

Child Friendly Counselling, Complaints, and Reporting Mechanisms: Are they for Migrant, Stateless, Refugees, Asylum Seekers, and Trafficked children, too?

1 October 2010



Save the Children

Across the globe, thousands of children are in foreign countries as undocumented migrants, stateless, refugees, or asylum seekers. Or they are in another city or province in their own country where they are complete strangers.

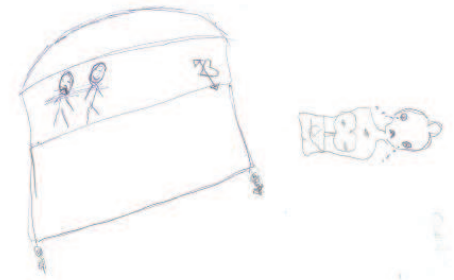
Because of their status, they are more vulnerable to suffer abuse, exploitation, neglect, and violence.

For this presentation, we will use the term children on the move to refer to the group of undocumented migrants, stateless, refugees, or asylum seekers



Story of May

When I was age-3, my parents divorced. I was taken by my father and we stayed in Yangon until I was age-6. My father told me that my mother remarried with another man. When I was about age 6, my step-father came to Yangon to take me to stay with him and my mother near the border with Thailand. As my father is poor, he sadly allowed me to stay with my mother. When I was age 10, my step father forced me to have sex with him. He frequently had sex with me while my mother was getting asleep soundly at night time. My step-father threatened me not to tell my mother. Finally my mother and my step-father divorced, because my mother was physically abused (beaten hard) by my step-father everyday. I have a younger sister who is a daughter of my step-father. My step-father cruelly beat his very young daughter too. As I need to take care of my youngest sister and help my mother and for the family survival, I agreed to work as a waitress in Mae Sai, Thailand. Finally I was persuaded by a trafficker to work in Thailand for getting more money. So I became a forced sex worker in Thailand, when I was 14.



*I was raped by my
step-father when I was
about
10 years old.*



The Convention on the Rights of the Child Article 2 states that

‘(1) 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.

(2) States Parties shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child’s parents, legal guardians, or family members.’



General Comment No. 6 (2005)

TREATMENT OF UNACCOMPANIED AND SEPARATED CHILDREN OUTSIDE THEIR COUNTRY OF ORIGIN

The enjoyment of rights stipulated in the Convention is not limited to children who are citizens of a State party and must therefore, if not explicitly stated otherwise in the Convention, also be available to all children - including asylum-seeking, refugee and migrant children - irrespective of their nationality, immigration status or statelessness.



Most children on the move could not be reached by existing mechanisms

- They are physically hidden , and are under the control of exploiters and abusers, or employers
- No knowledge of what help and how help can be available for them
- They speak a foreign language
- Because of their status, they or other adults who care are afraid of approaching authorities
- Culture of silence around child abuse also exist among migrant communities



Access to mechanisms for complaints, reporting, or counselling are also hindered by:

- Cultural biases and fears of authorities, service providers, and the public
- Opposing provisions between migration and national security laws and the mandate for child protection by social welfare, education, and health ministries
- Existing child protection structures are already overwhelmed by cases from the local population
- Lack of knowledge and skills to reach non-citizens



The Greater Mekong Sub-region



GREATER MEKONG SUBREGION



The Greater Mekong Sub-region: growth and diversity

Rich and diverse cultures and civilisations

Economic Growth and Disparities

- Some of fast growing economies- China, Vietnam, Thailand, Lao PDR
- Least Developed Countries- Myanmar, Lao PDR, and Cambodia

Diverse and complex political conditions in-country and across-border



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The Greater Mekong Sub-region: Regional Economic Integration plan and fragile protection systems

- Developing infrastructures, transportation, and communications, more free flow of goods across borders
- Tourism development and exploitation of natural resources as key strategies to development
- Restrictive policies on flow of people across borders
- Highly unregulated, informal, and in many instances exploitative labour relations
- Challenges to the fragile child protection structures both traditional and present



