

## INTRODUCTION

The establishment of the AIPA Caucus was proposed by Malaysia thru Resolution No. Res28GA/2007/Pol/03 in August 2007 during the 28<sup>th</sup> AIPA General Assembly in Kuala Lumpur, Malaysia. It was not until August 2008, during the 29<sup>th</sup> AIPA General Assembly in Singapore, that Resolution No. Res29GA/2008/org/05 was adopted formally establishing the AIPA Caucus.

Two of the principal tasks of the AIPA Caucus include 1) assisting the Executive Committee in monitoring the status of implementation of the various AIPA Resolutions in the different Member countries and 2) providing a platform for regular interaction amongst AIPA member countries.

The 1<sup>st</sup> AIPA Caucus held in Malaysia on April 26-28, 2009 focused on the harmonization of laws in combating the drug menace and the trafficking in human persons. The 2<sup>nd</sup> AIPA Caucus held in Singapore on June 22-25, 2009 undertook discussions on clean energy initiatives and the multi-lateral trading systems.

In the 3<sup>rd</sup> AIPA Caucus held in the Philippines on May 31-June 3, 2011, member-countries focused their discussions on child welfare and protection as well as disaster response management.

## THE THIRD AIPA CAUCUS

In his welcome address, Speaker Feliciano Belmonte, Jr. of the Philippine House of Representatives, underscored the reality that the region's geophysical characteristics predispose the region's peoples to the perils of disasters, which become more acute and pronounced as global warming intensifies. Unpredictable rainfalls, intemperate weather and heat waves, alternating droughts and flooding, inundations and rising sea levels, salt-water intrusions, and climate-sensitive diseases are only some of the challenges that ASEAN countries will have to confront as a result of climactic changes brought about by global warming. He stressed that these demand a concerted regional response, compelling the ASEAN members towards cooperation and joint endeavors in the area of disaster management and mitigation.

The matter of children's welfare is an equally urgent concern, according to Speaker Belmonte. He said that even if ASEAN countries affirmed in unison the deepest concern for our children as evidenced in the ratification of various international instruments including the UN Convention on the Rights of the Child (UNCRC), the countries need to transform these concerns into a regional consensus on solutions to these problems.

Speaker Belmonte expressed optimism for the caucus to be a springboard of opportunities to discover common grounds for concerted action towards realizing the vision for an ASEAN community.

After the various Leaders of Delegations introduced the members of their respective groups, the Body approved the agenda for the 3<sup>rd</sup> AIPA Caucus. A total of 24 delegates from the nine AIPA-member countries, a representative from ASEAN and the AIPA Secretary General participated in the Caucus.

The Hon. Victor F. Ortega from the Philippine House of Representatives was appointed as Chairperson of the 3<sup>rd</sup> AIPA Caucus while the Hon. Tuan A. Daudmareyo from the Kingdom of Thailand was appointed as Vice Chairperson.

## **I. ON DISASTER RESPONSE MANAGEMENT**

### **A. COUNTRY REPORTS**

#### **BRUNEI DARUSSALAM**

##### **Background**

The National Disaster Management Center (NDMC) was established in 2006 pursuant to the Disaster Management Order of 2006. As part of its strategy to enhance its capacity for response and preparedness in order to build resilience in the community in times of disasters, the NDMC has led initiatives to ensure that all the aspects of disaster management are considered through policies, strategies and implementation. These initiatives include (a) the adoption of the Incident Command System (ICS), (b) the establishment of a Community-Based Disaster Risk Management (CBDRM) program, and (c) active participation in regional and international disaster risk management at the ASEAN and UN levels.

##### **Country Initiatives and Policy Framework**

###### **Incident Command System (ICS)**

In order to strengthen its capabilities for disaster response management, Brunei Darussalam adopted the Incident Command System (ICS) which is a systematic tool for the command, control and coordination of emergency response in the United States. It standardizes coordination among different government

agencies and ensures that the designated responders are adequately trained and capable in different types of emergencies and disaster response. The ICS is implemented in Brunei with the cooperation of the United States Forestry Department.

### **Community-Based Disaster Risk Management (CBDRM)**

While the ICS focuses on the reactive aspect of disaster management, Brunei Darussalam has also adopted a proactive stance in building its capacity for disaster resilience. Pursuant to this approach, the NDMC established a Community-Based Disaster Risk Management (CBDRM) program to increase public awareness and community resilience against disaster.

### **Regional and International Commitments to Disaster Response Management**

Brunei Darussalam is an active participant in regional and international initiatives on disaster response management. The NDMC is a focal point in the ASEAN Committee on Disaster Management (ACDM), which is composed of the heads of national agencies responsible for disaster management in ASEAN member countries.

The ASEAN Agreement on Disaster Management and Emergency Response (AADMER) Work Program was formulated to strengthen the disaster management capabilities of member states. Through the AADMER, the ASEAN Coordinating Center for Humanitarian Assistance on Disaster Management (AHA Center) was proposed, and the agreement to establish the AHA Center is expected to be signed in July 2011. Brunei Darussalam fully supports the said agreement and establishment of the AHA Center.

The NDMC is also an active participant in United Nations (UN) bodies such as the UN International Strategy for Disaster Reduction (UNISDR) and the UN Office for the Coordination of Humanitarian Affairs (UNOCHA). The NDMC is also actively cooperating with other regional centers such as the Asian Disaster Reduction Center, the Asia Disaster Preparedness Center, the Pacific Tsunami Warning Center, and the Pacific Disaster Center.

Through the UNISDR, the NDMC promotes disaster risk reduction in priority areas identified in the Hyogo Framework of Action (HFA). To show its support for the HFA, the NDMC ensures that the five (5) priority actions outlined in the HFA are realized.

Brunei Darussalam has also participated in several meetings organized by the UNISDR on disaster risk management.

### **Strategic National Action Plan for Disaster Risk Reduction (SNAP)**

The NDMC is currently drafting its Strategic National Action Plan for Disaster Risk Reduction (SNAP), which outlines programs, projects and activities to reduce disaster risks and to provide capability-building for the general community. As part of the drafting process, a multi-stakeholder workshop was organized and held in Brunei Darussalam, where the stakeholders reached a common understanding about the status of disaster risk reduction in the country. The SNAP is expected to be launched in 2012.

## **CAMBODIA**

### **Background**

In the last decade, Cambodia has been struck by flood and drought, which affected more than 3.5 million people. In 2002, the National Committee for Disaster Management (NCDM) reported that the total damage to Cambodia from natural disasters amounted to more than US\$33 million. Flood, drought, typhoons and disease epidemics were identified as natural hazards that endanger the lives of the people of Cambodia. These experiences have led the Royal Government of Cambodia to strengthen its policies in ensuring the safety of its people and increase its preparedness in times of disaster and emergency.

### **Country Initiatives and Policy Framework**

The Royal Government of Cambodia adopted the Hyogo Framework for Action (HFA) as a key instrument in promoting and improving its disaster risk reduction policies. In implementing the HFA, Cambodia developed a Strategic National Action Plan for Disaster Risk Reduction (SNAP-DRR) 2008-2013. The SNAP-DRR has been integrated in its Strategic National Development Plan 2009-2013, and its implementation has been a primary focus in the Key Policy Priority and Actions 2009-2013. Among the priority actions set by the NCDM are the following:

1. Review of policies, legislation and guiding principles to accommodate, promote and improve disaster management;
2. Establish and improve a system/mechanism for disaster management,

including the formulation of guidelines and procedures to adequately prepare for and respond to disasters and emergencies;

3. Integrate disaster risk reduction into the social-economic development and poverty alleviation agenda, including the prioritization of the formulation of the National Platform for Disaster Management, and the establishment of a disaster management team from different sectors, including government ministries and institutions, academia, civil society and the private sector;
4. Invest in long-term disaster management knowledge-building, including public awareness, skills enhancement, and formal education in disaster management; and,
5. Participate, promote and strengthen regional and international collaboration and cooperation in disaster management.

