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LEGISLATIVE EFFORTS, INSTITUTIONAL CHALLENGES AND NEGLECTED CONCERNS ON WOMEN'S AND CHILDREN'S RIGHTS IN INDONESIA AND THE PHILIPPINES

This Alert is the second in a series investigating the situation of women's and children's protection concerns in ASEAN. It aims to examine the domestic efforts that Indonesia and the Philippines have made in the area of domestic violence legislation. Both countries are often cited as having national legislation which directly refers to the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) and the Convention on the Rights of the Child (CRC), and a number of institutions that service the needs of women and children who have suffered from violence. In addition, this Alert also provides a brief glimpse into the distinct protection needs of women and children during situations of violence, citing Aceh and Mindanao as examples.

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The NTS Alert Team

Mely Caballero-Anthony and Priyanka Bhalla.

- Consortium of NTS Studies in Asia
- Centre for NTS Studies

Introduction

Three of the most pressing protection concerns for women and children in the ASEAN region are trafficking, sexual exploitation, and abuse and domestic violence. At the international level, all ASEAN member states have ratified CRC and CEDAW. However, Brunei Darussalam, Malaysia, Singapore, and Thailand continue to hold reservations on substantive articles of both Conventions (for more information, please refer to **NTS Alert June Issue 1**). The reservations that the above-mentioned ASEAN member states hold on CRC and CEDAW articles have an impact on both women's and children's protection frameworks, regionally and domestically.

ASEAN member states have made an effort to write national and regional legislation on both domestic violence and trafficking. There has been more of an emphasis on trafficking, as domestic violence is still viewed as an uncomfortable family issue that can be solved by mediation rather than legal processes. ASEAN member states have also stated in their 2004 Declaration on the Elimination of Violence Against Women in the ASEAN region that 'violence against women both violates and impairs their human rights and fundamental freedoms, limits their access to and control of resources and activities, and impedes the full development of their potential' (ASEAN, 2004).

The definition of violence against women used for this section, is as follows:

Any act of gender-based violence that results in, or is likely to result in, physical, sexual or mental harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life (United Nations).

According to a recent analysis of domestic violence laws done by the UNIFEM Southeast Asia regional office, all ASEAN member states except for Myanmar and Brunei Darussalam have either special laws or provisions on domestic violence. A related UNIFEM issue brief states that domestic violence, in particular, is 'one of the most common but under-reported forms of violence in the ASEAN region' (2010). In addition, the majority of victims are women who have been abused by their husbands or intimate partners. Some country-specific statistics include (UNIFEM Issue Brief May 2010):

Up to 95 percent of all cases of Domestic Violence in Vietnam (UN Gender Programme Co-ordination Group 2010) and up to 96 percent in Indonesia (Indonesia Komnas Perempuan 2009) are perpetrated by husbands against their wives. In Thailand, 44 percent of women reported that they have suffered sexual and/or physical abuse while in their current or former relationship (UNDP Human

Security Report Thailand, 2009)... In Cambodia, 83 percent of men and 81 percent of women reported doing nothing when they knew about domestic abuse. Very few people reported to the community, authorities, relatives or friends, and even fewer reported to police or courts (Indochina Research Limited, 2009)

At the regional and intergovernmental level, it is important for the ASEAN Commission on the Promotion and Protection of the Rights of Women and Children (ACWC) to promote awareness on domestic violence related legislation. In the civil society sector, the Southeast Asia Women's Caucus on ASEAN (Women's Caucus)^[1] has already been effectively raising awareness at the regional level, but needs to further connect to national level efforts of ASEAN member states.

