United Nations Human Rights Council

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Agenda: **Discussing Viable Mechanisms to End Child Abuse in Southeast Asia**

Executive Board:
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➢ **Letter from the Executive Board**

Dear Delegates,

We are pleased to welcome you to the UNHRC. As of when you are reading this, you have either already chosen this committee or are considering it. Either ways, the one thing you need to know is that we are trying to do things a little differently, so it would be best if you pay keen attention while reading on.

As such, there are two key points of difference:
1. *The nature of the agenda and the kind of discussion and preparation that will be required to unpack its ramifications, and,*
2. *The nature of the committee, in terms of the way in which we want delegates to interact and conduct themselves*

The agenda we chose breaks new ground in the sense that you will not easily find research material that connects multiculturalism with international cooperation, let alone an analysis of how they impact each other. This may seem daunting, but try to think of it like this- it's all up to how you think you're way through it. We understand the UNHRC is often a committee that first time MUNners choose, or are recommended, since there is an assumption that General Assemblies discuss open ended generic issues with trivial solutions. We lament this characterization and hope to set the record straight.

You will most certainly have to think your way through the topics presented if we are to discuss the agenda meaningfully. This in no way implies our committee is less suitable for first timers. Rather, regardless of your past experience this committee should be equally hard for all participants, including us, regardless of whether you're in 9th or 12th Grade because you need to imagine and think for yourself to understand the problems. We have tried to write the background guide in a way that simplifies complex theoretical issues through easily relatable visualizations. We hope you will find this useful, and maybe even entertaining :) Furthermore, the guide is interspersed with questions that we encourage you to examine and find answers for so that you can appreciate more dimensions of the agenda.

*Now, onto the nature of the committee. It is necessary to keep in mind that we are trying to emulate an organization geared towards consensus building and conflict resolution. People come here to be heard, not to be shut down. They want to be accommodated. Knowing this, it's a silly approach to attend with your mind made up. Think of it like playing Tetris (if you don't know this, check it out). You need to know what the terrain is not only to best fit your own aspirations, **but also to accommodate others.** This is the unique possibility offered by multilateral institutions such as the UN and one would be remiss if they didn't utilize such an opportunity. In the same vein, we expect you to research exhaustively, but not to approach the committee with pre-defined solutions. As you study the agenda it will become increasingly evident that it is not a topic that can be fully examined by one person, so don't try to solve it on your own either. We wouldn't need a conference if that was possible.*

Further, a note on delegate performance is required. Those who have previously secured awards through "dominating committee", being confident without substance to back up their position, or those who, and we cannot stress this enough, are coming to this conference with the aim of securing an award, will feel out of place. They may make their way in despite our ample warnings, but they will feel out of place since what they seek from the conference will not be offered by us. Our primary objective at the conference is to enable delegates to confer with each other. That we must issue 'rewards' at the end of committee is, in our humble opinion, an unfortunate token that we must offer to incentivize quality. More often than not, it leads delegates to optimize for seeming like the best delegate, rather than functioning like one. An obvious symptom of this is the emphasis on "being a sponsor" or sending many chits to the EB.

*Hence, we want to conclude this section by stating simply that if we must reward someone, it will be the **responsible delegate.** Whereas the 'dominating delegate' makes the EB's job difficult, as they need to be restrained to allow others to speak, the responsible delegate will make the committee indifferent to the presence of EB by **themselves ensuring that all voices are being heard and considered**, choosing to strategically offer their opinion such that it meets the least resistance in being accepted by others. As we are sure you will agree, these concerns acquire more significance since we are conducting the conference online instead of in- person. We hope this adequately communicates what we want to create at the UNHRC simulation at SNISMUN.*

Looking forward to intriguing and sincere discussions,
Michelle Anoushka Pol Menezes (Chairperson)
Sudhamshu (Vice-Chairperson)
Chetan Reddy (Rapporteur)

➢ **Introductory Blurb**

● Forum: United Nations Human Rights Council
● Agenda: Discussing Viable Mechanisms to End Child Abuse in Southeast Asia

➢ **Definition of Key Terms**

1. *Child:* As per the Convention on the Rights of the Child by the General Assembly resolution 44/25 (adopted on 20th November)*,* a child means every human being *below the age of eighteen years* unless under the law applicable to the child, majority is attained earlier.

2. *Parent:* For the purposes of this committee, a *legal parent* includes *biological parents*, *adoptive parents* or an individual that the state has *deemed fit to undertake responsibility* of the individual as a parent. Grandparents, foster parents, siblings, aunts, uncles or any other relation is not considered a "parent" if they have not legally adopted a child.