Cambodia also outlined a delegation of tasks and responsibilities in disaster prevention among its line authorities, ministries, and provincial and district committees for disaster management through two (2) Circulars issued by the Prime Minister. This structure would assist existing communities at the local level in the implementation of disaster management activities.

Finally, due to the recurring flooding of the Mekong River, the Royal Government of Cambodia has taken proactive steps in flood relief operations through the distribution of emergency food and shelter.

Based on its past experiences in times of disaster, Cambodia has included disaster risk reduction as part of its key policies and agenda. It identified measures that would reduce the vulnerability of the Cambodian people prone to natural and man-made disasters, such as better intervention and a more effective approach to environmental sustainability and resource management.

In order to fully realize the capacity of Cambodia in disaster risk reduction, the Royal Government of Cambodia set up the following priorities:

1. Enactment of a Disaster Management Law;
2. Utilization of funding received from international organizations for training on disaster preparedness and mitigation;

3. Cooperation and partnership with other ASEAN nations in support of the creation of the ASEAN Coordinating Center for Humanitarian Assistance on Disaster Management (AHA Center); and,
4. Improved cooperation and assistance from non-government organizations in increasing its participatory role in poverty reduction.

## INDONESIA

### Background

Indonesia is probably the most disaster prone among ASEAN countries as it faces multiple hazards such as earthquakes, tsunamis, volcanic eruptions, flood, landslides, drought, and forest fires. Data from the United Nations International Strategy for Disaster Reduction (UN-ISDR) report that it ranks 1<sup>st</sup> out of 265 countries ranked for tsunami hazard; 1<sup>st</sup> among 162 countries for landslide; 3<sup>rd</sup> out of 153 countries for earthquake; and 6<sup>th</sup> out of 162 countries for flood.<sup>1</sup> For the period of 1980 to 2008, the country suffered an annual economic damage of US\$ 731,705,000 caused by disaster.<sup>2</sup>

### Country Initiatives and Policy Framework

Indonesian Parliament put in place policies to ensure disaster preparedness, most notable of which is Act No. 24 of 2007, the Disaster Management Law which radically shifted the paradigm from response-oriented disaster management to disaster risk reduction. This has been appreciated at the global level by receiving the first “Global Champion on Disaster Risk Reduction” during the 3<sup>rd</sup> Global Platform on Disaster Risk Reduction in Geneva, 10 May 2011. This was followed by the establishment of the National Agency for Disaster Management (known as *Badan Nasional Penanggulangan Bencana* or BNPB) through Presidential Decree No. 8/2008; and the issuance of Government Regulation Nos. 21, 22, and 23 in 2008, which respectively provide guidance for: (a) coordinated efforts in disaster management operation; (b) managing disaster funds; and (c) participation of international institutions in such operations. In 2010, the Armed Forces was also included in the BNPB.

At the operational level, BNPB has set up two Disaster Rapid Response Teams that can be mobilized in just two hours to respond to major disasters. There are

---

<sup>1</sup> Indonesia Risk Profile, accessed on 7 September 2010, at <http://www.preventionweb.net/english/countries/statistics/risk.php?cid=80>

<sup>2</sup> Indonesia Risk Profile, accessed on 7 September 2010, at <http://www.preventionweb.net/english/countries/statistics/?cid=80>

also other remarkable programs, such as the coastal erosion and tsunami mitigation initiatives implemented by the Ministry of Marine Affairs and Fishery. These initiatives combine climate change adaptation, disaster risk reduction, and livelihood objectives.

At the local level, disaster management is managed by an ad-hoc coordinating body which is composed of representatives from local government offices, the local military and police, and the local search and rescue (SAR) agency. To date, 27 of 33 provinces have established their Local Disaster Management Agencies (BPBD), and 140 out of 275 districts/cities in hazard-prone areas have set up BPBDs.

Indonesia also launched its National Platform for Disaster Risk Reduction (DRR) in 2009, a multi-stakeholder forum which promotes disaster risk reduction and mobilizes the community and the relevant stakeholders to implement risk reduction measures based on the Hyogo Framework for Action. Several provinces, districts, and cities are in the process of establishing similar fora.

Indonesia believes that there is a need to improve sub-regional, regional, and international coordination in the field of disaster management and disaster risk reduction, particularly in the development of early warning mechanisms and disaster preparedness. The country contributes to disaster relief funds through the Central Emergency Response Fund (CERF) and sends relief teams to countries hit by major disasters, including Haiti and Japan. Indonesia also hosted the ASEAN Regional Forum Disaster Relief Exercise (ARF Direx) in March 2011 and will host the International SAR Forum and International Search and Rescue Advisory Group meeting in July 2011 and the 5<sup>th</sup> Asian Ministerial Conference on Disaster Risk Reduction in 2012.

Indonesia is also developing trust funds for disaster recovery and climate change adaptation pursuant to the Second Global Platform for Disaster Risk Reduction in Geneva in 2009. This has been appreciated at the global level by receiving the first “Global Champion on Disaster Risk Reduction” during the 3<sup>rd</sup> Global Platform on Disaster Risk Reduction in Geneva on 10 May 2011.

At the regional level, Indonesia supports the ASEAN Agreement in Disaster Management and Emergency Response (AADMER) and the establishment of the Asian Coordinating Centre for Humanitarian Assistance on Disaster Management (AHA Center). Finally, Indonesian Parliament acknowledges the achievements of ASEAN on disaster management cooperation which has been well extended through several mechanisms such as ASEAN+1, ASEAN+3, East Asia Summit, as well as ASEAN Regional Forum (ARF).

## LAO PDR

Lao PDR, through its Ambassador, expressed its apologies for its inability to present a report on disaster response management.

## MALAYSIA

### Background

Located outside the “*Pacific Rim of Fire*,” Malaysia is generally free from severe natural disasters such as earthquakes, volcanic eruptions, and typhoons. Nonetheless, Malaysia experiences thunderstorms, monsoonal floods, man-made disasters, landslides, and severe hazes. Of these, floods foist the most significant hazard affecting 4.82 million people and causing damages amounting to RM915 million yearly.

### Country Initiatives and Policy Framework

The National Security Council (NSC) is the principal policy-making and coordinating body for disaster management in Malaysia. It is guided by NSC Directive No. 20, or *The Policy and Mechanism for National Disaster and Relief Management*, which prescribes an integrated emergency management system through the Disaster Management and Relief Committee (DMRC) present at the federal, state, and district levels. This directive is supported by other standard operating procedures, which outline the roles and responsibilities of various agencies for specific disasters, and by other related acts, namely: (a) the Land Conservation Act; (b) Environmental Protection Act; (c) Town and Country Planning Act; (c) Irrigation and Drainage Act; and (d) Uniform Building by Law.

Malaysia is implementing various early warning and response systems to ensure preparedness in confronting disasters. It has an Emergency Response System which implements an efficient “999” emergency hotline. It also warns the public via a Fixed-Line Disaster Alert System (FLAS) and through the Government Integrated Radio Network (GIRN).

In terms of infrastructure, Malaysia has various Flood Mitigation Projects, the most innovative of which is the Stormwater Management and Road Tunnel (SMART) constructed in the Kuala Lumpur city center. The SMART system diverts flood water via a holding pond, a bypass tunnel, and a storage reservoir, preventing spillover into the city during heavy downpours. In addition, local authorities implement the Urban Stormwater Management Manual (MSMA)

and Land Use Planning Appraisal for Risk Areas (LUPAr) in the feasibility assessment and execution of physical developments. Finally, the Public Works Department developed the National Slope Master Plan, which enables slope management and disaster risk reduction in incidents of landslides.

Malaysia also implements a special relief guarantee facility (SRGF) amounting to RM500 million allotted to help affected businesses recover and to rebuild damaged infrastructures. Under the SRGF, commercial banks provide the financing with 2.5% interest to the borrower while the Central Bank covers an additional 2.45% of interest and 80% guarantee of the financing obtained.