Figure 1: United Nations Development Fund for Women (UNIFEM) criteria for analysis of domestic violence laws in the region

**United Nations Development Fund for Women (UNIFEM) criteria for analysis of domestic violence laws in the region
(based on recommended Framework for Model Legislation on Domestic Violence 1996 from UN Special Rapporteur on violence against women)**

1. Does the country treat domestic violence as a violation of human rights, and in this respect does the law itself refer to international instruments such as CEDAW? Is domestic violence regarded as a form of discrimination against women? Is the law gender-specific?
2. How is domestic violence defined?
3. What is the coverage of the law (i.e. the nature of relationships covered)?
4. What form of legislation has been adopted – civil or criminal law or a mix of both?
5. What mechanisms and procedures have been implemented to ensure access to reliefs and alternative dispute mechanisms?
6. Does the law facilitate access to support services that women may require at the pre and post-litigation stages? Is a multi-agency response built into the law?
7. Does the law have specific provisions for counselling for either or both parties towards prevention of future violence or is the emphasis on settlement/mediation/reconciliation?
8. Is the state mandated to provide training to implementing agencies, service providers and others and create public awareness?
9. Is monitoring and evaluation of effectiveness/impact built into the law?

Source: 'Domestic Violence Legislation and its Implementation', UNIFEM, June 2009. Available at <<http://cedaw-seasia.org/docs/DomesticViolenceLegislation.pdf>>

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National Legislation and Institutional Frameworks on Domestic Violence in Indonesia and the Philippines

Examples related to national domestic violence legislation, progress in its implementation and remaining challenges will be summarised for Indonesia and the Philippines, as both countries are often cited as having national legislation that directly refers to CEDAW and CRC, and an array of institutions for victims of violence to access.

While Indonesia and the Philippines face challenges of implementation, their national level legislation and institutional frameworks could serve as a broad guideline for other ASEAN member states to improve or amend existing national legislation and service provision for domestic violence victims.

Indonesia

National Commissions

According to a recent article in *The Jakarta Post*, the number of recorded victims of violence against women in Indonesia has risen from 54,000 in 2008 to 154,000 in January 2010. According to Yustina Rostiwati, Head of the Research and Development Subdivision of the National Commission on Violence Against Women, these numbers do not necessarily reflect an increase in actual cases but that 'more

and more women may have courage to speak up and the institutions have also improved their accessibility' (*The Jakarta Post*, 2010).

Indonesia established its National Commission for Violence Against Women in 1998. It was created by presidential decree and public demand. It has five core programme areas which are as follows:

- Legal reform
- Public education
- Monitoring violation of women's human rights
- Systems-building for victim recovery
- Protection of groups vulnerable to discrimination (migrant workers, domestic workers and women heads of household)

The National Commission also acts as a bridge between civil society and the government. In addition, they report on women's protection issues, such as abuse of female migrant workers (for more information, please [click here](#))

In addition to the National Commission for Violence Against Women, Indonesia also has a National Commission for Child Protection, which was established in 1998 and which played a key role in the drafting of the Indonesian Child Protection Law that was adopted in 2002. The commission's primary objectives are 'to protect children against violations of their rights and empower families and communities to enable them to prevent the occurrence of violations of children's rights' (humantrafficking.org).

Legislative Efforts

In terms of its national legislation, Indonesia established a policy on gender mainstreaming in 2000. In 2002, Law No. 23 on child protection was enacted. Articles 65 and 66 of this law provide special protection for children who are victims of economic and/or sexual exploitation and trafficking (for a more detailed account of this law, and its strengths and weaknesses, please [click here](#)). In 2004, the Indonesian government passed the Anti Domestic Violence Act and in 2006, the Anti Trafficking Act. The Indonesian government has also appointed a Minister for Female Empowerment and Child Protection, currently Mrs Linda Gumelar. In the November 2009 Report by the United Nations Economic and Social Commission for Asia and the Pacific, on the 'High-level Intergovernmental Meeting to Review Regional Implementation of the Beijing Platform for Action and Its Regional and Global Outcomes', Indonesia's Anti Domestic Violence Act was described as being 'one of the most comprehensive':

The Indonesian Act on the Elimination of Domestic Violence states in article 3 that it is based on the principles of respect for human rights, justice and gender equality, non-discrimination and victim protection. It criminalizes marital rape, and provides protection for domestic workers who live in the household.