Trafficking, physical and sexual abuse of local and migrant children

- Trafficking remains a major issue : labour and sexual exploitation, marriage, adoption
- CSEC – seems to grow in number and continues to be ‘hidden’
- Sexual abuse of migrant girls, and boys – by local employers, also by migrant adults themselves and by teenage boys !
- Multiple border destinations – China-Thailand –Malaysia
 - Myanmar- Thailand- Malaysia
 - Thailand-Malaysia-Singapore
- Control by those who cannot be named and can not be challenged



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Sexual exploitation and sexual abuse of migrant children

- The development plans in the region are quiet about the natural pull of cross-border development plans to exploitative sex trade –
- casinos are of course attached with nightclubs, karaokes, and brothels in the environment;
- lucrative business with travelling sex offenders – western and Asians, as well as from within country (repeat offenders or those just ‘taking an adventure’)
- sexual services for migrant construction, truck drivers, and other workers;



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Stateless children, asylum seekers, and refugees in Thailand

- Thousands of stateless children or children without nationalities live in Thailand, many from ethnic communities at the border areas and increasingly, from generations of undocumented migrants
- Conflicts in neighbouring countries (e.g., Myanmar) and elsewhere (e.g., Pakistan, Afghanistan) bring refugees and asylum seekers into the Thailand



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There are efforts...

- NGOs at grassroots
- Government efforts to set up and strengthen their child protection systems
- National initiatives on anti-trafficking and CSEC
- Regional programmes by the UN, development agencies, and INGOs
- Coordinated Mekong Ministerial Initiatives against Human Trafficking

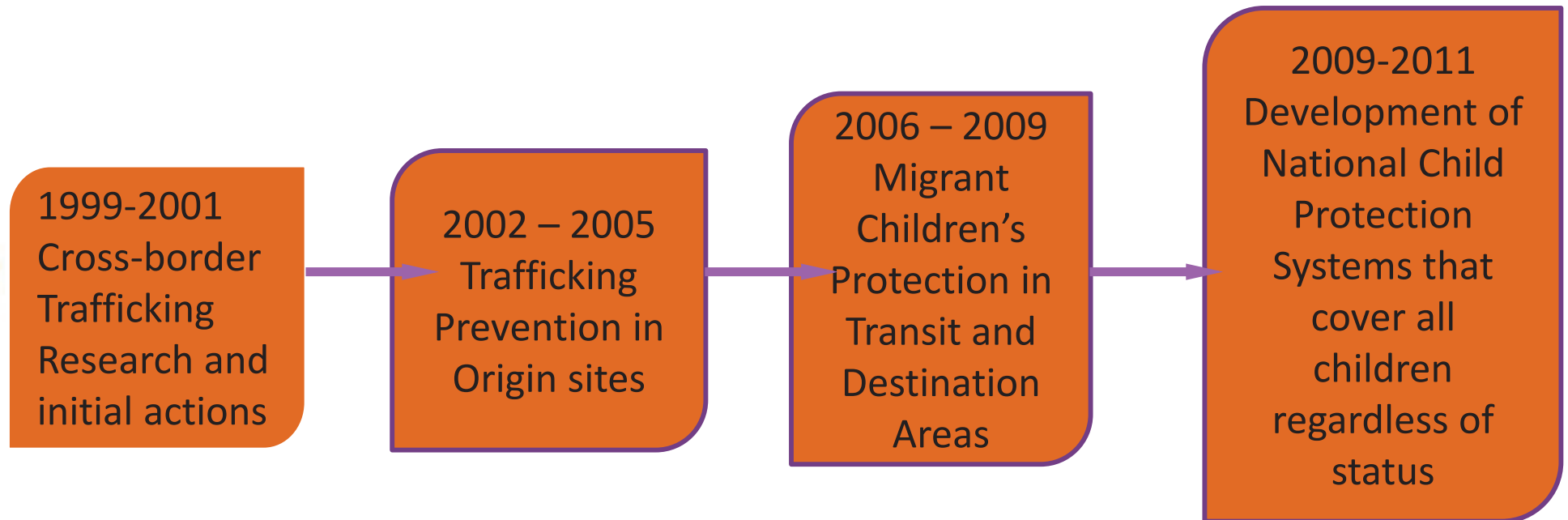
But there are more gaps and challenges to face



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The Save the Children Cross-border Programme

1999-present



Support for the development of government – civil society collaboration
in-country and across borders

Save the Children Cross-border Programme Phase 4: *Sustainable Multi-actor Solutions To Migration Related Poverty In The GMS*

Overall Objective

The development of national child protection systems that serve as real mechanisms that keep all children safe from harm and effectively contribute to the reduction of child poverty levels

Specific Objective

Child protection systems (piloted) become embedded into government structures and policies to locally appropriate extents to benefit all children especially trafficked and migrant children

Save the Children Cross-border Programme Target Outcomes

Local Child protection systems are able to protect trafficked, migrant and local children



Communities PROTECT children



Children and young people are

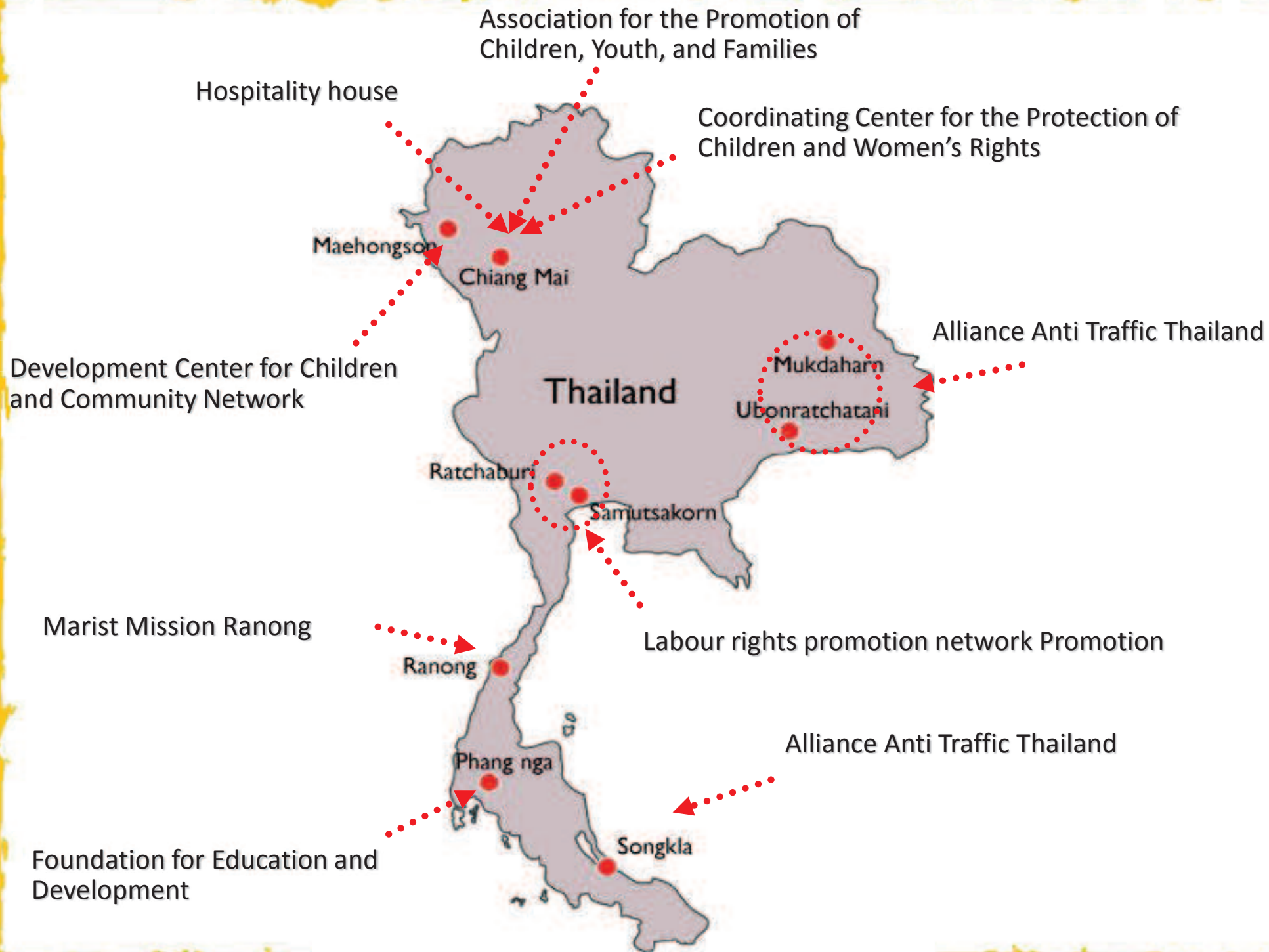
Local child protection models contribute to building higher level protection systems