At the regional level, Malaysia is keen on following the ASEAN Agreement in Disaster Management and Emergency Response (AADMER). Pursuant to the 16<sup>th</sup> meeting of the ASEAN Committee on Disaster Management in May 2010, the Malaysian cabinet appointed Y.B. Dato' Seri Nazri, Chair of the DMRC as the national focal person for disaster management in the ASEAN, Asia, and international levels.

Malaysia also supports the establishment of the ASEAN Coordinating Centre for Humanitarian Assistance on Disaster Management (AHA Centre) in Jakarta, hoping that this will become the center for excellence in disaster management. To ensure its institutionalization, Malaysia insists that the funding for the center be based on the principle of equal-annual contribution. Malaysia also opines that the AHA Centre must have a legal personality which will allow it to conduct operations in all ASEAN member states, not only in the host country.

Malaysia supports the international community in extending assistance to countries affected by disasters especially within the ASEAN region. Malaysia also exhorts the need for a joint response in addressing disasters in emerging economies. Since disasters incur a profound effect on societies, these economies need to cooperate to address limitations in resources and capabilities.

## **PHILIPPINES**

### **Background**

The Philippines has always been vulnerable to many types of natural disasters because of its geographical location. Located in the western part of the Pacific Ring of Fire where active volcanoes and earthquake generators are found, the country has 220 volcanoes, 20 of which are known to be active. It is also in the

path of turbulent typhoons, with an average of 20 storms crossing the Philippine area of responsibility annually. Consequently, floods and landslides are common due to rains brought by typhoons and monsoons.

The archipelagic nature of the Philippines adds to its increased susceptibility to storm surges, tsunamis and sea level changes. The El Niño phenomenon, which induces drought and delays the onset of monsoon, also raises the country's disaster vulnerability.

### **Country Initiatives and Policy Framework**

As early as 1941, Philippine Commonwealth President Manuel L. Quezon issued Executive Order No. 335 creating the Civilian Emergency Administration (CEA), tasked to formulate and execute policies and plans for the protection and welfare of the civilian population under extraordinary and emergency conditions. Presidential Decree No. 1566 issued on June 11, 1978 codified laws and executive issuances issued thereafter. This law strengthened the country's disaster control capability, established a national program for community disaster preparedness, provided for the creation of the National Disaster Coordinating Council (NDCC) as the highest policy-making body concerning disasters in the country, and established coordination in all levels of government.

In January 2005, the Philippines concurred with other ASEAN members in the adoption of the *Hyogo Framework for Action (HFA) 2005-2015: Building the Resilience of Nations and Communities to Disasters*. This framework served to unify efforts of member-countries in reducing natural disaster risk and vulnerability. In particular, the Philippine Congress concretized the framework with the enactment of Republic Act No. 10121 or the "Philippine Disaster Risk Reduction and Management Act of 2010".

Republic Act No. 10121 acknowledges the need to adopt a holistic, comprehensive, integrated, and proactive disaster risk reduction and management approach to lessen the socio-economic and environmental impact of disasters, including climate change, and to promote the participation of stakeholders at all levels.

The Philippine Congress also passed Republic Act No. 9729 or "The Climate Change Act of 2009" which mainstreams climate change in the formulation of government policies through the National Framework Strategy and Program on Climate Change. The law also created the Climate Change Commission to coordinate, monitor and evaluate the government's programs in mitigating and adapting to the effects of climate change.

The Philippines also adheres to international agreements on disaster risk reduction such as the ASEAN Agreements on Disaster Management and Emergency Response (AADMER) ratified by the Senate in 2009. AADMER binds ASEAN member-states to promote regional cooperation and collaboration in reducing disaster losses and to intensify joint emergency response to disasters in the ASEAN region.

### **Other Executive Actions**

The Philippine government implements several programs on disaster response management spearheaded by the National Disaster Risk Reduction Management Council (NDRRMC) with the support and cooperation of different concerned agencies. The thrust of these programs is towards strengthening contingency planning for local government units; community-based disaster risk management; conduct of disaster preparedness drills for earthquake and tsunamis; capability building for early warning and emergency response; development of information, education and communication materials; public-private sector partnership for disaster mitigation, adaptation and preparedness; and sectoral mainstreaming of disaster risk reduction.

To facilitate the implementation of the country's disaster risk reduction management programs and projects, the government formulated the Strategic National Action Plan (SNAP) for Disaster Risk Management which serves as the country's road map to implement disaster risk reduction programs and projects. Administrative Order No. 1, series of 2010 of President Aquino directed local government units to adopt and use disaster risk reduction guidelines in local development planning process. A Memorandum of Understanding between NDRRMC and Climate Change Commission was forged to harmonize Local Climate Change Action Plans with Local Disaster Risk Reduction Plans.

National agencies such as the Philippine Institute of Volcanology and Seismology (PHILVOCS) and the Philippine Atmospheric Geophysical and Astronomical Services Administration (PAGASA) are continuously being upgraded and improved in order to provide the Filipino people with accurate and reliable information in earthquake, volcanic eruptions, weather and calamity forecasting.

## **SINGAPORE**

### **Background**

Singapore enjoys a disaster-free environment. However, the city state prepares for civil emergencies. A civil emergency is defined as a sudden incident involving

large-scale loss of lives or damage to property, or a major incident with potential to escalate in scale; with grave national, diplomatic or political implications and requires multi-agency response to manage the entire spectrum of events arising from the incident.

## **Country Initiatives and Policy Framework**

To handle civil emergencies, Singapore established the Incident Management System (Homefront Crisis Management System), with the role of Incident Manager (IM) for Civil Emergencies assigned to Singapore Civil Defense Force (SCDF) in 1997. The IM undertakes pre-emergency planning and coordinates responses during civil emergencies.

The Incident Management Structure (IMS) has three layers: *tactical* (or the people on the ground like rescue, firefighting, etc.); *strategic* (IM or SCDF with the Joint Planning Staff; headed by the Commissioner of the SCDF); and the policy layer--Homefront Crisis Executive Group (HCEG) headed by the Secretary of Home Defense Affairs with other secretaries and CEOs of statutory bodies.

The SCDF implements the Operations Civil Emergency Plan (Ops CE) - the state's National Plan for Major Disasters - and pre-determines agency roles and functions. Twenty-seven (27) related government agencies were organized into the Joint Planning Staff (JPS). The Ops CE Plan contains key scenarios such as major fires, structural collapse, aircraft crash, hazardous material incidents, acts of terrorism involving chemical, biological, radiological and/or explosive (CBRE) agents, and incidents related to radioactive materials.

The effectiveness of the IMS has been tested in the Nicoll Highway Cave in 2004 where four people were killed. Search and rescue operations were done and the JPS was activated to assist IM and to ensure proper execution of the orders of their respective ground forces. The incident proved that the Ops CE framework and the prompt support from relevant agencies were key to the success of rescue operation.

Major emergency exercises were also conducted involving different scenarios to test and strengthen civil emergency response capabilities. The scenarios include a terrorist attack cum multiple bomb explosions affecting public transport, with 2000 participants and 3400 commuters on transit; a major fire on a cruise ship and evacuation of passengers with 850 role players inclusive of 290 casualties; and simulated Mumbai style terrorist attacks scenarios (10 cases) which pose new challenges to SCDF. Lastly, Singapore also actually participated in helping other countries in emergency or disaster situations.

The main legislation supporting emergency preparedness and disaster management activities in Singapore are the Civil Defense Act, Fire Safety Act and Civil Defense Act. In addition, there are various laws enacted that empower respective government ministries and their agencies to prevent and manage crises such as the Building and Construction Authority Act, Building Control Act, Environment Protection and Management Act, Environment Public Health Act, Hazardous Waste (Control of Export, Import and Transit) Act, Infectious Diseases Act, National Environment Agency Act and Radiation Protection Act.

Singapore believes that since the AADMER is already in force and has provided a 'common ground' for ASEAN member-states to work together, it may not be necessary to pursue any harmonization of legislation, which would duplicate existing efforts and resources.

## **THAILAND**

### **Background**

The geographic and climatic characteristics of Thailand demonstrate its susceptibility to destructive natural disasters and calamities. As the country is surrounded by vast mountainous regions and large volumes of water from several rivers down to the Indian Ocean, Thailand has, time and again, experienced disasters from floods, typhoons, windstorms, landslides, droughts and worst, the Indian Ocean tsunami in 2004 which claimed 8,000 thousand lives, demolished enormous properties and plunged the country's economy in billions of dollars. This unfortunate incident, however, has significantly changed Thailand's perspective towards disaster management.

### **Country Initiatives and Policy Framework**

Prior to the enactment of the Disaster Prevention and Mitigation Act of 2007 (DPM Act), the disaster response, rehabilitation and recovery systems of Thailand was guided by the Civil Defense Act of 1979. Realizing the need to effectively counter disaster situations, the DPM Act was institutionalized to provide the National Master Plan for Disaster Prevention and Mitigation for the year 2010-2014 consisting of three (3) parts, namely: (1) disaster prevention and mitigation principle; (2) standard operating procedure in dealing with 24 different types of disasters and finally, (3) national security issues.

Thailand's governmental agency handling the country's disaster management is the Department of Disaster Prevention and Mitigation (DDPM) under the

Ministry of Interior. In 2010, the DDPM had USD 86,298,100 allocation of the country's annual budget.

Accordingly, bold reforms in disaster management systems and mechanisms were implemented shifting from the traditional or structural approach to disaster response, relief assistance and recovery to the holistic disaster management approach of risk reduction through preparedness and prevention and community involvement at all levels. Concrete and substantial steps have been undertaken by Thailand to prevent and mitigate disasters such as: (1) greater public awareness and education and human resource development, (2) establishment of the National Disaster Warning Center, (3) international disaster management networking for technical assistance, (4) capacity building in technology, (5) use of both structural and non-structural measures of disaster management and (6) livelihood rehabilitation.

Furthermore, Thailand's national initiatives and specific programs include: (1) the One Tambon-One Search and Rescue Team (OTOS) which provides training of search and rescue teams at the provincial, district and Tambon levels; (2) training for managers, practitioners, local government officers through the Prevention and Mitigation Academy (DPMA); (3) education for disaster preparedness in primary schools to both teachers and children through the Asian Disaster Reduction Center (ADRC) and the Ministry of Education; (4) the community-based disaster risk management program to communities at risk by generating awareness and mobilizing people participation; (5) community-based volunteer training program for disaster warning network; and finally (6) the Emergency Response Team Development Project (ERT) for large scale disasters.

## VIETNAM

### Background

Vietnam lies on the tropical region directly on the Asia-Pacific storm center. The country's disaster frequency is high in terms of flood and inundation, typhoon and tropical depression, tornado, drought and salt water intrusion. Over the past 50 years, Vietnam was hit by 400 storms and tropical depressions with frequent droughts and salt water intrusions which claimed lives, damaged properties and seriously affected the country's socio-economic growth. This adverse situation has challenged Vietnam to address the problem through measures and strategies aimed at disaster prevention and risk reduction.

## **Country Initiatives and Policy Framework**

The National Strategy for Disaster Prevention and Mitigation which was ratified in 2007 and takes effect until 2020 mobilizes every resource to prevent and mitigate natural disasters and in the process, minimize the loss of lives and properties and damage to environment and cultural heritage. As its implementation strategy, Vietnam has promulgated policies for afforestation, forest management and exploitation; natural resources protection; water resources management; environmental protection and sustainable development; flood diversion, retention and dredging of riverbed for flood release; disaster recovery and support to victims and their families.

Vietnam's specific disaster management activities include: (1) comprehensive checking and adjustment of organizational capabilities for disaster management; (2) rehearsals for disaster response and upgrade of technologies and infrastructures; (3) people's education and awareness for proactive response; and (4) promotion of regional and international cooperation.

The country's commitment in combating disaster incidents is shown by its active participation in the ASEAN Committee on Disaster Management and its adherence to the ASEAN Agreement on Disaster Management and Emergency Response (AADMER). Furthermore, Vietnam is optimistic that ASEAN will establish the Center for Emergency Response and Human Assistance in Hanoi which will serve as the regional center for ASEAN countries in emergency response, human assistance and disaster management situations.

Finally, while Vietnam admits its deficiency in disaster preparedness and risk reduction capability, it is determined to (1) consider disaster response management as a regular task in its plans and programs for socio-economic development; (2) provide education and awareness to communities; (3) enhance capabilities for relevant agencies and ministries; (4) establish disaster management centers at national and local levels; (5) professionalize disaster response task forces; and, at the international level, (6) enhance cooperation with ASEAN countries, to effectively implement the AADMER and pursue the purposes of the ASEAN Coordinating Center for Humanitarian Assistance (AHA Center).

## **B. REPORT OF THE ASEAN REPRESENTATIVE**

### **Background**

The ASEAN understands that eight (8) out of ten (10) ASEAN member-

countries experienced major disasters and calamities over the past decades because of its unfavourable geographical and climatic condition. In fact, these disasters have claimed thousands of lives, damaged enormous number of properties and affected the socio-economic and development growth of countries within the region. The ASEAN further observes that the incidents of disasters in the past decade have caused great losses in terms of their national financial positions, human resources and community opportunities. ASEAN data show that in the years 2001-2011, the occurrence of floods in the region was at its highest with 240 incidents among other types of disasters. Within this period, 500,000 people perished or were declared missing and 17 million others, who represent 1/10 of the world's population, were gravely affected. The aftermath of these calamities cost the ASEAN member-countries USD10 billion in reconstruction efforts. Thus, recognizing the need to effectively respond to disasters and mitigate its debilitating effects, the ASEAN has taken courses of action and established cooperation mechanisms among member-countries.

### **ASEAN Initiatives and Policy Framework and Direction**

In 2003, ASEAN established the ASEAN Committee on Disaster Management (ACDM) composed of heads of national agencies and organizations responsible for disaster management of member-states. The ACDM is primarily tasked to coordinate and implement regional activities on disaster management and risk reduction. Since its formation, ACDM has engaged itself in consultative and cooperative alliances with member-countries on common issues and concerns on disaster management and in the process, came up with the ASEAN Agreement on Disaster Management and Emergency Response (AADMER) which provides for a comprehensive regional framework to strengthen preventive, monitoring and mitigation measures to reduce disaster losses in the region. Specifically, AADMER works on (1) risk assessment, (2) early warning and monitoring, (3) preparedness and response and lastly, (4) prevention and mitigation and recovery.

Furthermore, the AADMER has initiated activities such as the ASEAN Regional Disaster Emergency Response Simulation Exercise (ARDEX) to test the standard operating procedure for Regional Standby Arrangements and Coordination of Joint Disaster Relief and Emergency Response Operations (SASOP); the civil-military collaboration on disaster relief and the interface between the ASEAN-Emergency Rapid Assessment Team (ERAT) with the United Nations Disaster Assessment and Coordination (UNDAC). ARDEX is an annual endeavour beginning 2005, and next year the exercise will be conducted in Vietnam. In addition, ACDM has also created a task force on the establishment of the ASEAN Coordinating Center for Humanitarian Assistance (AHA Center)

which will be hosted by Indonesia. The AHA Center is a project intended to facilitate operational coordination of disaster management activities such as, consolidating and disseminating information on disaster risk, standby arrangements for disaster relief and facilitating joint emergency response, technical cooperation and scientific and technical research activities.

Finally, the ASEAN also confirms the existence of a Regional Disaster Fund, to which Japan contributed a total amount of USD 6 million.

### **C. AREAS FOR POSSIBLE COMMON LEGISLATION**

Out of the nine countries which were represented in the 3<sup>rd</sup> AIPA Caucus, only three countries proposed possible areas for common legislation.

Thailand proposes that AIPA should enhance each member country's disaster management capacity and efficiency by supporting the ASEAN in the formulation of regional regulations and measures. This is to enhance the coordinative efforts between the ASEAN and the AIPA, in the process enhancing the subsidiarity of ASEAN policies and enabling the full realization of AIPA and ASEAN initiatives. As an example, Thailand cites the mobilization of technical assistance among member countries, as well as from developed countries and international organizations. In matters needing legislation, AIPA member countries should facilitate the passage of the required legislation to ensure the implementation of the ASEAN Agreement on Disaster Management and Emergency Response (AADMER).

Second, Thailand proposes that AIPA member countries use their legislative processes to support initiatives on knowledge building on disaster preparedness in the primary education level.

Vietnam proposes legislation to provide humanitarian assistance for victims of disasters, as well as the sharing of information and experiences on disaster response management and risk reduction among ASEAN countries. The Philippines suggests a policy of regional assistance and coordination on disaster relief work to allow devastated communities to recover and rebuild faster.

In addition, Vietnam and the Philippines recommend policy coordination and cooperation among ASEAN member-states. Vietnam specifies areas of cooperation in search and salvage and urgent disaster response operations. Philippines advocates legislation of policies and programs of action on climate change adaptation and mitigation.

## II. ON CHILDREN WELFARE AND PROTECTION

### A. COUNTRY REPORTS

#### BRUNEI DARUSSALAM

##### **Background**

The Community Development Department of the Ministry of Culture, Youth and Sports is the primary agency that formulates policies as well as implements Brunei Darussalam's national program for the welfare and protection of children. It follows a Strategic Plan which provides for the promotion, protection and rehabilitation of children. It works with other government agencies in the implementation of the various programs such as the Royal Brunei Police Force, Ministry of Health, the Public Prosecutor's Office, Ministry of Education and the Ministry of Religious Affairs.

##### **Country Initiatives**

Brunei Darussalam's program is anchored on the family as the primary institution to eradicate social ills. Hence, the strengthening of the family is a major thrust.

It recognizes the fact that government alone cannot address the various social challenges but requires the involvement and commitment of the community. It has established Councils of Village Consultation composed of Penghulu (Heads of Province) and Ketua Kampong (Village Heads) to enhance coordination between the community and government.

Among the programs being implemented by the Department of Community Development is the Welfare Home Program which seeks to 1) rehabilitate the morals of those who are involved in anti-social activities; 2) engage the youth in task-oriented learning and skills development activities; and 3) provide shelter as a temporary safe place for victims of domestic violations and family problems.

The government also provides several safety nets such as financial and emergency relief assistance to vulnerable groups such as widows/divorcees and orphans, as well as scholarships for school children, children with disabilities and victims of natural disasters.

It also created the National Council of Social Issues, headed by Cabinet Ministers, which formulates the national policies on social issues and draws up actions plans to address these.

### **Specific Legislations**

Brunei Darussalam has ratified the United Nations Convention on the Rights of the Child (UNCRC). It is also committed to many other international and regional declarations on children, among which is the Beijing Declaration and Platform of Action. At the national level, it has passed the Children and Young Persons Order 2006, which provides for the protection and rehabilitation of children and the establishment of Juvenile Courts and Action Teams on Child Protection.

### **Areas of Common Legislation**

Brunei Darussalam has not encountered any major problems in the implementation of the laws on the protection and welfare of children. The government has provided adequate budgetary support to fund its programs. Brunei urged the Caucus to work for the implementation of the programs of the 2010 ASEAN Commission for the Protection of Woman and Children as a starting point in adopting common legislation on Children's Welfare and Protection.

## **CAMBODIA**

### **Background**

Children make up approximately half or 52% of the population of the Kingdom of Cambodia. This vulnerable group was among the most adversely affected when there was a shift from a socialist to a capitalist economy in 1989 with the termination of a number of social safety nets.

When the Peace Agreement was signed in 1991, the country experienced massive inflow of international support through the United Nations, increased foreign aid and economic liberalization. However, it also brought about the return of about 350,000 refugees and subsequent negative social effects. The gap between the rich and poor widened. Migration from the rural areas to the cities accelerated and street children became common. Prostitution in urban areas proliferated, including children below 18 years old. Many children living in urban areas are also exposed to a variety of risks, including alcohol and drug abuse and unprotected sex. Health and nutrition in Cambodia is among the poorest in the world.

Aside from social ills, many Cambodian children suffer from lack of educational opportunities. Only 52% of primary schools offer six-year program. By the age of 15, less than 5% of the children are enrolled.

### **Country Initiatives**

Cambodia defined two main priorities and directions in its efforts to uphold the welfare and protection of children: 1) the adoption of non-institutionalized care as the best alternative for the care of children at risk; and 2) ensuring a minimum standard of shelter for children.

It has adopted a Five-Year Plan against the Trafficking and Sexual Exploitation of Children (2000-2004) developed by the Cambodian National Council for Children (CNCC). The plan includes goals and strategies for the prevention, protection, recovery and competence-building and re-integration of children into society.

The Ministry of Social Affairs, Labor, Vocational Training and Youth Rehabilitation (MoSALVY) is the principal government agency involved in its Child Welfare and Protection Program. The major partners of government in the implementation of its strategies are the non-government organizations (NGOs), the private sector and religious groups. The strategies include advocacy, social mobilization, competence-building, service delivery and community-empowerment.

### **Specific Legislations**

The Constitution of Cambodia recognizes the need for the State to protect the rights of children, as stipulated in the UN Convention on the Rights of the Child.

Cambodia participated in the 2<sup>nd</sup> International Conference on Children and Residential Care in Stockholm in May 2003. In preparation for this, it conducted a National Pre-Conference in Phnom Penh to raise the level of awareness regarding alternative care and to present the subject for discussion among the different stakeholders and children themselves.

Cambodia is in the process of developing a new child justice law. Under this law, children under investigation for criminal offenses shall not be detained pending trial. It also gives preference to non-institutionalized forms of sanctions for child offenders such as community service, probation and apology.

## **Common Initiatives**

Cambodia proposed that AIPA adopt common laws on child welfare and protection which views ASEAN as a community. It could be premised on common Asian values which look at the family as the institution.

## **INDONESIA**

### **Country Initiatives**

Pursuant to the Child Protection Act No. 23 (2002), the Ministry has set the following goals: a) to improve the quality of growth and child survival, b) to protect children from all forms of violence, c) to improve institutional capacity and networks, and d) to promote community participation in supporting the fulfillment of children's rights.

The Indonesian Parliament realizes the promotion and protection of the rights of children as important elements, especially in attaining the MDGs. The Indonesian Parliament together with the Government have regulated child care policies to protect children from violence and to improve the decent and quality life of children. Indonesia also realizes that the attempts to improve children's welfare, as well as to protect them from any kinds of violence are a continuous effort. One major exertion is to improve the institutional capacity, networking, and community participation to support the fulfillment of children's rights. It is also mandated by the constitution that 20% of the national budget has to be allocated for education, including the children's right to have 9 years basic education.

The President of Indonesia issued a decree establishing the Indonesian Child Protection Commission. The Commission is mandated to disseminate all legislative provision of legislations relating to child protection. This include provisions on data and information collection, and reports/suggestions/feedback to the President. Indonesia also passed the Child Protection Law (Law No. 23 year 2002) which provides special protection for children who are victims of crimes, and who are sexually and financially exploited. This law provides for child rehabilitation and witness protection programs. There are also joint regulations issued among the country's ministries involved in children.

Furthermore, to show the commitment in children protection, Indonesia established the special Ministry of Women Empowerment and Child Protection as well as Indonesian Child Protection Commission and supports the initiatives

to enhance the cooperation between AIPA and ASEAN through the development of an ASEAN legal instrument on the promotion and protection of the rights of migrant workers which also touches upon the children's rights, consistent with ASEAN's vision of a caring and sharing community. The Indonesian Parliament encourages further cooperation between ASEAN Member States to get a better common understanding on Welfare and Protection of Children.

Indonesia participated in the inauguration of the ASEAN Commission on Protection and Promotion of the Rights of Women and Children (ACWC) and the ASEAN Intergovernmental Commission on Human Rights (AICHR).

## **MALAYSIA**

### **Background**

Malaysia has a population of 28.9 million, 39% or 11.3 million of which are children within the age bracket of 0-18. Considering its young population, Malaysia has committed itself to (1) strengthen the family as an institution and uphold the protection and welfare of children; (2) provide children with proper education and appropriate health and nutrition; and (3) adhere to established laws, rules and regulations and the United Nations Convention on the Rights of Children. Furthermore, Malaysia continues to direct its policy framework towards the effective implementation of its programs for the welfare of children.

### **Specific Legislations**

In order to promote the welfare and protection of its children, Malaysia has enacted various laws such as the (1) Child Act of 2001, the provisions of which were based on the principles of the Convention on the Rights of the Child (CRC) on non-discrimination, best interest of the children, the right to life, survival and development, and respect for the views of the child; (2) Care Center Act of 1993 [Act 506] which deals with rearing of children in child care centers; (3) Domestic Violence Act 1994 [Act 521] which protects children and women against all forms of violence and abuse; (4) Education Act of 1996 which provides for compulsory primary education; (5) Guardianship of Infants Act 1961 [Act 351]; (6) Married Women and Children (Maintenance) Act 1950 [Act 263]; (7) Law Reform (Marriage and Divorce) Act 1976 [Act 164]; (8) Children and Young Persons (Employment) Act 1966, amended in 1988 [Act 350]; (9) Anti-Trafficking in Persons and Anti-Smuggling of Migrants Act 2007, which was amended in 2010 [ACT 670]. This law states that any person who trafficks children for the purpose of exploitation, commits an offense and shall be punished with imprisonment from

3 to 20 years and a fine. Under this act, the Ministry of Women, Family and Community Development is responsible to provide shelter homes for trafficked victims, especially women and children.

Malaysia enumerated other laws such as the Islamic Family Law (Federal Territory) Act 1984 (“IFLA”) [Act 303] and the Evidence of Child Witness Act 2007.

### **Country Initiatives**

The government of Malaysia also implemented many programs to provide assistance to underprivileged children and children from poor families, so that no children are left out in the efforts to improve the quality of life. These children include the MDG 4 on maternity care especially in rural villages.

Malaysia also revealed that they have special education programs for children with special needs and various disabilities. Another initiative is the Poor Students’ Trust Fund (PSTF) 2003 which funds compulsory education programs for children. They also have the Integrated School Health Programme (ISHP) that provides various health services for children in school. And now, in all primary schools, they have dental care units and BMI checks for all school children. Malaysia also has the Supplementary Food Programme (SFP) to ensure that children especially those from rural areas from Sabah and Sarawak can receive a well-balanced diet. Malaysia has other programs such as the School Milk Programme (SMP) and the Safe School Programme (SSP) to ensure that students across the border are free from racial and gender discrimination. Malaysia also provides a Counselling and Guidance Programme (CGP).

A creation of a child department is also being explored. It is interesting to see that the recently launched “Child Hotline for Children” has received an average of 17 calls per day, with a 4 year-old as the youngest caller. Most of these children are lonely and left at home with their amah. These children are yearning for people to listen to their needs.

### **Issues relevant to AIPA**

Malaysia identified common issues and concerns that are relevant to the AIPA. One of them is the increase of cross-border crimes of human trafficking including children. Malaysia underscored the need to harmonize our laws to combat such crimes. There is likewise an increase in cross-border drug trafficking involving children and women used as drug mules by international syndicates.

## PHILIPPINES

### Background

The Philippines emphasized its commitment to the welfare and protection of children primarily on their rights to survival, protection, development and participation as found in the Philippine Constitution.

In 1990, the Philippines became the 31<sup>st</sup> state to ratify the United Nation's Convention on the Rights of the Child (UNCRC). After the ratification, the Philippines formulated a policy framework on the National Plan for Children through the Council for the Welfare of Children (CWC). This, until now, forms the basis of the Government to articulate the nation's vision for child protection and development.

### Specific Legislations

As far back as 1907, the first child welfare-related law was enacted. Act No. 1670 provided for the suitable placement and adoption of poor children who are in institutions maintained at public expense.

The numerous laws and executive issuances thereafter were codified in Presidential Decree No. 603 or the Child and Youth Welfare Code issued on December 10, 1974. The Decree defines the rights, responsibilities and opportunities of children to ensure and to enable their fullest development. It spells out the rights and responsibilities of parents, as well as roles of the home, church, community and the state. Additionally, it identified the various types of vulnerabilities of children— dependent, neglected and abandoned, those with physical and mental disabilities and offenders below 18 years old.

The said decree was instrumental to the establishment of the Council for the Welfare of Children (CWC) under the Office of the President as the policy-making body on the promotion of child and youth welfare.

Additionally, three main laws highlight the remarkable strides in legislation to uphold the welfare of children. These are: 1) Republic Act No. 8043, or An Act Establishing the Rules to Govern Inter-Country Adoption of Filipino Children (1995), 2) Republic Act No. 8552, or An Act Establishing the Rules and Policies on the Domestic Adoption of Filipino Children and Other Purposes (1998) and 3) Republic Act No. 8980, or An Act Promulgating A Comprehensive Policy and a National System for Early Childhood Care and Development (ECCD) (December 2000).

The country's initiatives on the protection and welfare of children are also in line with the Millennium Development Goals (MDG), specifically in achieving universal primary education.

### **Country Initiatives**

Recently, the country implemented the *Pantawid Pamilyang Pilipino Program* (4Ps) which is part of the country's poverty reduction and social development strategy. It provides conditional cash grants to extremely poor households. Basically, it is intended to give social assistance to the poor. It operates as a social development tool to break the intergenerational poverty cycle through investments in human capital. It aims to improve health, nutrition and education particularly of children aged 0-14.

The 4Ps was implemented in 2008 in consonance with the country's commitment to the MDG. It focuses on children's protection through the eradication of extreme poverty and hunger, the achievement of universal primary education, promotion of gender equality, reduction of child mortality, and the improvement of maternal health. This program aims to reach 80 provinces, 734 municipalities and 62 key cities covering one (1) million households. In the 2011 National Budget, the government has allocated P23 billion pesos to achieve the program.

Among the recent accomplishments of this program is the increase of accessibility of education to the poorest of the poor schoolchildren with about 1.5 billion beneficiaries in different parts of the country. According to a study conducted by the Social Weather Station (SWS), the 4Ps resulted in improvements in school attendance and enrollment rate. The study also stated that the program helped reduce child labor.

Finally, the Philippines put in place a solid policy framework, and its implementation is carefully evaluated and periodically monitored to ensure the realization of the country's goals toward the protection of the rights and welfare of children. To ensure success, the government established collaborative partnerships with NGOs and other relevant stakeholders.

## **SINGAPORE**

### **Background**

Singapore's vision for children is that they can best fulfill their potential in the presence of strong family relationships in an environment that maximizes

equal opportunities for all in a fair and just society. Its main guiding principles are to make the interests of the child as priority; to empower the child, and to strengthen the family and societal support in encouraging child welfare and protection.

Its commitment to the empowerment of children is manifested through the country's regional and international commitments. Since October of 1995, the country has been a signatory to the United Nations Convention on the Rights of the Child (UNCRC). This commits Singapore to meet minimum standards in the provision of healthcare, education, legal and social services for children with the best interest of the child in mind. In January 2009, Singapore also ratified the Optional Protocol to the UNCRC on the Involvement of Children in Armed Conflict (OPAC), calling for the protection of children from situations of armed conflict. In December 2010, the country acceded to the Hague Convention on the Civil Aspects of International Child Abduction. The convention was enforced on March 2011 with the aim to protect the interests of children from the undesirable effects of trans-border parental abduction and retention by providing an avenue for their return and resolution of custodial disputes. The country was also represented in the ASEAN Commission on the Promotion and Protection of the Rights of Women and Children (ACWC), a platform to encourage regional cooperation in the promotion of the well-being and empowerment of women and children.

On the promotion of the welfare and development of Singaporean children, the country is working towards creating a pro-family environment, to make Singapore the best place to raise them. Programs have been initiated such as the Dad's for Life Movement to raise awareness of the crucial roles of fathers in child development. There is also the consultative Non-Governmental bodies in the Singapore such as the National Family Council, which has been active in promoting family life. Early intervention is crucial for families who may need more support especially where the welfare of the child is in question.

In the area of education and culture, the country is committed to provide its citizens with equal access to quality education. To achieve this, primary school education has been made compulsory in 2003. The government committed more than 20 % of its budget for schools this year resulting in a overall literacy rate in 2010 to 96%. The country strongly believes in promoting diversity by encouraging cross cultural exchange and exposing the youth to a myriad of cultural events and participation in sports.

Singapore has low infant mortality rates resulting from immunization against infectious diseases. Infant mortality was at 2.0 per 1,000 live births, according

to the UNICEF's report on "The State of the World's Children 2010." It ranks alongside the Finland, Iceland and Sweden in reducing infant deaths.

### **Specific Legislation**

Over the years, national legislation has been enacted for the welfare and protection of children. These legislations include the Children and Young Persons Act (CYPA) which was amended in January this year. It provides for the protection of children below 16 from abuse, neglect, exploitation, including their unlawful transfer and custody. The Women's Charter protects women and girls against exploitation and all persons from family violence. This law was amended in January this year to address the risk of divorce proceedings involving children, and enhance the enforcement of court-ordered maintenance payment to wives and children., The Penal Code provides for protection for all persons below the age of 18 against commercial sex, and imposes more severe punishment on persons who abuse and/or neglect them.

To support legislative initiatives, the National Standards for the Protection of Children serves as a framework for child protection in Singapore. It provides an understanding of people's roles and responsibilities in child protection. This ensures quick response and accurate intervention for abused children. Assistance services are provided victims which include counseling, medical services, remedial care, and support services from Voluntary Welfare Organisations.

The judicial system in Singapore supports child welfare and protection by establishing a Children Care Court in 2008 to oversee proceedings on cases involving children.

In general, Singapore has done much to ensure that children's rights and welfare are protected. Legislation and an established network of agencies provide protection for children. All children have access to state-subsidized education and healthcare. The country will continue its efforts to ensure that these programs, initiatives and services are relevant to the children's needs.

## **THAILAND**

### **Background**

Thailand has made significant progress in child and youth development as reflected in the amendment and enactment of pertinent laws in their country such as the declaration of 2007 National Agenda for Children, Youth and the Family. The primary essence of their agenda is the promotion of child and youth

participation in solving social problems, development of capabilities of children and youth, the production of good quality media programs and the improvement of child development centers.

The country is likewise committed to United Nation's Convention on the Rights of the Child (UNCRC) and the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography. The main principles of the convention and the two optional protocols have mapped out Thailand's children and youth development plan.

### **Country Initiatives & Policy Framework**

The government established an appropriate institutional arrangement to review laws and regulations concerning children in compliance with the country's constitution and the UNCRC in 2000.

A number of new legislations concerning the protection and development of children were introduced including the promotion of safety in sports and recreational activities, suppression of items instigating dangerous behaviors, protection of children born through assisted reproductive technology, and child adoption.

In 2008, the provision for free basic education was expanded to 15 years, from pre-school up to upper secondary level. Additional budget was allocated for this purpose to subsidize textbooks, learning equipment, school uniforms and development activities.

Additionally, health services in Thailand were made accessible nationwide through sub-district health centers. There are public health mobile units providing outreach services to both rural and urban communities. Services include pre and post-natal vaccination, breastfeeding support, disease surveillance and nutrition and development surveillance up to pre-school level.

In view of the mentioned programs, national and local mechanisms were established including personnel trainings such as workshops and seminars for child-protection workers and the like.

### **Specific Legislations**

Among Thailand's significant legislations and national policies on the rights of the child are: the Child Protection Act of 2003, National Child and Youth

Development Promotion Act of 2007, Domestic and Violence Victim Protection Act of 2007, Anti-Trafficking in Persons Act 2008, The National Policy and Strategy for the World Fit for Children, The National Policy to Stop Domestic Violence against Child and Women, The National Plan and Policy on the Prevention, Suppression and Combating Domestic and Transnational Trafficking in Children and Women, and the National Agenda for Children and Adolescents in 2008.

## **VIETNAM**

### **Background**

Based on the 2009 population census, Vietnam has a population of 85.8 million, 23.6 million (27.5%) of which are composed of children. The census also showed that a Vietnamese family has an average of two children. Given this, Vietnam can afford to give a comprehensive welfare package for children, such as better quality education. Vietnam revealed that in the last twenty years, the annual economic growth of 7.5% is their highest. Its GDP per capita increased to 6.5% per year. Also at that time, Vietnam's poverty rate was reduced from 60% (in 1990) to 11% (in 2010). But he iterated that the problem in income gap increased from 8.1 times (2002) to 8.9 times (2009) in the last 10 years.

### **Social Impacts from Changing Policy**

Vietnam identified some social impacts from changing policies. One of which is the rapid economic and social changes that impact on families and children, such as fees for services and education. The emerging social problems include growing migration since many children go to cities; disparities, rapid urbanization, drug use, crime, and prostitution incidence, and HIV/AIDS infection. There is also an increase in family breakdown. Vietnam revealed that their youth is absorbing new behaviours, values and lifestyles. The burdens of natural disasters and climate change also affected women, children and their families.

### **Children's Rights in Vietnam**

Vietnam stated that there is an improvement in the life of a Vietnamese child as compared to the last two decades. Most children are now going to primary and lower secondary schools.

In Vietnam, children <6 years get a 100% free health insurance card issued by law. Vietnam has reached the MDGs on poverty and health earlier than the

MDGs set by the United Nations. But there is still an existing child gap in Vietnam: 75% of urban children below 6 years are in kindergarten, while there are only 51% of children from rural areas. Fifty-one percent (51%) of children <6 study in private while 98% of primary students and 80% of students in upper secondary are in public schools. 62% of children who live in poverty belong to the minority; 53% for Mekong but 12% for Red River.

Ninety-eight percent (98%) of women from lowlands give birth with the assistance of trained health staffs while only 58% are from the uplands. Vietnam stated that they need more maintenance of child health care in upland areas.

### **Children Need Special Care (CNSP)**

In Vietnam, 4.28 million (18.2%) children and five percent (5%) of total population are: orphans (129,600), with disabilities (1,316,000), in poverty (2,750,000), street children (22,900), HIV+ (2,381), affected by AIDS (283,667), child labor (25,800), misusing drugs (1,067), institutionalized child (15,000), in conflict with the law (14,000). In general, seventy-five percent (75%) of children who need special care were taken care of in 2010. However, Vietnam needs more measures to take care of the remaining twenty-five (25%).

### **Country Initiative**

In Vietnam, the Law on Child Protection, Care, and Education of 2004 is the major legal framework on child right protection. This is supported by the Youth Law of 2005, which defines the responsibilities of different organizations and individuals in caring and protecting children aged 16-18 years old and other related laws.

A large amount in the national budget is spent for the target programs for children as approved yearly by their Parliament.

However, Vietnam also forwarded that their legislation lack the following: (a) comprehensive child right legal framework; (b) coordinated body for child right protection; (c) professional capacity; (d) designated child protection units and child-friendly protocols; and (e) clear responsibilities and protocols among ministries, mass organizations and non-governmental organizations on child protection. Vietnam also viewed that they are weak in monitoring and inspection that leads to limited scope to track and understand risks thus they need more money to help their children.

Nonetheless, Vietnam reports that the traditional responses to child protection; the strong role of mass organizations; and the strong national political commitments will all help promote and protect child rights.

Vietnam is also one of the first countries in Asia to ratify the United Nations Convention on Child Rights in 1990.

### **For Possible Common Legislations**

Vietnam proposes the following legislations under the AIPA framework: (1) Increase of maternal leave to lengthen the duration of breastfeeding to six (6) months; (2) government funding for HIV/AIDS prevention; (3) free health insurance for children; (4) prioritization of provision of health services in remote areas; (5) protocol on investigations involving children.

Further, Vietnam proposes that AIPA address the legal challenges on issues concerning the child such as in education and welfare, healthcare, and justice, and to countries to prepare and organize seminars on these challenges.

## **B. AREAS FOR POSSIBLE COMMON LEGISLATION**

Today's children face a myriad of challenges. Climate change, migration, epidemics, crime, war, economic crisis, food shortage, domestic violence, physical abuse and statelessness are just some of the challenges that happen across borders regardless of race, class, creed and culture.

The AIPA Member States recognize these challenges and are one in acknowledging the need for a concerted effort that will ensure the protection and safeguard the welfare of children. The need to protect children is so provided in the Constitutions of the AIPA Members.

Brunei Darussalam urged the Caucus to work for the implementation of the programs of the 2010 ASEAN Commission for the Protection of Women and Children as a starting point in adopting common legislation on Children's Welfare and Protection. This was similarly underscored by Cambodia.

Cambodia also proposed the adoption of non-institutionalized care for children at risk and minimum standards of shelter for children.

Indonesia considers as an urgent priority capacity building for officials in providing health, education, economic, social and legal services to children as well as creating more national awareness about issues on the welfare of children.

Indonesia also proposed that any legislation should also enable the ASEAN Commission on Protection and Promotion of the Rights of Women and Children (ACWC) as well as the ASEAN Intergovernmental Commission on Human Rights (AICHR) to more actively respond to human rights issues of women and children.

Malaysia raised the concern for harmonizing legislation to combat the cross-border crime of human trafficking involving children. Malaysia also put forward its concern on what to do with stateless children and urged the Caucus to consider legislation that will protect them. The Philippines expressed its support to regional initiatives that will serve the welfare of stateless children of AIPA Member countries.

To protect the children against abuse, exploitation and discrimination, the Philippines proposed that a common definition of “child abuse” and child pornography and a common set of penalties be adopted. In connection with the issue of stateless children, a proposal was made to craft a law to protect the trafficking and abuse of children in conflict areas.

Thailand, Singapore and the Philippines emphasized the need to support the objectives of the UNCRC as well as the ACWC. Recognizing the need to share experiences in implementing common laws, Thailand acknowledged that AIPA plays a big role in information sharing among member countries to address human rights and child welfare and protection issues.

Vietnam identified certain legislative initiatives for consideration: a law on the control of tobacco use, a law on protecting children with HIV, a law on ensuring educational opportunities for children, a law on providing health care for children, a law providing micro-nutrients in the food for children, and a law providing for the presence of a social worker when a child is under investigation.

### **III. STATUS OF IMPLEMENTATION OF THE 31<sup>ST</sup> AIPA GENERAL ASSEMBLY RESOLUTIONS**

Article 7 of the Statutes of the AIPA mandates all AIPA National Secretariats to inform the AIPA Secretariat of any action taken by their respective parliaments and governments on resolutions approved by the General Assembly. To achieve the goals set by the AIPA, member-countries have exerted efforts to implement policies and programs in support of AIPA GA resolutions.

## **BRUNEI DARUSSALAM**

Pursuant to the mandate contained in the AIPA statutes, copies of all AIPA reports and resolutions have been submitted to the Office of the Prime Minister and Ministry of Foreign Affairs and Trade which then disseminated them to the different ministries for appropriate action. Bills are drafted and enacted accordingly.

## **CAMBODIA**

Copies of all AIPA resolutions were given to the Cambodian government for discussion and implementation. Cambodia tasked their Ministry of Women Affairs and Health to implement programs for women and children. The government also offered assistance to migrant workers and is likewise implementing programs to keep track of, control and rehabilitate drug users.

## **MALAYSIA**

Malaysia submitted all AIPA Resolutions to the relevant authorities for discussion and implementation.

### **A. ON POLITICAL MATTERS**

## **INDONESIA**

The Parliament of Indonesia passed measures on peace and regional security. During the 18<sup>th</sup> ASEAN Summit, its House Speaker suggested that the Cambodian-Thai border dispute be resolved in a peaceful manner.

## **PHILIPPINES**

To promote AIPA-ASEAN Cooperation, the Philippine Senate ratified the ASEAN Charter in 2008 while the Executive Department has translated the Charter into the Filipino language and disseminated the same to schools nationwide.

On the AIPA initiative to promote the possible harmonization of certain legal systems, the Philippines recently enacted laws tackling terrorism, money laundering, illicit drug and human trafficking, and cyber crime. Congress is in the process of fine-tuning said laws by way of amendments.

To implement the AIPA resolutions to enhance solidarity, unity and respect for human rights in the ASEAN region, the House Special Committee on Peace,

Reconciliation and Unity has been deliberating on certain House Resolutions which delve into the conduct of peace negotiations between the Government of the Philippines (GRP) and the Moro Islamic Liberation Front (MILF), the Moro National Liberation Front (MNLF), and the National Democratic Front (NDF).

## **SINGAPORE**

In line with the AIPA Resolution on the Enhancement of Solidarity and Unity in Diversity in ASEAN, Singapore adopted clear targets and timelines for the implementation of various activities required for the building of an ASEAN Community. The country employed a holistic approach in implementing the AIPA Resolutions to achieve ASEAN solidarity and unity. For instance, as part of its youth outreach programmes, Singapore has organized an essay writing competition on the subject of “Why ASEAN Matters to Me?” for junior college students.

## **B. ON ECONOMIC MATTERS**

### **PHILIPPINES**

To enhance dialogue with the private sector, the House of Representatives has been deliberating on a bill introducing certain safeguards on government support and risk allocation by way of amendments to the Build-Operate-Transfer (BOT) law. Said law encourages private participation in infrastructure development with certain incentives.

Pursuant to the AIPA Resolution adopting the Report on the Role of Parliamentarians on the Post-Financial Economic Crisis and the Issue of Sustainable Development, the House of Representatives introduced legislative proposals which aim to rationalize fiscal incentives that will create a balance between the need to attract investments and the exercise of prudence in granting said incentives. The Philippine Legislature is also considering anti-trust and fair competition measures which seek, among others, to create a Philippine Fair Competition Commission; to prohibit agreements among firms that prevent or restrict competition, or engage in unfair or deceptive trade practices; and to provide for civil and criminal actions for violations. Congress also enacted in 2008 the Magna Carta for Micro, Small and Medium Enterprises (MSMEs) to encourage entrepreneurship in the country through the MSMEs. The House Committee on Small Business and Entrepreneurship Development is also currently considering a measure which intends to establish the policy framework in promoting the growth and development of small enterprises as a strategy for poverty alleviation.

The Philippines remains committed to implement the AIPA initiative to support the multi-lateral trading system of the WTO. Among the measures under consideration in the House of Representatives is a bill which seeks to create the WTO-Affairs Strategy Office under the Office of the President.

## **VIETNAM**

In line with Res31GA/2010/Eco/03, Vietnam organized meetings and workshops for agencies of the Government and the business sector to promote dialogues between the two sides on topics such as tax and customs policies and procedures. This is in recognition of the significance of effective dialogue between the government and the private sector in creating a coherent policy framework and structures for the development of the entire economy.

## **C. ON SOCIAL MATTERS**

### **INDONESIA**

In line with its commitment to mitigate climate change, Indonesia developed a National Climate Change Action Plan with emission reduction targets by 26% on 2020 and by 41% on 2050 and launched the Climate Change Trust Fund (ICCTF). It will soon formulate an action plan to be submitted to the United Nations Framework Convention on Climate Change (UNFCCC) Secretariat. It supports the next Conference of the Parties to carry out the mandate of the Bali Action Plan.

### **PHILIPPINES**

In accordance with the Hyogo Framework for Action 2005-2015, the Philippine Congress enacted in 2010, Republic Act No. 10121 which set a comprehensive and multi-sectoral approach to natural disasters and climate change.

On the area of human resources development, the Philippine Congress enacted in 2010, Republic Act No. 10022 which amended the Magna Carta for Migrant Workers and Overseas Filipinos and intensified the protection of overseas Filipino workers.

The Philippine Congress enacted in 1992, