violence against children and women is the exploratory mapping of human rights, women’s rights and child rights organisations working for boys and girls in Bangladesh. They have also completed an assessment study regarding the strengthening of boy’s and men’s involvement to counteract acid violence in the country. By such projects, Save the Children Sweden generates capacity building that underscores the importance of working with boys and men.

Because of the power of alliance-working or networking, other partner organisations of Save the Children Sweden have also given due recognition to the work with men and boys. Save the Children UK, for instance, acknowledges the need to work with these groups through their child protection programmes. In another instance, INCIDIN, commissioned various studies on gender inequality and masculinity such as the prostitution of boys and street children.

The importance of having inter-agency cooperation and collaboration to explore the continued meaningful work with masculinity, and question its hegemonic philosophy is abundantly clear. Likewise, it is essential to initiate and support the participation of men and boys within the expanding work and programs of the NGOs.

What is the best way to open the topic of masculinity to family members, communities, villages, and towns? First, the need to understand masculinity through education is of most concern. Second, strategies should be created to transform the discourse on masculinity, carried out not only with boys and men but also with girls and women. Finally, it is fundamental that the masculinity issue be addressed within the upper caste. If civil society organisations want to end the violence against children, then it is essential that children and others from advantaged groups should be sensitised.

When NGOs talk about gender equality, non-discrimination and accountability issues, it is vital that the approach towards these issues be reflected or applied to their own organisational development and management processes. NGOs that rightly advocate against discrimination due to disability, should also demonstrate their sensitivity in concrete action. For example, providing a plan for wheelchair accessibility for their own building highlights their concern to the community at large. Likewise, establishing a rights-based approach throughout an organisation demonstrates the agency’s willingness to be a part of the process.

**Conclusions:**
- An upbringing that is too rigid and is diversity insensitive within the social context can result in girls and boys who are not able to reach their full potential.
- A project or programme that is blind to gender and non-discrimination could lead to the reproduction of inequalities.
- All thematic issues have to be addressed through a gender and diversity lens.
- It is essential to address gender and discrimination issues within our own organisations.
- Specifically, all projects and programmes need to address gender inequalities wherever and however they arise.
- Organisations should understand the value of child participation.
The session began with a brief review of the Universal Declaration of Human Rights, the highlighting structure of the UNCRC, including its main principles: non-discrimination; the best interests of the child; survival and development; and participation and accountability. The principle of non-discrimination is relevant to all substantive articles in the convention, and all rights apply to all children without exception. Furthermore, under Article 2 of the UNCRC, the UNCRC emphasises that the State should ensure that children are protected from discrimination.

### 7.1 UNCRC Reporting Process

Once a country ratifies the Convention, the State is required to produce an Initial Report within two years and Updates every five years thereafter. The Initial Report is an opportunity for States to review their current laws and policies. This might prompt improvements in legislation and practices. In addition, it is also an opportunity for the State to conduct a comprehensive review of the measures it has adopted under the UNCRC, so that the greatest effect may be gained from these rights. Along with the Initial Report there should also be a situation analysis of children and the enjoyment of their rights. (See Annex 9: Diagram of the UNCRC Reporting Mechanism).

These reports are submitted to the Committee on the Rights of the Child, composed of 18 independent experts in their field that meets three times a year in Geneva. The Committee members raise points from which the State in question is required to provide further information. This interaction between the State and the Committee Members is called the Pre-Session.

After examining the reports and the interaction between the State and the Committee Members, the Committee issues its Concluding Observations to the State in question. Through the Concluding Observations, the Committee recommends the State to undertake certain actions and strategies to further realise the rights of their young girls and boys. It

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42 Presentation by Bandana Shrestha, Consultant, Save the Children Sweden, Regional Office for South and Central Asia.
is the responsibility of the State to study these Observations and disseminate the information to the public. Accordingly, the State should make the necessary changes in policy, develop or reform legislation, ensure an appropriate budget, coordinate with departments, and collect additional data and statistics in their efforts to further children’s rights.

The succeeding or Periodic Reports should concentrate on providing the Committee with information on the measures undertaken in the areas of concern that were previously identified in the Concluding Observations, and the obstacles in realising those recommendations. Specifically, each State or government is obligated to report on what has been done thus far to promote, protect and fulfil the rights of the child.

Non-government organisations also have a role to play within the UNCRC reporting mechanism. NGOs are urged to submit alternative or shadow reports to the Committee to reflect or provide candid information describing the situation of children in the country.

State reports are to be submitted at prescribed deadlines, but some countries have delayed reporting to the Committee. The report is not a secret document and should be open to the public of that country for scrutiny. It is further recommended that the document be analysed through a network or alliance of NGOs in order to touch on various issues of which a certain NGO may not have particular expertise, such as health, child labour or disability.

It is unfortunate, though, that a pattern has appeared where NGOs have colluded with the State in preparing their State Party Reports. NGOs should work as watchdogs. They should assess the situation critically and follow the reporting process at the periphery by lobbying and advocating for change both verbally and through the shadow report. They should be providing information on the actual realities on the ground.

The Committee may also solicit information from relevant UN agencies and INGOs. The Committee provides a space where NGOs can lobby against the shortcomings of their State and present priority issues on children’s rights. The Committee compares and derives its Concluding Observations from its interactions with the State and NGOs. Upon the next reporting stage, the Committee will look into the Concluding Observations made earlier, and try to see whether changes or improvements in legislation, administration and monitoring have been made. There are instances where NGOs assist the State in producing these reports, but NGOs should keep in mind their role as independent watchdogs. The question therefore arises as to exactly how much should NGOs collaborate with the State.

Several examples of Concluding Observations from Bangladesh, Nepal, Sri Lanka and India were shared with the participants.