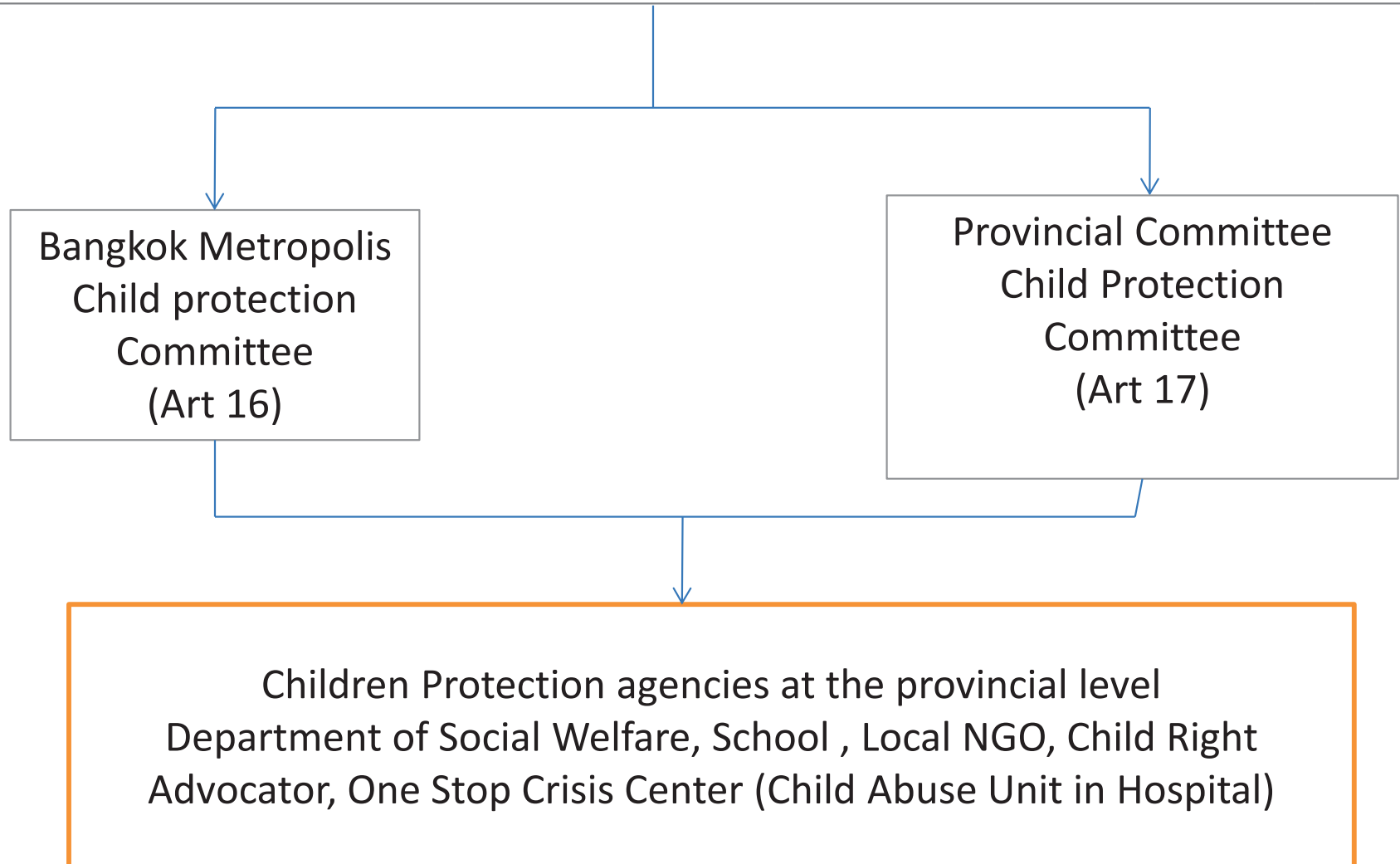
Project experience contribute to regional and global policy and action on anti-trafficking and migrant and local child protection

