3rd Technical Consultation

On
Eliminating Harmful Practices affecting Children
based on
Tradition, Culture, Religion and Superstition

&

4th SAIEVAC Governing Board Meeting

24th to 29th September 2013
Thimphu, Bhutan.

CONCEPT NOTE

Hosted by the Royal Government of Bhutan
Organized and Showcased by the SAIEVAC Regional Secretariat
Supported by the South Asia Coordinating Group on Action against Violence against Children (SACG)
The SAARC Development Fund (SDF)
and
In Collaboration with the Special Representative of the Secretary General on Violence against Children (SRSV-VaC)
1. Introduction and Background

Violence against children takes shape in many different forms and often includes practices deeply embedded in day-to-day community life, which are perceived as accepted cultural, religious or social norms. Despite legislation which discourages use, such practices, which very often target young women and girls, are rarely perceived as harmful but in reality result in death, disability, compromised health and psychological trauma for many children around the world. Increasingly gaining the attention of the wider global community, harmful practices may be either traditional or newly emerging but in general usually have cultural, social or religious underpinnings.\(^1\) While all violations of children’s rights can legitimately be described as “harmful practices”, those based upon tradition, culture, religion or superstition are especially challenging as they are perpetrated or actively condoned by parents or influential leaders within the community and often enjoy continued support from the state and the wider community.\(^2\)

The United Nation’s Study on Violence against Children has urged States to prohibit all forms of violence against children. Harmful practices have devastating consequences on the lives of children impacting upon their health, development, dignity, education and compromising further protection. Many practices involve “gross and unlawful discrimination against groups of children” and a large number manifest or are associated with gender-based beliefs or rituals while others are anchored in discrimination against those with disabilities.\(^3\)

The mandate of the Special Representative of the Secretary General on Violence against Children (SRSG-VaC) highlights not only the need to ban all forms of violence against children in all settings but flags the need for continued efforts required to explore understanding of these practices, enhance awareness and consolidate knowledge related to better understanding harmful practices in order to prevent and eliminate these forms of violence against children. Additionally, in alignment and support of a systems building approach, development of an appropriate legal framework in support of prevention efforts, along with response to violence when it does occur, remain as priority focus areas.\(^4\)

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\(^3\)Ibid, p. 9.

With an aim to eliminate harmful practices affecting children in the region, the 3\textsuperscript{rd} South Asia Technical Consultation will provide an excellent opportunity to engage with and address these many critical dimensions. Identified as an urgent need, exploring and addressing harmful practices in South Asia was prioritized through a recommendation generated and endorsed at the 3\textsuperscript{rd} Governing Board Meeting of the South Asia Initiative to End Violence against Children (SAIEVAC). Focus on this issue will contribute to and further strengthen SAARC’s commitment to children as outlined in the Convention of Regional Arrangements for the Promotion of Child Welfare in South Asia (2002) and in the 2004 Declaration on the Elimination of Violence against Women and Children and further contribute to obligations outlined within the UN Convention on the Rights of the Child (CRC) (Article 24(3) and 18), and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) (Article 2, 5 and 16), and General Comment No. 13 (2011) of the Committee on the Rights of the Child on “The right of the child to freedom from all forms of violence” not only highlights this right but also the role and responsibilities of duty-bearers related to children’s best interests.

Building upon previous work and commitments generated during past Technical Consultations organized by SAIEVAC on legal reform and on care standards and child-friendly services, the upcoming event will further contribute to development and strengthening of national child protection systems. Continuing momentum around the creation of a children’s regional forum on ending violence against children, the Consultation will provide yet another opportunity for children from South Asia to gather together and participate in discussion and development of recommendations, approaches and actions related to their own protection and other decisions affecting them. Along with direct child involvement, the Children’s Consultation will further enhance capacity of adults and organizations within the region based on skill development and learning related to meaningful and safe child participation through planning for and participating in such forums and events.