3. *Child abuse:* Intentional or purposeful *mistreatment, malnourishment, injury*, or v*iolation of a child,* under the following categories:
    - Physical abuse: *Tangible harm* done unto a child resulting in injury, leaving bruises, scars, etc.
    - Mental/emotional mistreatment: Child abuse involving alienation & isolation of a child, or *psychological abuse* through child neglect, and forms of verbal abuse and harmful derision.

4. *Child trafficking:* The recruitment, transportation, transfer, harboring or receipt of a *child for the purpose of exploitation*, primarily sexually, or commercially, as per the International Labour Office[1]

5. *Child labor: Physical exploitation* of childhood through forms of manual labor which *adversely interfere with the daily life of a child*, that is physically *harmful and immoral* in nature.

➢ Introduction to the Committee

Human rights are inalienable entitlements established not by law, but by human birth right, and the history of human rights has been shaped by all major world events and by the struggle for dignity, freedom and equality everywhere. However, it was only with the signing of the Charter of the United Nations (1945), the subsequent establishment of the United Nations (UN) in the shadow of World War II, and the call to "reaffirm faith in fundamental human rights," where human rights finally achieved formal, universal recognition. The UN has remained committed to "promoting and encouraging respect for human rights and for fundamental freedoms for all" through charter-based and treaty-based mechanisms. Charter-based mechanisms derive from The provisions of the Charter, most commonly as subsidiary bodies like the Human Rights Council. Treaty-based mechanisms are the human rights covenants and conventions, along with their respective treaty bodies, which take the force of law and monitor the implementation of the provisions of the treaties. The Universal Declaration of Human Rights (UDHR, 1948), a treaty-based mechanism, was adopted by the General Assembly as a "common standard of achievement" for all countries to pursue the protection and promotion of human rights. After decades of standing alone, this cornerstone document was joined by the International Covenant on Economic, Social and Cultural Rights (1976), and the International Covenant on Civil and Political Rights (1966) and its two Optional Protocols to comprise the International Bill of Rights. It was not just these documents which guided human rights in the UN system, but also the Commission on Human Rights, which manifested as "the main subsidiary organ of the United Nations dealing with human rights.

➢ Introduction to the Agenda

- *Agenda:* Discussing viable mechanisms to end child abuse in south east Asia.

- *Importance of the Agenda:*
  Child abuse in any shape or form puts the child at risk of adverse health and mental health outcomes that can last a lifetime, result in trauma or the death of the child. This violates the understanding of the fundamental human rights established as the core of this committee and the convention on the rights of a child. This, in turn, also causes a ripple of implications on the surrounding communities in terms of social dynamics (i.e. families, education and income), economy (i.e. workforce, national costs) and polity (i.e. ignorance of maltreatment and abuse).

A child might require assistance in preventing and responding to a wide range of child safety concerns that necessitate a variety of measures. Any reaction should be done within the context of the child protection system, allowing for coordination of the actors and the use of the best available knowledge to prevent the danger and provide any necessary care. Any system is built on a country's social standards. Some of these standards might be dangerous. To effect long-term change, such beneficial social norms must be promoted. The social service personnel are one of the most significant players.

Child protection issues are mostly addressed by those who safeguard the child. Therefore, it is absolutely essential to diversify existing and create new mechanisms to combat child abuse and rehabilitate its victims in the Southeast Asian region. It is also crucial to incorporate the necessity of addressing this particular problem statement in committee discussions.

- *Key types of child abuse:*

Physical Abuse:
Physical abuse is the intentional infliction of harm by a parent, caregiver, guardian or any other individual responsible for the child which results in injury for the child in question. This could include hitting, shaking, throwing, burning, poisoning or using physical restraints upon a child. It is important to note that physical harm inflicted by a person not responsible for the child (in certain states) is not addressed under the child safety conventions. Moreover, the use of physical discipline (i.e. spanking) is currently not considered a form of child abuse whilst it is done within reasonable grounds and causes no bodily harm/ mental trauma to the child in question, which is a statement under debate.

Sexual Abuse:
Sexual abuse is the use, employment or coercion of any child to engage or assist in any sexual activity, production of pornographic material or exposing the child to pornography via media or other means. In the globalized world today, this can occur via contact (in person) or non-contact (generally online) ways. Contact sexual abuse comprises of but is not limited to rape, coercion of a child into sexual activities or making a child undress or touch someone else which need not be penetrative in nature. Likewise, non-contact abuse is where a child is abused without being touched by the perpetrator. This can include (but is not limited to) forcing a child to partake in sexual acts or pornography online and making, viewing or distributing child abuse images or videos. A majority of the perpetrators are someone that the child or family knows. However, they do not have to be an adult or know the child to harm it.. Due to this, most victims never report child abuse or understand whether they have gone through it. This leads to behavioral changes, increased risk of mental health issues such as depression and development of chronic health conditions in the long run.
As a committee, it is imperative to know that most of today's mechanisms are focused on the *treatment* of the victims of sexual abuse and bringing criminal justice to the abusers. It is equally important to establish systems that focus upon the primary *preventions* of child abuse and ensure that it is disseminated across the borders (as per its area of influence).