The Beijing Declaration and Platform for Action was born out of the Fourth World Conference on Women in 1995 held in Beijing. At this meeting, 12 areas of concern for the advancement of women were identified, some of which include: inadequate promotion and protection of women's human rights, violence against women, and the effects of armed and other types of conflict on women and girls. Every five years since 1995, a conference is held to measure the progress achieved in the 12 areas of concern. The most recent meeting (Beijing + 15) took place in March 2010 at the Commission on the Status of Women (for a report on this meeting, please [click here](#)).

In addition to its legislative efforts, Indonesia also has a very active civil society sector working on violence against women and children issues. Some organisations include the National NGO Coalition for Child Rights Monitoring, the Indonesian Institute for Children's Advocacy, the Center for Study and Child Protection, the Indonesian Women's Association for Justice and Legal Aid Institute, and Women's Solidarity for Humanity and Human Rights.

Present Challenges

Even with a number of laws and an active civil society, Indonesia is still faced with a number of challenges. Recently, the National Commission for Violence Against Women spoke about different religious views regarding women's advancements in the country. In a presentation to the Women's Empowerment in Muslim Contexts (WEMC) Forum in November 2008, Ms Neng Dara Affiah, Commissioner in the National Commission on Violence Against Women, emphasised that there is a tension and divergence in views between fundamentalist and progressive Muslims on core women's issues in the country. For example, the fundamentalist view will be for women to not practise family planning, whereas the progressive view will be to implement family planning. Indonesia's Act on the Elimination of Domestic Violence also contains strong religious language, stating: 'The Republic of Indonesia is a country that is based on the belief in God Almighty...therefore, anyone within the scope of a household in exercising rights and fulfilling obligations must be based on religion' (UNIFEM, 2009).

In addition, The Integrated Regional Information Network (IRIN) reported on Indonesian women's lack of decision-making power in the area of healthcare. Specifically, Indonesia's high rate of maternal mortality was cited as a concern. Linda Gumelar, Minister for Female Empowerment and Child Protection stated: 'Pregnant mothers are often too late in identifying danger signals during pregnancy and in making decisions, because women often have to wait for their husbands or parents to make decisions' (IRIN, 2010).

Regarding the situation of child protection in Indonesia, the National NGO Coalition for Child Rights Monitoring, headed by Ahmad Taufan Damanik (who is also an ACWC Commissioner), published a report in May 2010 on Indonesia's implementation of the CRC between 1997 and 2009. Taufan Damanik stated that: 'The government has shown a lack of initiative in integrating the CRC into Indonesian law' (IRIN 2010). In addition, the National Commission for Child Protection stated that 89.8 per cent of children who went to court in 2009 were sentenced to prison (IRIN, 2010). 57 per cent of these children were in detention with adults (University of Indonesia, Department of Social Welfare, 2010).

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The Philippines

National Commissions

As in Indonesia, there is a National Commission on the Role of Filipino Women (NCRFW) in the Philippines. According to the NCRFW October 2009 Fact Sheet on Filipino Men and Women, the latest figures on violence against women for 2008 are 6,905 cases reported to the Philippine National Police Women and Children Protection Centers. The reported cases have risen by 21 per cent since 2007. However it is stated in the fact sheet that this rise 'is not conclusive of a decreasing or increasing violence against women incidence [sic] in the country because data are based only from what was reported to the Philippine National Police' (2009).

Unlike Indonesia's Commission, the NCRFW is not just focused on issues related to violence against women, but broader gender related concerns. Created in 1975, its functions include:

- Coordinating the preparation of Philippine development plans for women as well as monitoring their assessment and updating in cooperation with the national planning body and line agencies
- Acting as a clearing house and database for information relating to women
- Conducting gender-consciousness raising programmes
- Conducting policy studies and review of legislation to integrate women's concerns
- Providing technical services and ensuring the development of institutional capabilities for Gender And Development (GAD) mainstreaming of government agencies and selected partners
- Monitoring and assessing the implementation of laws and policies on women including the implementation of international conventions such as the Beijing Platform for Action
- Implementing pilot projects for the delivery of services for women as basis for policy formulation and programme recommendations