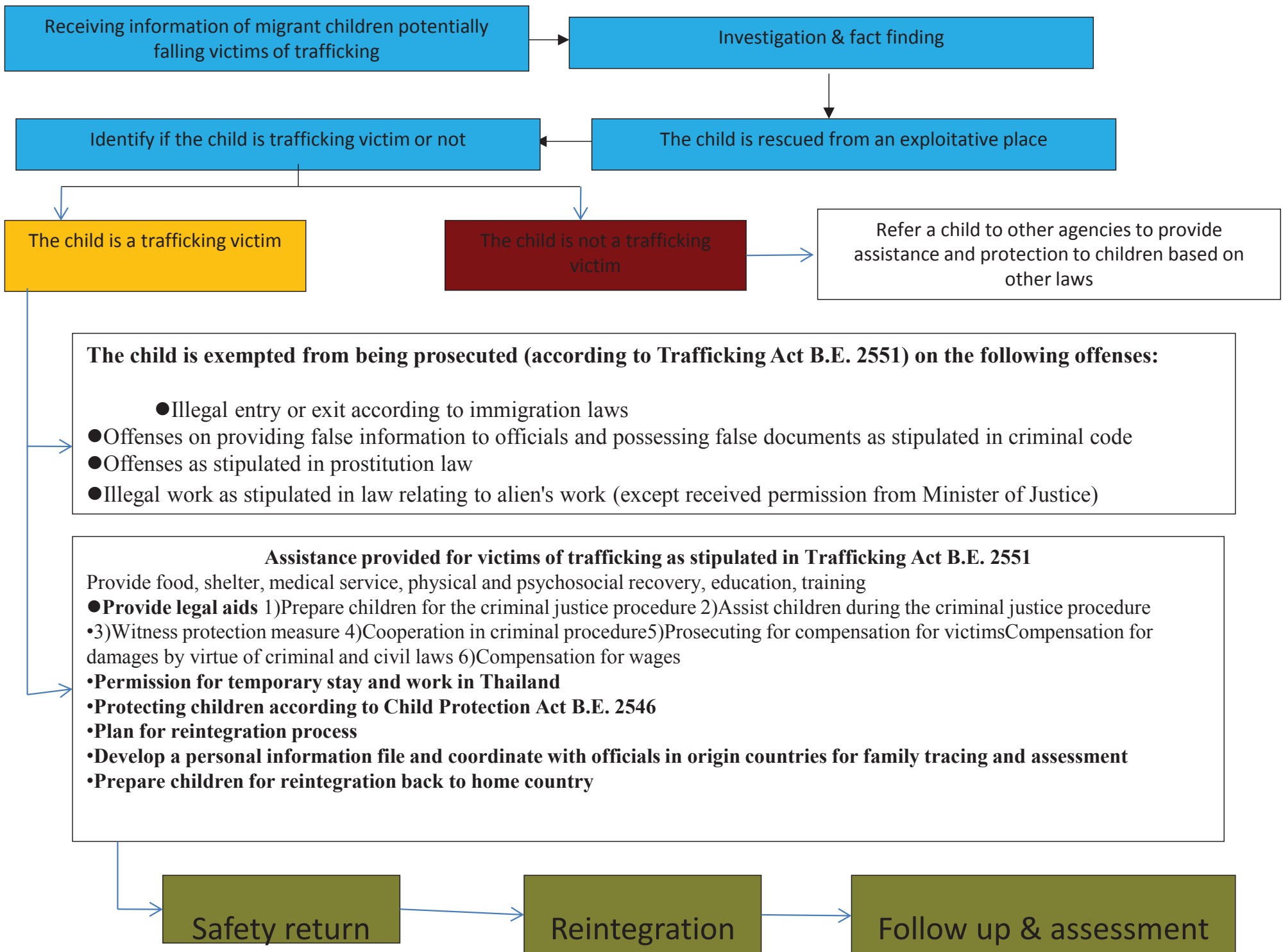


Support for the development of government – civil society collaboration in-country and across borders , work with the creative arts community and the media