When a government ratifies the UNCRC, it can make reservations against some articles of the Convention. The Government of Bangladesh, for example, had reservations on Articles 14 and 21 of the UNCRC, thereby undermining a child’s

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**What does the CRC Committee expect to find in State reports?**
- Legislation and its implementation
- Coordinating mechanisms
- Allocation of budgetary resources
- Monitoring mechanisms
- Data collection
- Training on UNCRC
- Cooperation with NGOS

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43 A Reservation is a statement of non-acceptance of a particular article, whereas, a Declaration is an alternative point of view of a particular article of the Convention.
right to religion, thought and freedom, and best interests. The government of Pakistan’s reservation affected the entirety of the Convention. State parties like Denmark were against the reservations made by Pakistan because it would be against the very essence of the Convention. However, after careful reconsideration and pressure from other countries, the Pakistani government withdrew all its reservations.

Other suggestions on how NGOs can enhance their credibility and information at and during the reporting process of the UNCRC are: (a) provide in-depth research with multiple disaggregated data; (b) work as an alliance in producing a shadow report, as one credible strong voice; (c) pressure the government to implement appropriate policies, provisions, and laws; (d) work with and provide information to Special Rapporteurs\(^{44}\) to receive complaints, assist in country visits, create thematic studies on health and education, and so forth; and (e) interlink with other international human rights treaty monitoring bodies.

### 7.2 Working with the Child Rights Committee

Dr. Kamal Uddin Siddiqui, Ph.D, is the Principal Secretary to the Prime Minister of Bangladesh and the first-ever South Asian Committee Member of the United Nations Convention on the Rights of the Child. He shared his experience of working with the CRC Committee with particular reference to the principle of non-discrimination by giving a brief overview of the Committee and its work. He also elaborated on various issues regarding the implementation of the UNCRC.

**On the UNCRC itself:** It is an elective body composed of 18 men and women representing countries all over the world. Two members of the committee come from the Asian Pacific; currently, Korea and Bangladesh. Membership lasts for four years, unless re-elected, and the Committee meets three times a year. In the pre-session, the UNCRC members meet civil society organisations and UN bodies to develop questions or further elicit information from the reporting country. The Concluding Observations are then finalised after an in-depth discussion with the State, at which time the Committee has its formal sessions with the concerned State Party. Because of the large number of State reports the Committee must review, this work has been divided by meeting in two chambers, A and B, to expedite the required examination.

Articles 2, 3, 6, 12, 23 and 30 of the UNCRC comprehensively state the principle of non-discrimination. In a basically unequal and unjust society, the principle of non-discrimination becomes a vital tool to be used in uplifting the rights of the marginalised. Dr. Siddique recognises three forms of discrimination: (a) worst form; (b) persistent or old forms of discrimination; and (c) non-economic or social discrimination.

Unfortunately, the State Parties of South and Central Asia have not acted proactively. The various governments seem to have ultimately forgotten that prejudice actually exists. As a result, the progress in implementing the Concluding Observations for these States has been low and unsatisfactory. It has been suggested that a general reduction of poverty may have an impact on the worst forms of discrimination, but the ground reality of this happening in South Asia should be carefully understood. In the end, if civil society does

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\(^{44}\) Special Rapporteur is a title for a specifically mandated function in the UN, charged with writing official reports to be dealt with through official channels. It refers to the procedure for dealing with communications relating to violations of human rights and fundamental freedoms.
not make a ‘big’ noise, nothing may change. Essentially, the UNCRC and similar Human Rights conventions provide the tools to carry forward the rights of the child. However, it is the State party that remains the primary implementer of the UNCRC.

Furthermore, the many actions of various civil organisations on national and local levels make the process of involvement in furthering the rights of children exceedingly varied and complex. It is in this context that civil society has to understand the role of the UNCRC. To assist in this understanding, three processes have been employed. First, the members of the Committee use their own expertise and experience. Several of them have backgrounds in activism and development psychology. They give valuable experience from their exposure to national, international, and regional work with human rights and the rights of the child in particular.

Second and most important, the members of the Committee interact with civil society and deal with the State parties. The quality of the pre-session plays a critical role in the assessment process. There are three scenarios that develop during the interaction with civil society organisations and UN bodies: (1) civil society or NGOs and UN bodies present in the session are not entirely forthright in giving information, (2) these groups or agencies are uncritical about the role of the government and seem to behave like ‘robots’ of the State; and/or (3) if they are critical, the comments are balanced and they present a lot of evidence to support their statement. On the basis of this, the Committee is able to ask the right kinds of questions during the pre-sessions. Pre-sessions are extremely important because they are the key opportunities to have an alternative view presented.

Finally, the committee members interact with the State parties during the formal session. Here, again, the State parties may show ambiguous behaviour. They may either be fully prepared; self-critical, but totally unprepared and present no evidence; over-defensive; or interact constructively with the Committee members.

The UNCRC and the Concluding Observations of its guiding Committee are powerful tools to carry forward child rights. On the basis of the Committee’s findings, a number of measures should be in order. First, the government and civil society must begin to act on those findings and should not wait until the next Periodic Report. As soon as the Concluding Observations are available, duty-bearers should get into action.

Second, the State should insure the Concluding Observations is made public and openly known to its citizens including children, religious groups, local parties, and development parties as a condition for requesting additional assistance and funds.

Third, the Poverty Reduction Strategy Programme and other relevant policy instruments should be made child-friendly and child-sensitive. A government will not be able to address discrimination until it addresses the poverty situation of its citizens.

Fourth, there should be adequate financial and human resources. Civil society should lobby with development agencies and INGOs who have a considerable amount of resources.

Fifth, monitoring mechanisms and collaborations with civil society and the government should be established.

Sixth, children should be involved on all levels and aspects of the policy process.