Legislative Efforts

The following national laws, which are directly related to women's and children's protection, have been established in the Philippines: the Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act of 1992; the Anti-Rape Law and the Rape Victim and Protection Act of 1997; the Anti-Trafficking in Persons Act of 2003 and the Anti-Violence Against Women and Their Children Act of 2004. Family courts were established in 1997 in order to address protection needs of women and children more effectively. In addition, after the Anti-Violence Against Women and Their Children Act was passed, an Inter-Agency Council on Violence Against Women and Their Children (IACVAWC) was created and tasked to look at the implementation of the law (Mallorca-Bernabe, 2006). Grace Mallorca-Bernabe, who used to work for NCRFW, wrote on the 2004 Act:

It defines violence against women and children as any act or series of acts committed by any person against a woman who is his wife or former wife, or with whom the person has or had a sexual dating relationship, or with whom he had a common child. Additionally, it provides for penalties for violence committed against his child whether legitimate or illegitimate, within or without family abode, which results in (or is likely to result in) physical or psychological harm and suffering. Also, economic abuse, including threats of such acts, battery, assault, coercion, harassment or arbitrary deprivation of liberty are penalized.

On 15 April 2010, the Republic Act 9710 was also promulgated and is described as seeking 'to eliminate discrimination against women by recognizing, protecting, fulfilling and promoting the rights of Filipino women, especially those in the marginalized sectors' (Palabrica, 2010).

Besides the NCRFW, there are many other organisations working on violence against women issues. For example, the Cebu City government has adopted a community watch programme, first pioneered by the Women's Legal Bureau and Hasik. In addition, the Women's Crisis Center, SALIGAN (a legal organisation), and Kalaksan (an NGO that provides shelter and counselling for victims), are just some of the civil society organisations trying to improve the protection of women and children in the Philippines (Mallorca-Bernabe, 2006). To learn more about organisations in the Philippines working on child protection, please click [here](#).

Present Challenges

In its 2006 concluding observations, the CEDAW committee raised a couple of concerns on the protection of women in the Philippines. The committee mentioned a clause in the 1997 Anti-Rape Law, which removes the perpetrator from criminal penalisation if the victim forgives him. An additional concern was that no law for legal divorce exists in the Philippines; only annulment is a possibility. The CEDAW committee was also concerned about the Code of Muslim Personal Laws, which states that Muslim women in the Philippines may marry under the age of 18 (www.engenderights.com).

In the case of child sexual abuse (CSA) in the Philippines, author Mariella Sugues-Castillo recently wrote in her article 'Legal outcomes of sexually abused children evaluated at the Philippine General Hospital Child Protection Unit' that changes in the legal process itself are necessary to meet the needs of CSA victims. She states:

The problems of an overloaded legal system with poor quality of response to CSA such as a lengthy prosecution and frequent dismissal of cases because of victims' desistance should be addressed. The child's disclosure is the most important determinant of legal outcome. For this reason, systematic changes in the legal process to facilitate children's disclosures and preserve verbal evidence are necessary. Research and training are also needed in areas related to Filipino children's communicative abilities. Because physician testimony was associated with perpetrator conviction regardless of the anogenital findings, standardization of the practice of medico-legal evaluation for CSA in the Philippines is needed (2009).

Regardless of the challenges currently faced by the Philippines and Indonesia, both still have some good legal and institutional examples which other ASEAN member states can learn from.

Neglected Concerns for both Indonesia and the Philippines

Interestingly, there are areas in Indonesia and the Philippines which have experienced or are still experiencing conflict. For Indonesia, Aceh is often cited as an example, whereas for the Philippines it is Mindanao, which continues to face situations of violence. Do the above-mentioned institutions, national legislation and civil society networks adequately address the protection concerns of women and children during periods of conflict? Or do they simply address such needs during peace time? These are important factors for ASEAN member states to consider when trying to improve and/or strengthen the protection frameworks for women and children in the region.



Source: Julien Hameis. Available at http://www.flickr.com/photos/julien_hameis/128736418/.

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Protection Needs for Women and Children during Conflict: A Neglected Concern in ASEAN?