While focus will be maintained on Child Marriage (CM) and Corporal Punishment (CoP) as significant progress has been made in South Asia in these areas, the Consultation will also allow space for additional discussion on other issues and concerns in order to identify the full range of harmful practices which are prevalent in South Asia. The Consultation will also promote sharing and exchange of current or planned actions aimed at addressing harmful practices across the region as well as successes in addressing those practices.

\section*{2. Exploring and Understanding Harmful Practices in South Asia}

As highlighted earlier, addressing harmful practices builds upon and further contributes to the SAARC Convention on Regional Arrangements for the Promotion of Child Welfare in South Asia (2002), which requires State parties to ensure that national laws protect children from any form of discrimination, abuse, neglect, exploitation, torture or degrading treatment, trafficking and violence. In addition to this, in order to implement these obligations, SAIEVAC, an apex body of SAARC since 2011, identified early/child marriage as one of the key thematic areas for its work and in its five-year work plan, sets a 2015 target of raising the legal age of marriage to 18 for Member States.

Aiming to ensure development of a common understanding of the definition of “harmful practices” and promoting further learning associated with this, the upcoming Technical Consultation will provide an excellent opportunity to achieve this through enhanced cross-regional learning and additional strengthening of partnerships. Although harmful practices were first condemned at the United Nations in 1954 when the General Assembly adopted a resolution which stated that “customs, ancient laws and
practices relating to marriage and the family were inconsistent with principles in the 1948 Universal Declaration on Human Rights” and noted traditional practices which affect the health of women and girls, such practices still endure and universal prohibition and elimination still seems quite distant.5

Inclusive now of new or emerging practices, addressing harmful practices requires special attention and intensified advocacy due to their persistence and often strong approval from within both the family and the community. What characterizes most harmful practices includes one or more of the following things:

- **Tradition**: the transmission of customs or beliefs from generation to generation;
- **Culture**: the ideas, customs and social behaviour of a particular people or society;
- **Religion**: practices required or encouraged in religious texts or teaching, or believed to be so; and,
- **Superstition**: widely held but irrational beliefs not based upon reason or knowledge.6

The Technical Consultation will also draw from experiences shared and lessons learned from the recent consultation held in Addis Ababa, Ethiopia in 2012 which focused on protecting children from harmful practices in contexts with plural legal systems and emphasized the need to expand work beyond legislative reform to address and include awareness, community discussion, capacity development and the engagement/involvement of influential stakeholders.7 Highlighted here was also the fact that harmful practices are deeply rooted in issues of inequality, gender-based discrimination or harmful beliefs toward marginalized children or those with disabilities or other differences. In addition, follow-up actions and plans agreed at the two previous South Asia Consultations taking place in 2011 in Kathmandu, Nepal and in 2012 in Colombo, Sri Lanka will further contribute to informing discussions.

In addition to exploring and addressing harmful practices, the Technical Consultation will also create space to recognize, discuss and promote existing positive practices - which can be drawn from and are deeply embedded in the rich culture of South Asia - that serve to naturally protect children. The Consultation will also highlight the importance of community engagement and involvement of influential religious or traditional leaders who can contribute to the social mobilization process with the ultimate goal of shifting social norms and abandoning harmful practices. Countries will be invited to share research work, pilot programmes or case studies that are reflective of work which has already begun and which address the harmonization of legal, social and cultural norms and have shown concrete results for children.

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3. Additional Dimensions: Strengthening Children’s Participation

Inclusion and engagement of children will also be taking place as a separate part of the planned Consultation event. National Children’s Consultations will take place prior to the Regional gathering and a Preparatory Meeting for Child Governing Board Members of SAIEVAC and Observers will happen just before the formal start of the Technical Consultation event. The SAIEVAC network has been working to institutionalize children’s participation at both regional and national levels aiming to create a common vision for and strengthen planning dimensions related to both regional and national consultations, Children’s Participation Standards have been developed and defined as a basic minimum in order to articulate safe and effective participation dimensions. Although the process started some time back, work remains on-going and will continue to evolve with the need for specific countries to “customize” the standards for use within their own context.