Finally, NGOs must apply concerted pressure towards the government. The government
must not be seen as a neutral body. In many instances, governments have been found to
give lip service to child rights and thus, continue to be part of the problem rather than
being part of the solution. For example, instead of applying the larger amount of a national
budget towards military expenses, diverting even a small of these funds for children’s issues
would create a huge difference in them being able to access their rights.

On the role of civil society organisations as advocates of the rights
of girls and boys: The work of these organisations is
significant but still not adequate. In many cases, their
actions are still not proactive, but rather half-hearted
attempts to follow the routine, and thus ineffective. To
make the local and central governments more accountable, NGOs need to collaborate, criticise,
pressurise as well as assist the government to properly implement the Concluding
Observations. NGOs must continue to strengthen their networking among the community
and development agencies, with the intention to create ever-increasing amounts of pressure
on the government. If the level of child’s rights is to be improved, it is the quality of
advocacy that will make the difference. In this regard, NGOs must find or create
sympathisers in government; winning over those who can and will support their cause.

Even children should be involved in advocacy programmes and take time to meet policy-
makers, as they themselves make a better impression and impact. However, the place for
young girls and boys in this regard should not be overdone. They may join demonstrations
and discussion, and occasionally meet with the media, but their efforts should not be
misused. In this sense, one of the most important aspects of child participation is for
NGOs and other agencies to know their views and find innovative ways to record and
present them.

Money and resources should be allocated to where it can really make a difference, such
as in education and health. South Asia and even Muslim countries lag behind in the
implementation of Child Rights. A large amount of discrimination occurs in Muslim
countries because of misinterpretations of their faith. Civil society has to fight on many
fronts—ideologies, implementation, and religious leaders—in order to change the mind set
and attitudes of people. Here again, a multi-faceted approach is required.

On UN Agencies and other international treaties and monitoring bodies: The Committee,
unfortunately, does not have very much interaction with other human rights treaty
monitoring bodies. However, in recognition of the importance of working with other
treaty monitoring bodies, there is a proposal to have only one monitoring committee Thus,
the monitoring committees of various treaties such as CEDAW, ICCPR, ICESCR, CERD
and the UNGRC would be folded into one. Unfortunately, this may further marginalise
the cause and rights of the child. The Committee, nonetheless, does interact with relevant
UN bodies such as the Office of the Human Rights Commission, UNICEF, UNESCO
and civil society.

UNICEF’s traditional involvement in the provision of rights is crucial, though its coverage
on protection and participation rights is weak. It would be better if UNICEF had equal
emphasis on all three basic rights—provision, protection and participation. Though
UNICEF is in the process of gradually modifying its role, local NGOs and INGOs might
compel UNICEF to act accordingly. Nonetheless, UN Agencies are auxiliary forces. Civil
society can expect something from these agencies, but not too much, nor everything. This
is because bureaucracy is pervasive in these agencies. This makes clear once again that it

"The more we are effective the more we understand the problem.”
– Kamal Siddique, Ph.D.
is the local government that civil society organisations should work with because, at the
gress-roots level, these elected people are closest to the problem.

On strategies that would alleviate poverty: Dr. Siddique suggested that market fundamentalism from the World
Bank and the IMF creates a tremendous impact on the
poor. It is highly anti-poor and generates ultra-attitudes
such as Muslim fundamentalism. SAARC also has its
poverty report but lacks implementation due to
divisiveness among member States. Nevertheless, he felt
that two significant events are emerging. First, SAARC members were asked to create a
South Asian Development Goal where child issues are taken as a point in discussion.
Second, the SAARC poverty alleviation fund can be considered a good resource to address
child right issues in the region.

On NGO Accountability: When it comes to accountability, the government is the legitimate
organisation to ensure that the rights of boys and girls are fulfilled, respected and
protected. NGOs are also held accountable. But to ensure their commitment to child
rights, NGOs should either form a body for self-evaluation, or make use of independent
evaluators from research agencies and universities. NGOs should be evaluated on the basis
of complaints and praise. The results of the evaluation or monitoring study should be
made public and shared with their development partners. Collaboration with other NGOs
and the local government also creates a check-and-balance. Having a published code of
conduct would also be to the NGOs best interests.

Other issues: There were two other issues that were raised during the previous sessions of
the workshop that Dr. Siddique responded to. He believes that, although statistics show
that the enrollment of girls in schools is getting higher, this does not mean that boys are
discriminated against or that they are not getting any education. It is simply because the
government has, in some way, addressed the issue of discrimination against girls in
education.

He also believes that the government of Bangladesh should withdraw its reservation to
Article 14. A child should be allowed to determine his or her choice of faith and beliefs.
The reservation to Article 21 should also be withdrawn, so that the khaifâla 45 system of
child adoption can be followed. Adoption should be made for the best interests of the
child and not just for name sake. Reservations on UNCRC articles can be withdrawn if
there is serious public debate. Dr. Siddique also suggested that NGOs would do well to
create a more open space in their activities, to assure a more positive response from the
community.

In conclusion, Dr. Siddique said that the Save the Children can facilitate a serious effort
to bring child rights organisations together and prioritise their goals. At this time, civil
society organisations might ask themselves where the emphasis should be placed, and
what means should be used to move a government to act. Currently, for instance, there
is no cooperation among NGOs on the issue of trafficking in South Asia. What concerted
measures should NGOs take? It is essential to begin discussion that leads to a common
consensus so that this issue can be responsibly addressed.

45 The Islamic form of the term ‘adoption’ is ‘kafâla,’ which literally means sponsorship, but comes from the root word meaning ‘to
feed.’ It is best translated as ‘foster parenting.’
The final session of the workshop focused on planning strategies for the future. In an exercise to further promote child rights and enable non-discrimination in the works of civil society organisations, the participants were asked to group themselves by State and respond to the following questions in relation to their countries. Participants from Kenya, Sri Lanka and Tajikistan were regarded as one group.
1. What are the strategies or ways to work with children to promote non-discrimination?
2. What are the strategies or ways to work with adults to promote inclusive participatory processes?
3. What are some of the essential approaches required to address non-discrimination?
4. What are some of the tools required to advocate for non-discrimination?
5. What are some of the strategies necessary to make governments, UN agencies, and NGOs accountable to child rights?