Protection needs for women and children are different during conflict. Several ASEAN member states, such as Cambodia, Aceh in Indonesia, Mindanao in southern Philippines, southern Thailand and Myanmar, have faced or are facing internal conflict. Situations that women and children may find themselves in, during conflict or situations of violence include:

For women:

- Women may experience increased sexual and gender based violence.
- Women may be associated with armed forces or groups.

- Women may become internally displaced or refugees.
- Women may become widowed and head of the household.
- Women may become separated from their families.
- Women may get trafficked.

For children:

- Children may experience increased sexual and gender based violence.
- Children may be associated with armed forces or groups.
- Children may become internally displaced or refugees.
- Children may have their education disrupted.
- Children may become separated from their families and become orphans.
- Children may get trafficked.

There is no ASEAN-level regional agreement addressing the protection of women and children during conflict or situations of violence. Perhaps this is one area where both the ASEAN Intergovernmental Commission on Human Rights (AICHR) and ACWC could raise awareness and work together on. Some of the international legal frameworks applicable to women and children in armed conflict include 43 provisions in the 1949 Geneva Conventions (19 of which are designed to protect children); the Rome Statute; United Nations Security Council Resolution (UNSCR) 1325 (on women, peace and security), 1612 (on children in armed conflict), 1820 (on sexual violence during conflict), 1882 (on sexual violence against children in armed conflict), and 1888 (builds on the content of 1820). These international legal frameworks should be used as a guideline in establishing both regional- and national-level legal commitments on the protection of populations.

Table 1: Key elements of UNSCR 1325 and 1612

UNSCR 1325	UNSCR 1612
- On 'women, peace and security,' passed in October 2000	- On children and armed conflict, passed in July 2005
- Acknowledges role of women in conflict resolution and international peacekeeping as vital for international peace and security	- Created monitoring and reporting mechanism for the protection of children in armed conflict
- UN to appoint women in more high-level positions, UN peacekeeping missions to have a gender component and member states to increase the number of women decision-makers	- Mechanism monitors grave violations committed by both states and armed groups. These violations include: killing or maiming of children, recruiting or using child soldiers, attacks against schools and hospitals, rape or other sexual violence against children, abduction of children, and denial of humanitarian action for children
- Implementation of strategic plan of action on the participation of women at decision-making levels in conflict resolution and peace processes	- Establishes Security Council Working Group to review the monitoring reports
- Secretary-General to carry out a study on the impact of armed conflict on women and girls, the role of women in peacebuilding and the gender dimensions of peace processes and conflict resolution	- Lists offending states and parties in armed conflict situations
- Calls for establishment of national plans of action	- Establishes plans of action
	- Enhanced by UNSCR 1882 on sexual violence against children in armed conflict

Source: The Institute for Inclusive Security (on UNSCR 1325) and The Office of the Special Representative of the UN Secretary-General for Children in Armed Conflict (on UNSCR 1612)

A good example of UNSCR 1325 implementation is in Nepal, where a working group composed of UN agencies, government representatives, donors and civil society members pushed forward the agenda of women, peace and security with an annual work plan.

One successful collaborative measure implemented by this working group was the creation of a database of organisations, institutions and NGOs, which helps women who are suffering from sexual and gender based violence. In addition, this working group also published a 'Who's Who' of Nepali women to raise awareness among the general public of the many competent female candidates who should be elected to the new government (United Nations Population Fund 2008). Among ASEAN member states, the Philippines has a National Action Plan on UNSCR 1325 and 1820. It is the first Asian country to adopt such a plan and cites the following four goals in its action plan: 'Protection and Prevention; Empowerment and Participation; Promotion and Mainstreaming; and Capacity Development and Monitoring and Reporting in the contexts of conflicts, conflict resolution and peacebuilding' (UNIFEM Issue Brief, May 2010).

In order to better highlight the distinct needs of women and children during conflict, the following section shall summarise some significant efforts in Aceh (focusing on women) and Mindanao (focusing on children).