In support of this, an Expert Advisory Panel has also been established (along with a TOR) in order to provide guidance and services / support to the process. As SAIEVAC strives to serve as a positive role model and demonstrate effective ways to engage and increase participation of children in all activities and initiatives, it is also very much dependent on actions and learning taking place at the national level which can be shared and translated into stronger actions. This could also further strengthen standards related to participation which can be further shared and put into practice by other partners and stakeholders across the wider South Asia region.

The Technical Consultation will be preceded by a Preparatory Meeting of the child GB Members and the Observers who will review and finalise the recommendations from children that will be presented to the TC as well as to the 4th Governing Board Meeting. They will undertake the review and consolidation of the recommendations/outcomes from the national level consultations facilitated by the members of the Child Participation Technical Team.

4. The Overall Goal, Objectives and Outputs

The Consultation will bring together relevant stakeholders in South Asia with the following overall goal to:

- Contribute to the elimination of harmful practices in South Asia based on renewed SAARC and other commitments.

The Key Objectives are to:

- Review measures taken and concrete results achieved by Member States in addressing harmful practices;
- Promote learning through exchange of experiences and sharing of best practices;
- Strengthen children’s participation in their own protection and in relevant decisions affecting them; and,
- Formulate recommendations to strengthen the commitment and accountability of South Asian
Governments and relevant actors to end harmful practices.

**Key Outputs include:**

- Regional recommendations on addressing harmful practices informed by national action plans and country-specific experiences;

- Outcome document generated outlining additional harmful practices, gaps and actions / efforts / approaches required to address these practices in order to further strengthen key stakeholder’s commitment and responsibility in ending violence against children;

- Learning, knowledge sharing and documentation from South Asia context contributed towards strengthening global efforts and progress on combating violence against children.

## 5. National Level Preparatory Consultations

The preparations for the 3rd Technical Consultation will build on the decisions arrived at the 2nd Regional NACG Meeting held in the Maldives from 7 – 9 April 2013. Accordingly the following actions will be completed in order to strengthen the effectiveness of the consultation and subsequent outcomes:

- A **Background Document** will be prepared and distributed prior to the Consultation that provides a clear definition of harmful practices and sets the stage for ground realities in South Asia;

- Two technical discussion papers, one on Child Marriage and the other on Corporal Punishment, will be shared to provide an update on progress in these areas (and remaining challenges) prior to the start of the Consultation; and,

- A detailed **Desk Review** will also be completed to assess the current situation and existing information on harmful practices prevalent in different Member States through use of participatory approach and again, to inform the proceedings of the 3rd Technical Consultation.

It is expected that the **National Consultations in the eight Member States will take the lead in preparations** for the upcoming Consultation in order to contribute to an effective and meaningful event. In addition, national Children’s Consultations will also be held prior to the regional event. National consultations will review efforts in order to monitor progress related to strengthening of child protection systems, including legislation, allocation of budget and other key components in order to provide information, evidence and data reflective of progress and especially as related to impact for children and improvements to their lives.
Objectives for National Consultations

- Review progress against indicators and identify concrete results achieved at the National level in addressing violence against children and harmful practices during the past year;
- Identify and prioritize key practices, successful approaches and lessons learned from in-country experience which can be shared across the region for replication and use;
- Strengthen child participation and roles in addressing harmful practices and their own protection at the national level;
- Articulate recommendations based on national experience and continued needs which can contribute to further strengthening the commitment and accountability of government and relevant actors in address and elimination harmful practices.

Outputs for National Level Consultations

- Country-specific background document or report prepared highlighting status as related to key harmful practices, current or planned activities or actions to address these and concrete results achieved that improved the protection of children from these practices;
- Country-specific presentation generated for sharing at the Regional Consultation which address the dimensions highlighted above;
- Country level Children’s Consultation held and documentation on recommendations completed;
- Nomination and selection of civil society representatives (specifically for Afghanistan and Bangladesh) to be completed so that new CSO Observers for SAIEVAC Governing Board are in place and triggering the rotational mechanism so decided.
- Final selection of delegates representing each Member State and who will attend the Technical Consultation and other events.

6. Preparation of National Situational Country Report

In addition to the above, the following steps or actions will need to be completed through National Consultation mechanisms in support of the Regional Technical Consultation:

- Each National Consultation should prepare a short (2-3 page) background document or country report highlighting country-specific situation or status with regard to three or four prevalent harmful practices, current or planned activities or actions to address these and concrete results achieved that improved protection of children from harmful practices. Along with the short paper, a brief presentation for sharing at the Technical Consultation should be prepared in
order to outline key issues and concrete results achieved that improved the protection of children from harmful practices;

- Also within the report, each country should review and highlight any current or pending follow-up actions related to past Technical Consultations including actions or activities undertaken and include as part of specific country reports / presentations;

- National level stakeholders will provide input into the regional Desk Review on Harmful Practices which will be circulated to Member States and include space and an opportunity for more detailed discussion related to country-level issues or concerns (and this information can come from the national level background document mentioned above);

- Related to the Children’s Consultation, each country should organize a national consultation. For Bhutan and India, from among child participants, need to also select child representatives who will be Observers for the SAIEVAC Governing Board for one year and then graduate to full-fledged Board Members the following year;

- Also at the National Consultations, stakeholders need to select civil society representatives and specifically for Afghanistan and Bangladesh, these representatives will also become CSO members of the SAIEVAC Governing Board and for Bhutan and India, these representatives will be CSO observers to the Governing Board; and,

- Lastly, it is anticipated that the National level mechanism will support SAIEVAC regional activities through selection and finalization of those delegates who will participate in and attend the Technical Consultation along with other upcoming events.

7. Facilitators and Participants

The Consultation will include SAIEVAC National Coordinators, relevant national, regional and international actors working in the area of child protection, education or child development and care, as well as technical representatives from Social Welfare (or equivalent) Ministries and participants from other Ministries from SAARC countries.

The workshop will also bring together children and youth representatives, national and regional representatives of the SACG, the SDF, (International) Non-Governmental Organizations, Civil Society Organizations, United Nations and other International Organizations, as well as other key child protection stakeholders and child rights actors from South Asia.

8. Tentative Structure/agenda of the Technical Consultation

Building upon and further contributing to established practices, experiences, modalities and time-frames employed for the past two Technical Consultations, it has been agreed that the format of the 3rd Technical Consultation will follow a similar schedule and include concurrent or overlapping sessions as outlined below:
24th September: Arrival of Child Observers and Child Governing Board Members

25th September: Preparatory Meeting for Child Governing Board Members and Observers;

25th September (evening): Inaugural Event for the Technical Consultation

26th and 27th September: Technical Consultation Eliminating Harmful Practices Affecting Children Based on Tradition, Culture, Religion and Superstition; and,

28th and 29th September: 4th SAIEVAC Governing Board meeting.

9. For additional information, please contact the SAIEVAC Secretariat, Kathmandu.

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About SAIEVAC

The South Asia Initiative to End Violence Against Children (SAIEVAC) is a regional inter-governmental body including representatives from civil society and children with a vision that all children, girls and boys, throughout South Asia enjoy their right to an environment free from all forms of violence, abuse, exploitation, neglect and discrimination. SAIEVAC was formally granted the status of SAARC Apex Body for Children during the 17th SAARC Summit in Maldives in November 2011. It is the first ever regional body to represent the cause of South Asian Children at the highest level of SAARC.

SAIEVAC's Vision

- All children, girls and boys, throughout South Asia enjoy their right to an environment free from all forms of violence, abuse, exploitation, neglect and discrimination.

SAIEVAC's Aims

- To ensure the realization of children’s rights as stated in the UNCRC and its Optional Protocols;
- To prevent and respond to all forms of neglect, abuse, exploitation and violence against children in all settings;
- To promote the adoption, implementation, and monitoring of integrated national strategies with adequate budgets and resource allocation to prevent and protect children from violence and ensure response;
- To reinforce regional cooperation to end violence against children in South Asia.
“In Solidarity with the Children of SAARC”