Emotional Abuse:
Emotional abuse constitutes the treatment of a child in a manner which negatively impacts their social, intellectual and emotional growth and their understanding of self-worth. This may also include permitting the child to use alcohol or drugs. Emotional abuse can take many forms but are not limited to: constant criticism, lack of support and guidance, isolation for extended periods of time and exposure to violence. Violence at home can put a child at a greater risk of not having their basic needs met and hence, impact their wellbeing and development. One must note that the committee would equally revolve around mental and psychological violence as sub-categories of emotional abuse towards children, as well as physical violence, as the former category of abuse is normally overlooked and undiscussed in ordinary circumstances.

Neglect:
Neglect refers to a child's basic needs not being met which impacts their health and overall development. The basic needs are often comprehended on four grounds: physical (failure to provide adequate food, housing and clean living conditions or supervision) , medical (failure to provide needed physical medical or mental health treatment; withholding treatment from children in need of the same), educational (failure to provide education to a child) or emotional (failure to provide emotional security and psychological care, exposure of a child to drugs, alcohol or other substance abuse).
It is important to note that often cultural values, available standards of care and poverty can contribute to what one may regard as maltreatment. More so, living in poverty or the poverty line is not considered as child abuse or neglect. However, the family's reluctance/failure to prioritize the child's development and health when being aware of the resources could potentially involve intervention.

Human Trafficking:
Human trafficking includes sex and labor trafficking. For this committee, this factor is primarily evaluated on the basis of its involvement and impact upon children. Sex trafficking of children is the commercial recruitment or transportation of a child under the age of 18 to engage in or offer sexually explicit conduct (such as prostitution or stripping) or pornography. These children are not "child prostitutes" but "child victims". On the other hand, labor trafficking is a form of modern slavery when children are forced to perform labor. This could involve (but is not limited to) begging, drug dealing or working long hours with minimal, less than minimal or no pay. This could be detrimental to a child's health, education and consequentially, their future.

● *Problems and Intricacies of the Agenda:*
1. Lack of coordination between regional and international legislative organizations in terms of collective awareness of the law; indirect influence on the general population, who may be unaware of the severity of domestic abuse occurring on a daily basis in their homes.

2. Due to a shortage of human resources in police departments and the inaccuracy of compulsory reports, many covert networks of child exploitation for labor, sex, or economic gain, sexual assault, and substance addiction go undiscovered.

3. Agenda explicitly mentions the role of underdevelopment and destitute families in the role of child labor, as well as neglect and the inability to provide a sufficiently safe and secure upbringing, which is becoming increasingly frequent in Southeast Asia as development progresses.

4. Existing procedures should be discussed in committee in the following ways: Legal implementing bodies aid in the implementation of conventions that aid in psychological rehabilitation for child abuse victims, but not in the prevention of underlying issues such as child street-life as a result of neglect, mental isolation and subsequent drastic juvenile crime, sex trafficking and harboring of minors for illicit purposes, and any other aspect that could deprive a child of their childhood from occurring in the first place.

- *UN Conventions Relevant to Agenda:*

    1. On 20th November 1989, the General Assembly resolution 44/25 published *the Convention of the Rights of a Child.*

    2. On 18th December 2019, the General Assembly adopted the resolution based upon the Rights of a Child with a focus upon *the promotion and protection of the rights of children.*

    3. On March 7th 2008, the General Assembly adopted the *United Nations Comprehensive Strategy on Assistance and Support to Victims of Sexual Exploitation and Abuse by United Nations Staff and Related Personnel.* The resolution focuses upon the fundamental focuses of a nation when dealing with prevention of sexual exploitation and the safety of its victims -- which are also pertinent to victims of child sexual abuse as well.

- Other UNHRC relevant conventions:

International Bill of Rights:

- Universal Declaration of Human Rights
- International Covenant on Economic, Social and Cultural Rights
- International Covenant on Civil and Political Rights
- Optional Protocol to the International Covenant on Civil and
- Political Rights

- Second Optional Protocol to the International Covenant on Civil and Political Rights, Aiming at the abolition of the death penalty

Universal Human Rights Instruments

In addition to the International Bill of Rights and the core human rights treaties, there are many other universal instruments relating to human rights. A non-exhaustive selection is listed below:

- **Rights of Indigenous Peoples and Minorities**
- Declaration on the Rights of Indigenous Peoples
- Indigenous and Tribal Peoples Convention, 1989 (No. 169)
- Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities

- **Rights of Women**
- Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)
- Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW-OP)
- Declaration on the Protection of Women and Children in Emergency and Armed Conflict
- Declaration on the Elimination of Violence against Women

- **Rights of the Child**
- Convention on the Rights of the Child (CRC)
- Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (CRC-OPSC)
- Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (CRC-OPAC)
- Minimum Age Convention, 1973 (No. 138)
- Worst Forms of Child Labour Convention, 1999 (No. 182)

- **<u>Slavery, Slavery-like Practices and Forced Labour</u>**
- Slavery Convention
- Protocol amending the Slavery Convention signed at Geneva on 25 September 1926 Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery

- Forced Labour Convention, 1930 (No. 29)
- Abolition of Forced Labour Convention, 1957 (No. 105)
- Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others
- Protocol to Prevent, Suppress and Punish Trafficking in Persons,
- Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime

- **Rights of Migrants**
- International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICPMW)
- Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against
- Transnational Organized Crime

➢ **Background Information**

Agenda are listed in this particular subsection. The case studies individually address distinct aspects of the agenda as well, which enables delegates to gain further understanding of which elements must be researched for committee discussion. However, The EB does not want this list to be limited in the scope of the debate in committee.

AFGHANISTAN AND PAKISTAN:

The human rights of every citizen in Afghanistan are on the cusp of vanishing. The overthrown democratic government of Afghanistan used a modern interpretation of the sharia law. However, after the Taliban takeover and their rigid norms for the way of life, young girls are subjected to issues like child marriage and sexual abuse, there are also reports of minor brides being sold in exchange for monetary compensation. These practices, though discouraged worldwide, have been seen as customary practices and hence still find their way to exist in the modern world. Pakistan has a similar issue with regard to the treatment of minors, especially their female children.

PHILIPPINES:

Due to limited implement ability and organizational inefficiencies within national legislative authorities, child labor in the Philippines has just hit an all-time high. To put things in perspective, in the late 2010s, the Philippines recognized the techniques to moderately eradicate the engagement of children from trade sectors utilizing child laborers for industrial reasons, placed in unsanitary circumstances. Under this initiative, legal advancements included addressing commercial exploitation of children for monetary gain through mining, farming, and other forms of manual labor in primary sectors, as well as eliminating regional legislations that authorized child taskmasters and traffickers to harbor children for similar purposes. The most recent method, however, examined the status of minors compelled into conscription and armed war. The issue with these evolving systems is how to keep such developments going.

MYANMAR:

Corporal punishment, slavery, honor killings, and other forms of human rights violations became rising threats to the World Forum under the Burmese military takeover crisis, emergent in February 2021, and children make up for a significant percentage of casualties under these forms of fatal abuse. Primarily, because they are not of an age to access legal intervention, they are consequential victims of violent detention, with restricted communication with their families. Multitudes of children as young as 4, and as old as 14, escape their communities to flee from this forcible of the nation, and all subsequent internal conflicts that have dismantled their families and made their childhood dysfunctional. Such elements of the military takeover contribute to physical violence that is large-scale in nature.

INDIA AND CHINA:

India and China have consistently been dominating the global labour markets, especially in the semi and unskilled labour force. Though these giants have publicly spoken about child labour issues and their remedies, several on-ground reports indicate otherwise. Minors are forced to work in large-scale factories or in the tobacco industry. These minors are also employed by large-scale businesses of stern origin, making this situation multilateral in nature. These are some among the many problems across the southeast Asian region.

➢ **Questions to Consider:**
1. How impactful is an Accountability Act in mitigating the impacts and risks of child trafficking in local areas, by bringing perpetrators to justice? What context can you draw this mechanism to, in terms of other previous and current legislation?
2. What is truly an acceptable threshold for physical abuse? (i.e., are child punishments to instill discipline such as spanking, deemed ordinary, if there are no consequences to the child's physical and emotional health?)
3. Is it viable to implement mechanisms which call for direct analysis of child abuse cases in every single household of every single Southeast Asian local area? If so, what methodologies would be used to achieve this?
4. Will the prevention of human trafficking be detrimental to regional markets and their economic growth? How must this extreme be considered, and incorporated in the resolution?

➢ **Further Reading:**
Child domestic labor in South East Asia
Child Domestic Labor in Southeast and East Asia: Emerging Good Practices. While recognizing the issue and accompanying concerns, this article briefly shows the issue with the recent state of child domestic labor and the steps being made in the region to address it.

Resolution 2011/33

Resolution 2011/33 of the Economic and Social Council. The Report focuses on the prevention, protection, and international cooperation against the exploitation of emerging digital technologies to abuse and/or exploit children.

Violence against children

All types of violence against persons under the age of 18 are considered violence against children, whether performed by parents or other caregivers, peers, romantic partners, or strangers. Evidence supports links between childhood violence and main causes of adult death. A data synthesis on the prevalence of violence against children in the previous year will assist progress the United Nations' appeal to stop all violence against children.

Trafficking in children in Asia: a regional overview

Investigators have the issue of determining what proportion of child laborer in a field like prostitution were trafficked and what proportion entered the industry freely. Given this limitation, the part that follows provides the most up-to-date information. It would be foolish to present an aggregate statistic because different research employs different approaches to estimate the number of children trafficked. Instead, by presenting nation statistics by sub-region, this debate outlines the extent of the problem.

Social determinants affecting human trafficking in Southeast Asia.

How do social determinants affect human trafficking in Southeast Asia, and what can we do about it? Considering human trafficking is so difficult to detect and prosecute, research on relevant social issues and effective preventative strategies has been extremely restricted. 21 However, as stated by the UNODC in its 2012 Global Report on Trafficking in Persons, "it is crucial to understand what renders [victims] vulnerable to violence, abuse, and exploitation in the first place" in order to successfully combat human trafficking. 22 A preliminary literature search conducted in 2011 revealed that the Cochrane Library Database of Systematic Studies included no reviews on trafficking, while the Campbell Library contained only one review that did not examine socioeconomic variables.

Assessing large-scale violence against children surveys in selected Southeast Asian countries: A scoping review

The authors have conducted manual and automated searches in English and Bahasa Indonesia through PubMed, global databases, and websites, as well as consultations with partners from the Indonesian government and the child protection field, to identify surveys conducted in Indonesia and Southeast Asia from 2006 to 2016. The search yielded 275 results, 11 of which fulfilled all inclusion requirements.

How tourism can promote child protection in Southeast Asia | Devex

How can tourism promote child protection in Southeast Asia? Speaking to the greatest degree feasible, the tourism dollar can assist local communities take better care of themselves," the expert stated. The project is a $7.5 million AusAID-funded programme led by World Vision to combat child exploitation in the region.

Alternative Child Care and Deinstitutionalisation in Asia

The following is a desk review which analyses an observational study within which, there are detailed and explicit scenarios of the development of Southeast Asian countries and its variable causation of increased or decreased child abuse victims, as well as a comparative analysis done between children with or without residential care, supported by specific forms of family care to avoid child neglect in a household. The report also entails a synthesized study of reforming child care policies through de-institutionalization, with respect to the majority of countries in Asia.

Bibliography:
Convention on the Rights of the Child | UNICEF
Types of child abuse | Community support | Queensland Government
Child Abuse and Neglect - StatPearls - NCBI Bookshelf
Identifying the different forms of child abuse - Massachusetts Childrens Alliance
Protecting children online | UNICEF
What Is Child Abuse and Neglect? Recognizing the Signs and Symptoms
The Convention on the Rights of the Child: The children's version | UNICEF
Preventing Child Sexual Abuse & Keeping Children Safe | NSPCC
Child protection | UNICEF Myanmar
Myanmar Must Do More to Protect Children from Sexual Violence – The Diplomat
Findings on the Worst Forms of Child Labor - Philippines
Child protection | UNICEF Philippines
Perception and Attitude about Child Sexual Abuse among Vietnamese School-Age Children - PMC in Vietnam: Child maltreatment
'Shame and pain': Vietnam starts to grapple with child abuse epidemic | UNICEF Viet Nam
Protecting Children from Violence | UNICEF Viet Nam
Disrupting Harm in Thailand – Evidence on online child sexual exploitation and abuse
How we keep children safe from harm - Safe Child Thailand
Child protection | UNICEF Thailand
Universal Declaration of Human Rights | United Nations.
Child trafficking - Essentials.
Resolutions | Preventing Sexual Exploitation and Abuse
ASEAN Regional Plan of Action on the Elimination of Violence against Women (ASEAN RPA on EVAW)
in ASEAN Member States
Ending violence against children in ASEAN Member States | UNICEF East Asia and Pacific
ASEAN and partners meet to accelerate action on child online protection
ASEAN Regional Plan of Action on Elimination of Violence against Children (ASEAN RPA on EVAC)