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Aceh

The Free Aceh Movement (Gerakan Aceh Merdeka or GAM) has been engaged in low intensity guerrilla conflict with the Indonesian government since 1976. The level of conflict escalated between 1990 and 2000. Attempts to implement negotiations between GAM and the Indonesian government were made in 2002. However, the negotiations failed and resulted in the declaration of a military emergency by the Megawati government in 2003. The 2004 Asian Tsunami turned the situation around. Despite the tsunami's tragic consequences, it did create space for reconciliation and peace in Aceh. The deaths of hundreds of thousands of individuals, including many GAM members, during the tsunami led to a ceasefire and eventual peace talks (International Crisis Group, 2010).

Acehnese women had a large part to play both during the conflict as well as during the post-conflict and post-disaster time period. However, their unique roles and contribution are often under-reported and overlooked. For example, in 2008, Acehnese women's groups created a 'Charter of the Rights of Women in Aceh'. In this Charter, there are several articles referring to the protection of women. Article 3 articulates that: 'Women shall have the right to freedom from discrimination, intimidation and violence.' Article 4 states:

1. Women in Aceh shall have the right to live in peace and security.
2. Women in Aceh shall have the right to guarantees of freedom from physical abuse, violence, cruel treatment, and all forms of trafficking of women.
3. Women in Aceh shall have the right to participate in peace-building endeavours from the community level up to the state (national) level.

There is no other charter like this in the region. It is difficult to ascertain the extent to which the content of this charter has been mainstreamed into national policy and the degree of its implementation. Regardless, it is an effective attempt by Acehnese civil society to try and improve the protection of women and girls.

Acehnese women played strategic roles, generated bright ideas and were able to find unique ways to survive. They were able to become agents for change, performing negotiations between the two parties involved in the conflict or engaging in efforts to save their husbands, sons or community. When insecurity forced men to flee their villages, women became the main breadwinners and decisionmakers and took over most of the social roles played by men in their community life. In addition, they worked together to clean and repaint *meunasah* (Islamic schools), went to the fields or gathered firewood. They took care of children and financed their education. They hid boys being hunted because of their fathers' and uncles' political choices, and sometimes they had to carry them home and bury their dead bodies.

Suraiya Kamaruzzaman, Acehnese Women's Human Rights Defender, Accord 20, 2008

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Mindanao

Mindanao's conflict history is five centuries old, dating back to the Moro Wars in the 16th century when the Spanish colonised the Philippines. The Moro Wars started a trend of marginalisation of both Muslim and indigenous minorities, resulting in a series of economic and political grievances which continue to this day. A manifestation of these grievances was the establishment of the Moro National Liberation Front (MNLF) in the 1960s. The MNLF is a rebel Islamist military group that waged armed struggle against the Philippine government for independent rule in southern Philippines. The Moro National Liberation Front (MNLF) later splintered into the Moro Islamic Liberation Front (MILF) in 1972. The year 1989 saw the implementation of the Tripoli Agreement which was first signed in 1976, with the

help of Libya, Saudi Arabia, Senegal, Somalia and the Organisation of Islamic Conference. This agreement between the Marcos government and the MNLF was meant to be a politically negotiated settlement for the MNLF; providing them with autonomy in a demarcated region called the Autonomous Region of Muslim Mindanao (ARMM), comprising 13 provinces in the southern Philippines. However, in 1989, the MNLF objected to the creation of the ARMM as only four provinces decided to claim autonomy, whereas the Tripoli Agreement calls for the establishment of 13 autonomous provinces. Many MNLF members were elected into local government by the end of the 1980s, which reduced their pursuit of an armed struggle considerably.

However, the MILF continued its armed struggle. Tensions between the MILF and the Philippine government escalated in 2000, only subsiding between 2006 and 2008 when a series of diplomatic negotiations took place which led to a Memorandum of Understanding (MoU) on 'Ancestral Domain for the Bangsamoro Juridical Entity' (University of the Philippines, The Forum, February 2010). Mid-2008 brought about renewed tensions and reports of armed skirmishes in mixed Muslim-Christian areas of central Mindanao. Despite the July 2009 ceasefire and renewed peace talks in December 2009, conflict related challenges remain.