The table below shows the responses of each group to the questions:

<table>
<thead>
<tr>
<th>Bangladesh</th>
<th>Nepal</th>
<th>India</th>
<th>Kenya, Sri Lanka &amp; Tajikistan</th>
</tr>
</thead>
<tbody>
<tr>
<td>Strategies or ways to work with children to promote non-discrimination</td>
<td>Promote co-education, play therapy, health service, expectations and cultural practices, entry point to sex education, children in conflict and PLWHA, equal participation in gender roles and responsibility, capacity building of child group and clubs</td>
<td>Through child panchayats, training on non-discrimination and UNCRC, education, health, violence, and minority governance, village health committee, recreation, getting children into school and health centre committees</td>
<td>Child led groups/clubs, train children on UNCRC, use children theatre groups, exhibitions (pictures and photos, films), children’s campaigns, TV and radio programmes, data collection, and situation analysis, action plan/review</td>
</tr>
<tr>
<td>Issue based discussion, capacity building and awareness, education, children’s organisation, creative sessions and counseling, increase livelihood options, life skill and reproductive health, raising voices of children who are discriminated</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Strategies or ways to work with Adults to promote Inclusive Participatory Processes</td>
<td>Bangladesh</td>
<td>Nepal</td>
<td>India</td>
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</tr>
<tr>
<td>Family counselling, community group formation, capacity building, issue-based discussion and dialogue, community resource mobilisation, awareness, livelihood option, reproductive health</td>
<td></td>
<td>Equal participation to influence children especially in domestic work, parenting education to family/community, sensitisation on gender and sexual identity and orientation, profession and occupational guidance</td>
<td>Working with Panchayati Raj in India, committees on child rights, dalit, women, minorities, emphasis on women, sensitize the caste panchayats, religious leaders, teachers, parents, and officials, responsible for birth registration, form village child protection committees, sensitize MLAs, MPs, lawmakers, law enforcement agencies</td>
</tr>
</tbody>
</table>

| Approaches | Social mainstreaming, participate in planning and monitoring, use of theatre, puppetry, and street drama | Media, peer to peer curriculum development, awareness raising, inclusive participation in education | Poverty reduction approach, discrimination sensitisation, judicial activism/right to information. | Child participation, best interests of the child, child-centred methodology |

| Tools | IEC materials, social and resource mapping, film process documentation, theatre, research | Theatre for Development, street dramas, film, friendly booklets and posters, local trends-based campaigns, radio programmes. | Local traditional media, community radio, posters and skits, non-discrimination bandanas, public interest litigation/right to information, networking | C-EMIS, UNCRC, African Charter, modules' training guidelines, monitoring and evaluation |
The table below details the main strategies suggested for making governments, UN agencies and NGOs accountable to child rights:

<table>
<thead>
<tr>
<th>Region</th>
<th>Government Accountability</th>
<th>UN Accountability</th>
<th>NGO Accountability</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bangladesh</td>
<td>- Include disability issues in the National Action Plan.</td>
<td>- Develop tools for men and boys to address child rights.</td>
<td>- Self-evaluation of NGOs code of conduct for NGOs</td>
</tr>
<tr>
<td></td>
<td>- Proper monitoring and evaluation, assertive policy formation, resource allocation and mobilisation.</td>
<td>- Develop monitoring tools for partner organisations.</td>
<td>- Independent evaluators and independent researchers</td>
</tr>
<tr>
<td>Nepal</td>
<td>- NGOs to prepare shadow report with focus on child rights state report establish an ombudsman work with Child Rights Commission formation of Child Rights Commissions at the State level policy and performance auditing budget and expenditure auditing voucher system for poor families on education and health care strengthening the monitoring and evaluation system involving CSOs on the basis of clearly developed indicators advocate for uniform minimum age of children under UNCRC compulsory registration of birth sending NGO representatives to special sessions of UNCRC policy to be published in the NPs and local dialects.</td>
<td>- Third party monitoring for UN budget/expenditure/Policy Monitoring, Media should be involved in exposing the activities of UN/WB/other international institutions and Unintended consequences of polices on children.</td>
<td>- Budget transparency and expenditure monitoring at the village level NGO plan of action on child rights.</td>
</tr>
<tr>
<td>India</td>
<td>- Third party monitoring for UN budget/expenditure/Policy Monitoring, Media should be involved in exposing the activities of UN/WB/other international institutions and Unintended consequences of polices on children.</td>
<td>- Media should be involved in exposing the activities of UN/WB/other international institutions and Unintended consequences of polices on children.</td>
<td>- Media should be involved in exposing the activities of UN/WB/other international institutions and Unintended consequences of polices on children.</td>
</tr>
</tbody>
</table>
**Closing Remarks**

After comprehensive discussions on the topics of Child Rights Programming, forms and root causes of discrimination, the importance of the UNCRC Concluding Observations, and strategies and approaches to prevent discrimination among boys and girls, it was clear that non-government organisations hold the responsibility to bring these concerns and approaches to the grassroots or local, national and regional levels.

Three important points were raised. First, there is a need to look at good practices on non-discrimination around the region. It would be beneficial to look at organisations and agencies working to promote non-discrimination to discover and utilise other sensible practices and programmes that respect and fulfil the rights of children. Creating a website where both civil society organisations and children can address the issue might be a good starting point.

Second, NGOs should look at common priorities at the regional level. For example, three key priority issues might be identified, such as child labour, health and education with the intention to study these from a gender and diversity perspective.

Third, the issue of discrimination should be discussed at various levels of governance and accountability. NGOs should consider re-examining policies at the micro and macro level of development to see if these policies are sensitive to both gender and diversity issues on child rights within their own organisations. It is essential to involve children at this point and strengthen their participation. NGOs should also start looking at working with SAARC to bring Article 2 of the UNCRC into further realisation.

In any case and at any level of advocacy, promoting and respecting the rights of boys and girls should be approached from a rights-based perspective that assures the best interests of the child.
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<thead>
<tr>
<th></th>
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</tr>
</thead>
<tbody>
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<td>Programme Officer</td>
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<table>
<thead>
<tr>
<th>20. Javis Rana</th>
<th>21. Nita Dangol (Shrestha)</th>
</tr>
</thead>
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**Sri Lanka**

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<thead>
<tr>
<th>22. Gangani Nimalika Dissanayake</th>
</tr>
</thead>
<tbody>
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**Tajikistan**

<table>
<thead>
<tr>
<th>23. Sayorakhon Ishonova</th>
</tr>
</thead>
<tbody>
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</tr>
<tr>
<td>Name</td>
</tr>
<tr>
<td>--------------------</td>
</tr>
<tr>
<td>Ravi Karkara</td>
</tr>
<tr>
<td>Bandana Shrestha</td>
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<tr>
<td>Emily Palma</td>
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<td>Karna Maharjan</td>
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<td>Prajwol Malekoo</td>
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<tr>
<td>Arjun Giri</td>
</tr>
<tr>
<td>Neha Bhandari</td>
</tr>
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</table>
### ANNEX 2: Workshop Agenda

<table>
<thead>
<tr>
<th></th>
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<tbody>
<tr>
<td><strong>Introduction and Experience Sharing</strong></td>
<td><strong>Learning from Experiences: Approaches and Tools</strong></td>
<td><strong>Strategising and Planning Ahead</strong></td>
<td><strong>LUNCH</strong></td>
<td><strong>Day Out</strong></td>
</tr>
<tr>
<td>Welcome and Introduction</td>
<td>Recap</td>
<td>Recap</td>
<td>Synthesizing Learning from 4 Days, Followed by Discussion</td>
<td></td>
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<tr>
<td>Expectations and Objectives</td>
<td>Working with Indigenous People</td>
<td>Discrimination faced by Single Women</td>
<td>Using UNCRC more effectively to promote rights of girls and boys from diverse Backgrounds</td>
<td></td>
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<tr>
<td>Logistics</td>
<td>Discrimination due to Disabilities</td>
<td>Discrimination due to Cultural Beliefs</td>
<td>● CRC Committee</td>
<td></td>
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<td>Introducing Child Rights Programming</td>
<td>Community-Based Rehabilitation of Children with Disabilities</td>
<td>Discrimination-Based on Caste</td>
<td>● Concluding Observations</td>
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<tr>
<td>● Childhoods</td>
<td></td>
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<tr>
<td>● UNCRC</td>
<td></td>
<td></td>
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<tr>
<td>● CRP Principles and Approaches</td>
<td>Film on Children Who Learn Together and Learn To Live Together</td>
<td>Approaches and Tools for Working with Children</td>
<td>Advocating Accountability Using Human Rights Mechanisms</td>
<td>Creating strategies</td>
</tr>
<tr>
<td>Learning: Gender Discrimination</td>
<td>Working with Working Children</td>
<td>● Children and Media</td>
<td>● Policies and Legislations</td>
<td>● Country Level</td>
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<tr>
<td>Synthesis</td>
<td>Discrimination Due to Ethnicity</td>
<td>● Experiential Learning</td>
<td>● Budget Reforms</td>
<td>● Regional Level</td>
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<tr>
<td>Demystifying Non-Discrimination</td>
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<td>● Inclusive Education</td>
<td>● Beyond Gender Disaggregation</td>
<td>● International Levels</td>
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<td>● Causes of Discrimination</td>
<td></td>
<td></td>
<td></td>
<td>(Working with the CRC Committee Members)</td>
</tr>
<tr>
<td>● Forms of Discrimination</td>
<td></td>
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<td>Action Plan</td>
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<td>● Reproduction of Discrimination</td>
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<tr>
<td>Regional Discussion Paper</td>
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<td></td>
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<tr>
<td>Learning from Experiences: Approaches and Tools Strategising and Planning Ahead</td>
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<tr>
<td>Film on Children Who Learn Together and Learn To Live Together</td>
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<td>● Experiential Learning</td>
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<tr>
<td>Day Out</td>
<td>Synthesis</td>
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<td></td>
<td></td>
<td>Closure</td>
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</table>
## ANNEX 3: Group Task on Childhood

### CASE STUDY 2
Yusuf, a 14-year-old boy from Pakistan, is forced to be a male sex worker. As a result, he has become a social outcaste in his community of street boys.

<table>
<thead>
<tr>
<th>Issues that affect the child</th>
<th>Rights violated</th>
</tr>
</thead>
<tbody>
<tr>
<td>● Depression</td>
<td>● Right to protection</td>
</tr>
<tr>
<td>● Physical and mental pain</td>
<td>● Right to high self-esteem and dignity</td>
</tr>
<tr>
<td>● Exclusion by peers (both cause and affect)</td>
<td>● Right not to be discriminated against</td>
</tr>
<tr>
<td>● Vulnerability to STDs and HIV/AIDS</td>
<td>● Right to not be sexually violated</td>
</tr>
<tr>
<td>● The boy may also continue the cycle of discrimination</td>
<td>● Right to basic services such as health and education</td>
</tr>
<tr>
<td>● Prone to be trafficked</td>
<td>Positives</td>
</tr>
<tr>
<td>● Loss of confidence</td>
<td>● Opportunity for rehabilitation</td>
</tr>
<tr>
<td>● Invisibility</td>
<td>● Identifying and imparting life skills at the community level</td>
</tr>
<tr>
<td>● Lack of opportunities</td>
<td>● Vocational training given to street children</td>
</tr>
<tr>
<td>● Lack of self-esteem</td>
<td>● Participating in different areas</td>
</tr>
<tr>
<td>● Possibility of not being integrated in the society</td>
<td>● Awareness-raising of peers and the community</td>
</tr>
</tbody>
</table>

**Positive or negative traditional values, which help or hinder child development**

<table>
<thead>
<tr>
<th>Positives</th>
</tr>
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<tbody>
<tr>
<td>● Opportunity for rehabilitation</td>
</tr>
<tr>
<td>● Identifying and imparting life skills at the community level</td>
</tr>
<tr>
<td>● Vocational training given to street children</td>
</tr>
<tr>
<td>● Participating in different areas</td>
</tr>
<tr>
<td>● Awareness-raising of peers and the community</td>
</tr>
</tbody>
</table>

**Negative**

<table>
<thead>
<tr>
<th>Having sex with children</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hindering child development</td>
</tr>
<tr>
<td>Gender discrimination between boys and girls</td>
</tr>
</tbody>
</table>
### Issues that affect the child
- Gender stereotypes
- Stereotypes, such as the older child has to look after the family
- Poverty
- Education
- Lack of awareness of child rights

### Rights violated
- Right to Education
- Right to Participation
- Right to Decision-making
- Right to Protection and Security

### Positive or negative traditional values, which help or hinder child development

<table>
<thead>
<tr>
<th>Positive</th>
<th>Negative</th>
</tr>
</thead>
<tbody>
<tr>
<td>Child participation, possibly because she provides for the family, she might have a say</td>
<td>Eldest child has to shoulder the burden of the family</td>
</tr>
<tr>
<td>Contribution of the child to the family income</td>
<td></td>
</tr>
</tbody>
</table>

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**CASE STUDY 3**

Salma is a 16-year-old girl from Dhaka who is forced into garment work because of socio-economic pressures. But if given a choice, she would want to study. She is also the eldest of six children and has to shoulder their responsibility along with her parents.
CASE STUDY 4

Rajan is a 7-year-old Tamil boy in Jafna, Sri Lanka. The conflict situation in the area has compelled him to be part of the armed conflict. He is in a dilemma as he is not sure whether he should join the army or the rebel group.

| Issues that affect the child | • The boy is participating in war and conflict; hence there is risk of death or becoming mentally or physically disabled  
| • He can become harmfully aggressive  
| • He is socially disturbed  
| • Since he is involved with a war situation, his behaviour is affected; he doesn't behave his age |
| Rights violated | • Right to Live with his family  
| • Right to Food  
| • Right to Happiness and a sense of well-being  
| • Right to Shelter  
| • Right to Education |
| Positive or negative traditional values, which help or hinder child development | Positive  
| • State and communities participation  
| • Family’s rehabilitation  
| • Awareness  
| • In rural areas, most communities save money from their own income to rehabilitate such children  
| • The laughter, joyfulness in the community could help the boy overcome the stigma attached to him |
| Negative | • Social Stigma  
| • Boy or the family could be excluded from the community |
ANNEX 4: International Human Rights Instruments on Non-Discrimination

Besides the UNCRC, the principle of non-discrimination is also an integral part of other international human rights treaties. These include:

- **All human beings are born free and equal in dignity and rights... Everyone is entitled to all the rights and freedoms...without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status...political, jurisdictional or international status of the country or territory to which a person belongs...**
  
  – UDHR, Article 1

- **Each State Party...undertakes to respect and to ensure to all individuals...the rights recognised in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.**

  – ICCPR, Article 2.1

- **The States Parties...undertake to guarantee the rights enunciated...without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.**

  – ICESCR, Article 2.2

- **...the term “discrimination against women” shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.**

  – CEDAW, Article 1

- **...the term “racial discrimination” shall mean any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.**

  – CERD, Article 1.1
CSID’s project, ‘Community-Based Rehabilitation of Street and Working Children with Disabilities,’ advocates the sensitisation of disability and rights of disabled children. The project aims to reduce disability and enhance mobile and functional ability. In addition, it also works for the reduction of discrimination against street and working children with disabilities, and increase their chances for inclusion into mainstream education, health, games, recreation and the general social system. Reduction of the worst forms of child labour among children with disabilities is a further mandate. Disabled children’s participation in decision-making in terms of situation analysis, programme planning, implementation, monitoring and self-advocacy is emphasised. The project also ensures the accountability of parents, community members and professionals to these targeted disabled children.

**Major Achievements**

*Survival and Development:* The project has been successful in reducing disability and increasing mobile and functional ability among these designated children. This is the result of specialised treatments, therapy services and necessary aids and appliances that are provided to the children. One hundred children and their family members are now receiving primary healthcare services at minimal costs. Both adolescent girls and boys are being educated on reproductive healthcare and prevention of HIV/AIDS.

*Participation:* Two strong self-advocacy groups of street and working children with disabilities have been formed and initiated. Direct participation of the children as members of their own advocacy groups is ensured in the groups’ processes of situation analysis, programme planning, implementation and monitoring, advocacy and awareness-raising activities and decision-making processes. The self-advocacy group members are trained in the utility of Theatre for Development (TfD) and photojournalism. They practice these skills, participating in advocacy activities with different stakeholders in their community.

Children compose theatre that focuses on the different issues affecting their lives. The plays always include solutions to those problems, while engaging the audience in an after-show dialogue to monitor and evaluate the affect the play has had on community members. The advocacy group of street and working children with disabilities has been linked with ‘Rights into Action’, an international young disabled children’s movement based in UK.

Group members also actively participate as representatives of disabled children in the NPA process, and are involved in the sub-committees initiated by the government for the development of children. Parents are motivated, and children are becoming active participants in the decision-making process within their families.

*Non-Discrimination:* The target community is now so aware of disability issues that the acceptance of disabled children in the community has increased. As a result of this success, different professionals, networks and service-provider organisations have become interested in providing similar services to other disabled children. Whereas initially, families were preventing disabled children from participating in the different activities of CSID, as involvement was thought to reduce the family’s income, now 35 children have been included in the mainstream education system. This is because disabled children in most families are now being thought of and used as an income source rather than being looked
after as being other immature children of a family. This trend has reduced the onus and stigma of discrimination within families so that disabled children are now experiencing better family care than before. Clearly, a self-sustaining accountability of family members for their disabled children and siblings has been achieved.

Accountability: Different rehabilitation professionals such as doctors, physiotherapists and so forth, are providing their services at reduced costs and at times, free of charge, as they themselves feel accountable. Furthermore, community members at different levels have been sensitised on their accountability towards disabled children. This has lead to the formation of the ‘Community Disability Development Committee’, whose capacity-building process is currently underway. Likewise, accountability has increased among members of the International Save the Children Alliance and other child rights networks and forums like NFOWD (National Forum of Organisations Working with the Disabled). Now, self-advocacy groups of disabled children are working side-by-side with groups of children without disabilities and national networks such as NFOWD.
International instruments with particular relevance to the rights of indigenous children. The following human rights instruments are legally binding for signatories.

- **1965 International Convention on the Elimination of All Forms of Racial Discrimination.** Article 2 calls upon States Parties to take measures in social, economic, cultural and other fields, to ensure the adequate development and protection of certain racial groups, or individuals belonging to them, and thus ensure the full and equal enjoyment of their human rights.

  Article 5 calls upon State Parties to guarantee to everyone, without distinction, their civil as well as their economic, social and cultural rights.

- **1966 International Covenant on Civil and Political Rights.** This treaty contains, among others, articles on the right to protection from discrimination as well as the right to self-determination for all peoples. These articles include the right to determine one's political status and economic, social and cultural development, as well as the right of persons belonging to ethnic, religious or linguistic minorities to enjoy their own culture, profess and practice their own religion and use their own language. (The Human Rights Committee has emphasised that indigenous peoples are covered by this article, even though they may not be a ‘minority’ population).

- **1966 International Covenant on Economic, Social and Cultural Rights.** This treaty includes articles on the rights of children to protection and assistance without discrimination, the right to education that promotes understanding, tolerance and friendship among all racial, ethnic or religious groups, and the right to take part in cultural life, together with the responsibility of States Parties to conserve, develop and diffuse culture.

- **1989 ILO Convention (No. 169) concerning Indigenous and Tribal Peoples in Independent Countries.** This Convention is the only legally binding instrument of international law to date to deal exclusively with the rights of indigenous peoples. It promotes respect for the cultures, ways of life, traditions and customary laws of the indigenous and tribal peoples. The Convention has two explicit provisions on children. Both of these, Article 28 and Article 29, deal with education and language as key elements in the development of a multicultural society.

**International agreements relevant to the rights of indigenous children.**

The following international standards and commitments offer important international guidelines for the realisation of the rights of indigenous children.

- **1981 Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief.** This Declaration, as regards children, guarantees the right of parents or legal guardians to organise family life in accordance with their religion or belief; the right to have access to education in the matter of religion or belief in accordance with the wishes of the child's parents; and the right of the child to be protected from any form of discrimination on the basis of religion or belief.

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• 1986 Declaration on the Right to Development. In particular, Article 5 of this Declaration, calls upon States to eliminate violations of the human rights of peoples affected by situations such as those resulting from apartheid, all forms of racism and racial discrimination, colonialism and refusal to recognise the fundamental right of peoples to self-determination.

• 1992 Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities. This Declaration includes articles relating to the State’s protection of ethnic, cultural, religious and linguistic identities; the right of minorities to enjoy their own culture, religion and language; and the requirement that national policies and programmes have due regard for the interests of persons belonging to minorities.

• 1992 Agenda 21, adopted at the United Nations Conference on Environment and Development (Earth Summit). Chapter 26 of this covenant calls upon governments to ensure that indigenous youth have access to natural resources, housing and a healthy environment.

• 1993 Vienna Declaration on Human Rights and Programme of Action, adopted at the World Conference on Human Rights. Part 1, Paragraph 20 of this Declaration acknowledges the unique contribution of indigenous people to the development and plurality of society. It calls upon States to ensure the full and free participation of indigenous people in all aspects of society. States should also take positive steps to ensure respect for all human rights and fundamental freedoms of indigenous people, on the basis of equality and non-discrimination, and recognise the value and diversity of their distinct identities, cultures and social organisation.

• 2002 A World Fit For Children, outcome document from the UN General Assembly Special Session on Children. Paragraph 20 of this document asserts that appropriate measures should be taken to end discrimination, provide special support and ensure equal access to services for indigenous children. Paragraph 40(5) states that governments must ensure that indigenous children have access to quality education on the same basis as other children and that this education should be provided in a manner that respects their heritage. Educational opportunities should also be created that enable indigenous children to develop and sustain an understanding of their cultural identity that includes their language and values.

The Draft United Nations Declaration on the Rights of Indigenous People

The Working Group on Indigenous Populations completed its draft declaration in 1993 and, in 1995, the Commission on Human Rights set up its own workgroup to review this draft. More than 100 indigenous organisations from around the world are participating in this process.

The Draft Declaration consists of 45 articles related to:

• Rights to self-determination, participation in the life of the State, nationality and freedom from discrimination.
• Threats to the survival of indigenous peoples as distinct peoples.
• The spiritual, linguistic and cultural identity of indigenous peoples.
• Education, information and labour rights.
• Participatory rights, development and other economic and social rights.
• The right to land and resources.
• Autonomy and indigenous institutions.
- The effective implementation of the Declaration and general concluding provisions.

Among the provisions of the Draft Declaration, there are a number that deal specifically with the rights of indigenous children:

- Article 6: Indigenous peoples have the collective right … to full guarantees against … any … act of violence, including the removal of indigenous children from their families or communities…
- Article 11: States … shall not … recruit indigenous children into the armed forces…
- Article 14: … right to revitalise, use, develop and transmit to future generations their histories, languages, oral traditions, philosophies, writing systems and literatures.
- Article 15: … right to all levels and forms of education of the State; … also have … right to establish and control their educational systems and institutions … in their own languages; … access to education in their own culture and language.
- Article 22: Indigenous peoples have the right to special measures for the immediate, effective and continuing improvement of their economic and social conditions … Particular attention shall be paid to the rights and special needs of indigenous … children …
**ANNEX 7: The Story of Maya**

Maya is the daughter of Anjana, a sex worker from Nepal working in Mumbai.

Anjana hailed from a very poor family in the Terai region of Nepal. Anjana was trafficked to India by a pimp from India with the promise of finding her a job as a domestic helper when she was 17 years. Though initially she protested, over a period of time she accepted her fate, as she did not know where to go to get help, or even complain.

Sixty percent of her clients refused to use condoms. By the time she was 23-years-old, she had had three abortions, and when she became pregnant the fourth time, she decided to keep the foetus, much against the wishes of the brothel owner. She did not know who the father was. Hence, she decided to name her daughter Maya—a mystery. Maya was delivered in a friend’s house, as hospitals did not treat women in prostitution properly.

Maya spent her first four years as a relatively happy child at her shanty home, and in the brothel. Her mother earned an average of Rs. 300 per night, but was too sleepy during long parts of the day to feed her properly. Maya became slightly malnourished, and many times at night, when her mother was busy, Maya would wake up from nightmares, all alone in her small shanty room nearby the brothel.

When Maya turned five, Anjana wanted to put her into a private school two kilometres away. But, the private school wanted to see Maya’s birth certificate. When Anjana could not produce it, they became suspicious and enquired around, and learned that Anjana was a sex worker. At that, they refused to take Maya into the school. Anjana then went to a government school that was much closer, and bribed the officials Rs. 2000 for enrolling her daughter. But, although this seemed a victory, her acceptance only led to more pain. Maya was constantly ridiculed by one of her teachers—a woman—and some of her classmates. They wanted to know her father’s name, and refused to play with her. As she grew up and entered her teens, one of the senior boys tried to molest her. Fortunately, there was a kind teacher—also a woman—who pulled the boy off, and from then on, always kept an eye on the girl. Maya managed to pass her 9th class exams and wanted to study further. As Maya began blooming into a beautiful girl, her mother worried that she might follow her into her own sordid occupation.

After 9th class, during the summer holidays, when she was sleeping alone, a shopkeeper around the corner, who was one of her mother’s clients, knocked at the door in the middle of the night. She opened the window, and he said that her mother was sick, and she should come immediately with him. When she opened the door, he forced himself in, and raped her. Though she shouted, her neighbours did not come to her rescue. Her mother took her to the police station to register a FIR. The police refused to register the complaint, simply saying ‘like mother, like daughter.’ The brothel owner appeared supportive, but did not do much of anything.

When she went back to school, the principal refused to take her back, saying that ‘she was a loose girl.’ The lone teacher who had been supportive, tried in vain to argue her case, but failed. None of the shops agreed to employ her, and so over a period of time, she also entered prostitution.
ANNEX 8: The Story of Deepak Thapa

Deepak Thapa, a 10-years-old boy, lives in Jalpadevi VDC of Achham district, Nepal. He takes care of his seven-year-old sister. His father died when Deepak was three; and his mother also died, just two years ago.

What he remembers about his father is that he was very thin and used to get sick all the time and no one wanted to touch him. He used to work in Mumbai, India, but when he started getting continuously ill, he returned to Nepal with a blood report that showed he was HIV positive! However, he did not share this information with his wife and children, and after a few years of the man being continually sick, his wife also began having the same symptoms of sickness and then died. Nobody knows what disease she actually had, but people guess that it must have been HIV, and that she got it from her husband!

Deepak still remembers his neighbours treating his sister and him differently, from the time his father first became ill. Their friends were no longer allowed to play with them and they were not allowed to go and visit.

When Deepak and his sister lost their parents, they were left by themselves at home. Neighbours and relatives felt pity for them, but no one was ready to take them home. School mates and even teachers maintained a distance with them. Many days and nights, they went hungry, not being able to sleep from their sorrow and fear. After seeing all this, their uncle finally invited them to stay with him, but they were not allowed to play and eat together with his own children. Whenever they passed by, people always pointed at them and whispered to each other. One day, Deepak and his sister came back to their home, and they both decided not to go to school any longer.
ANNE 9: The UNCRC Reporting Mechanism

State Ratification of CRC

Initial Report, 2 years after Ratification

CRC COMMITTEE
- Pre-session (Written questions sent to State)
- Meeting with Committee (Q & A between state and Committee)

CRC Committee can request further information from UN agencies and other reputable INGOs.

Reports every five years after Initial Report - (Includes data on implementation of Concluding Comments and improvement of children’s lives.)

CONCLUDING COMMENTS

In-country work on implementing laws, policies and programmes as indicated in Concluding Comments including monitoring, data collection and budget allocation.

Chart by Bandana Shrestha, Save the Children Sweden.
ANNEX 10: List of Resources

- *Questions and Answers for Children and Young People on the UN Study on Violence Against Children*, Save the Children, May 2005.
Save the Children fights for children’s rights.
We deliver immediate and lasting improvements to children’s lives worldwide.

Save the Children works for:
• a world which respects and values each child
• a world which listens to children and learns
• a world where all children have hope and opportunity

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