National Child Protection Committee (art 7)





Thailand Cross-border Programme

- Support the rescue, recovery, and return of survivors of human trafficking, in cooperation with NGOs and the Ministry of Social Development and Human Security
- Support the development of capacities among District child protection committees to understand and respond to migrant children
- Eight NGO partners addressing child protection for migrant and stateless children in ten provinces

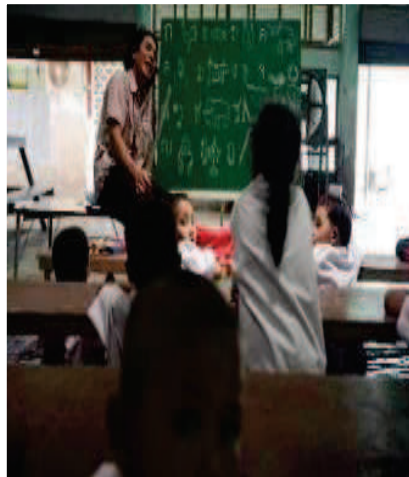


- NGOs organise community watchdog groups are embedded into local government structures.
- Develop capacities and spaces for voices of migrant and stateless children to be heard and considered, and for them to lead actions for changes in their own lives.

Labour rights Promotion Network Foundation

Project: Promoting the Protection of Migrant Children

- Ratchaburi province and Samut Sakon province
- Migrants in fisheries, factories, and informal industries
- Legal Aid assistance for migrants
- School Based Protection and Outreach Education
- Strengthen Child Protection Committee (at provincial level)
- Organise community watchdogs (migrant volunteers)
- Organise migrant children and young people's groups



Effective Mechanisms to Reach Migrants, Stateless, Refugees, Asylum Seekers

Reporting

- Peer to peer support groups of locals and migrants e.g. -Child Labour Club of the Foundation for Child Development
- Community watchdogs comprised of both local residents and migrants
- Civil society networks on migrant children protection (e.g., Thai Coordinating Committee on Migrant Children's Protection)

Systems of Receiving Complaints and Facilitating Counselling and other Response

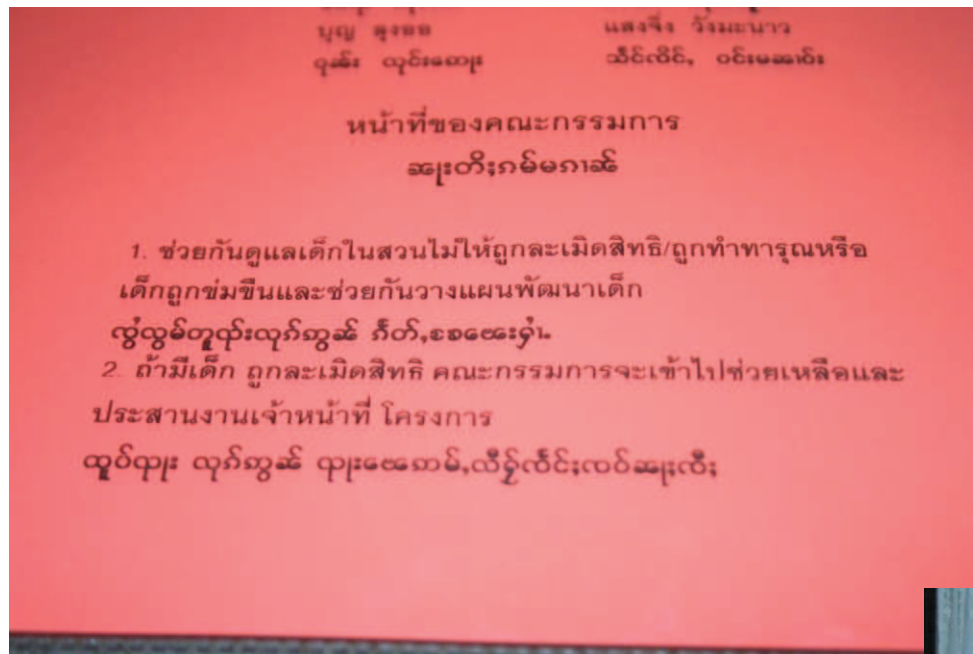
- Advocate groups from the country and migrant community
- Multi-disciplinary approach to child protection
- Cross-border system of victim protection

National Child Protection Committee (art 7)

Bangkok Metropolis
Child protection
Committee
(Art 16)

Provincial Committee
Child Protection
Committee
(Art 17)

Children Protection agencies at the provincial level
Department of Social Welfare, School , Local NGO, Police, Labour Office
One Stop Crisis Center (Child Abuse Unit in Hospital)



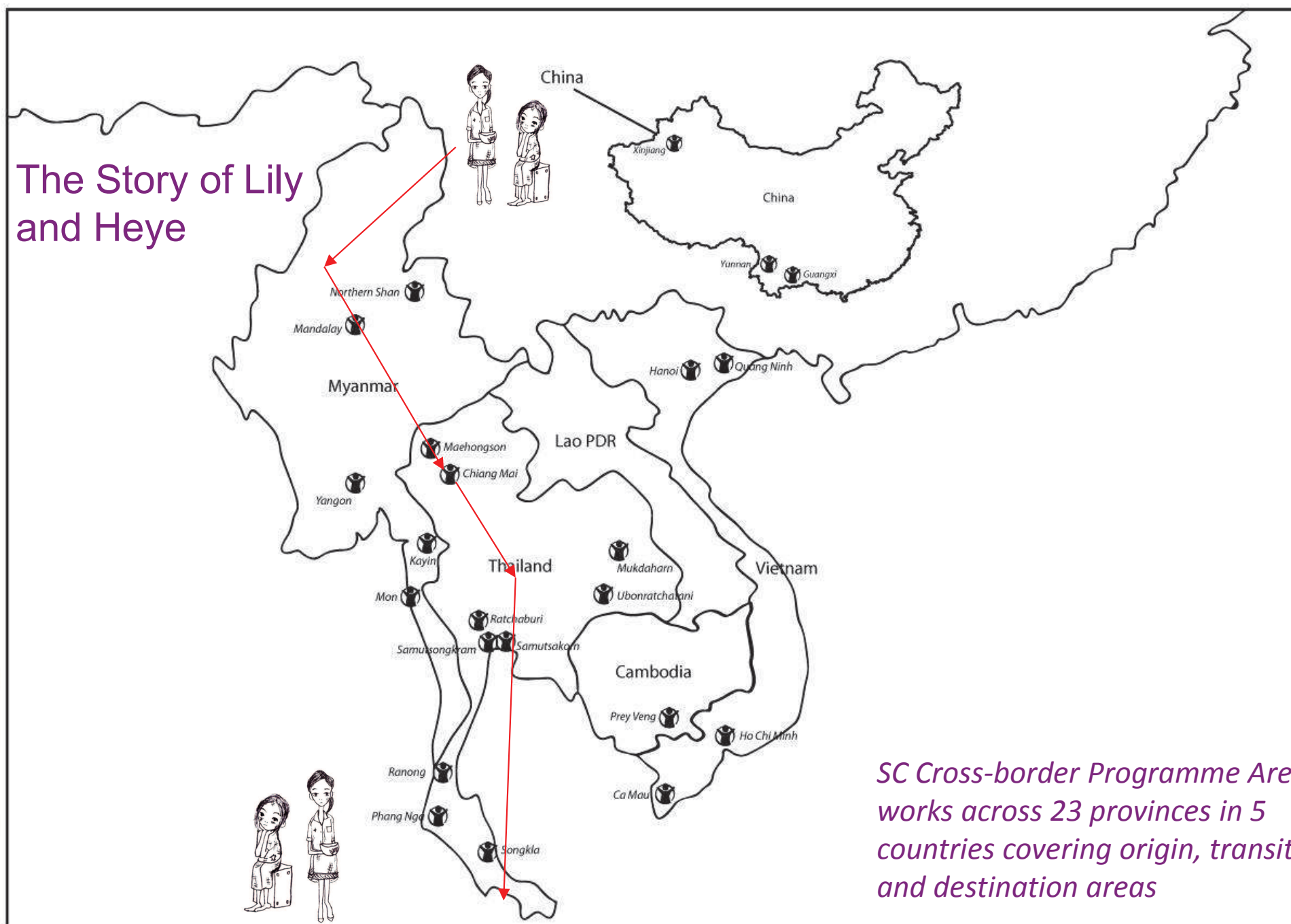
Community Watchdog Guidelines in Thai and Burmese

Working with local watchdogs on
child protection



Crossborder Victim Protection Mechanism

The Story of Lily and Heye



SC Cross-border Programme Areas works across 23 provinces in 5 countries covering origin, transit, and destination areas

Building a Child Sensitive Complaints, Counselling and Response (Children on the Move)

1. Language and culture - a Burmese SC Social Worker working with the Social Workers and Director Thai Bureau of Anti-trafficking in Children and Women - training of interpreters for Department of Social Welfare and the Ministry of Justice
2. Professionals who understand children and migrants – training of lawyers, and social workers, police and NGOs, health workers and teachers
3. Cross-border/Inter-provincial Case Management Mechanism

Cross-border Case Management (Thailand-Myanmar)

- *Save the Children and other international and local agencies are supporting a Cross-border Case Management System between Thailand and Myanmar. Standard cooperation procedures are defined in a Memorandum of Understanding on Victim Protection.*
- *Before case conference meetings, the social welfare staff from Myanmar Department of Social Welfare and concerned INGOs visit the protection centers in Thailand to work with the Thai and SC Social Workers . They update information on cases and agree on priorities for action, as well as propose key agenda for the official Cross-border Case Management Meetings.*



6.5. Role of Save the Children in Formal Repatriation Process



Building a Child Sensitive Counselling and Response System

The child is at the core of the solution

- Listening to children – not just in interviews, but in creative activities, and in day to day life
- Invest time to allow children to rediscover trust, their sense of confidence and dignity
- Work with groups so they can tell their stories together, and develop in the process (children's camps, in-house activities, 1-1)
- Work with creative arts groups , use creative arts
- Dialogues with those who can make changes in their lives and that of others (confidential or public dialogues e.g., MYF)
- There has to be results of our actions and the child has to be apprised of developments, asked for advise and guided on decisions

Recommendations to this Consultation

- Call for States to commit to ensuring protection for all children within their territory regardless of status and that disposition on the actions for these children will be based primarily on the best interest of the child. Exert efforts to ensure that children on the move are reached and have access to complaints, reporting, and child friendly counselling (response) mechanisms.
- Encourage Moratorium on deportation of children until it is clear that returning them to their country will work for the interest of these children and will not place them in even bigger harm.

Recommendations

3. There has to be a clear policy and guidance to front line workers on handling the issue of status of children whose cases are reported or who files complaints on violence, abuse, and exploitation such that they are fully protected during the response and that positive solutions are found to deal with the status problem as part of the case response.
4. Engage other agencies whose mandates impact on the protection of children on the move (immigration, foreign affairs, tourism, economic ministries, military) in the development of the systems for prevention, monitoring, complaints, and child friendly counselling.

Recommendations

5. Issuing policies and procedures are not enough. Invest on building the understanding and technical capacity of authorities, and service providers about the vision, values, and key principles behind children's rights ... if they embrace the spirit of the law they will find the right mechanisms to bridge conflicting policies, and gaps in programmes, services, and resources.
6. Encourage and build models of cross-border or inter-country cooperation on child protection

Recommendations

7. Invest on creating spaces for the local and young people to talk about themselves and their rights and be partners of adults in finding solutions to the problems of reaching vulnerable children on the move.
8. Partner with creative arts groups and the media (not the sensationalist ones), the community, and the children to address the question of the culture of silence on abuse and exploitation of children

Recommendations

9. Partner with creative arts groups and the media (not the sensationalist ones), the community, and the children to address the question of the culture of silence on abuse and exploitation of children
10. Strengthen the system for the local children as we work for the systems for children on the move