One of the most vulnerable and exploited groups during the Mindanao conflict has been children. In January 2010, the UN Secretary-General published a report on 'Children and Armed Conflict in the Philippines'. The report states:

Grave violations against children continue to be perpetrated by all parties to the conflict in the Philippines. There have been a greater number of children killed and injured owing to the armed conflict during this reporting period with the previous reporting period... The country task force on monitoring and reporting has also verified a larger number of reports on cases of recruitment and the use of children; attacks on schools and hospitals; and denial of humanitarian access... The following parties have been cited for recruitment and use of children: The Moro Islamic Liberation Front (MILF), the New People's Army (NPA), the Abu Sayyaf Group and the Armed Forces of the Philippines.



Source: Paolo Villanueva. Available at <http://www.flickr.com/photos/paolov/4119567127/>.

Author Anderson Villa elaborates on the situation of children during conflict in her article, 'Children as Witnesses of War: Forced migration among ethnic minorities in Mindanao, Philippines'. She states: 'While young children play no part in negotiations or even the conduct of war, they [sic] are subjected to severe injuries. They experience impoverishment, neglect, abuse, mistreatment and long-term emotional and psychological effects' (2010). Villa also mentions that the children she interviewed for her study were resilient and were often able to cope with the painful effects of conflict by, for example, building friendships with other children in the same situation.

Women and children are likely to be victims during conflict and situations of violence, but they are also agents of change. Improving and further implementing protection mechanisms in the ASEAN region will aid in sustainable peacebuilding processes, allowing for all actors, including women and children, to contribute more equitably.

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Conclusion

There are examples of ASEAN member states in the region, such as Indonesia and the Philippines, that have managed to integrate substantive elements of CRC and CEDAW into national legislation and institutions. Particularly in the area of preventing and addressing violence against women, there are ongoing efforts which could provide best practices for other ASEAN member states to follow. This does not mean that challenges, particularly in implementation, do not exist, but as there is a window of opportunity with the recent inauguration of the ACWC, lessons learned from Indonesia and the Philippines could be used to strengthen advocacy and promotion exercises on increasing existing regional frameworks related to women's and children's protection.

One specific issue on which AICHR and ACWC could collectively raise awareness is that of protection concerns of women and children during conflict, especially since the ASEAN region has historical experience with situations of violence. The latter half of 2010 shall serve as an experimental platform, not only for how AICHR and ACWC can effectively collaborate together, but also for what the potential for implementation of ASEAN commitments to women and children in the region will be in the coming years. For more on AICHR and ACWC, please read the upcoming June Insight, the last publication in this series on the situation of women's and children's concerns in the ASEAN region.

End notes

1. The Southeast Asia Women's Caucus on ASEAN or Women's Caucus, represents a network of women's human rights groups from Burma, Cambodia, Indonesia, Lao PDR, the Philippines, Malaysia, Thailand and Vietnam engaging with key ASEAN structures and in key processes towards ensuring the realisation and protection of women's human rights, to ensure more effective and integrated regional human rights mechanisms for the promotion and protection of human rights and fundamental freedoms. Women's Caucus is coordinated by two regional organisations: International Women's Action Watch Asia Pacific (IWRAP Asia Pacific) and Asia Pacific Forum on Women, Law and Development (APWLD).

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About the Centre:

The Centre for NTS Studies of the S. Rajaratnam School of International Studies, was inaugurated by the Association of Southeast Asian Nations (ASEAN) Secretary-General Dr Surin Pitsuwan in May 2008. The Centre maintains research in the fields of Climate Change, Energy Security, Health Security, as well as Internal and Cross Border Conflict. It produces policy-relevant analyses aimed at furthering awareness and building capacity to address NTS issues and challenges in the Asia Pacific region and beyond. The Centre also provides a platform for scholars and policymakers within and outside Asia to discuss and analyse NTS issues in the region.

In 2009, the Centre was chosen by the MacArthur Foundation as a lead institution for the MacArthur Asia Security Initiative, to develop policy research capacity and recommend policies on the critical security challenges facing the Asia-Pacific.

The Centre is also a founding member and the Secretariat for the Consortium of Non-Traditional Security (NTS) Studies in Asia (NTS-Asia). More information on the Centre can be found at www.rsis.edu.sg/nts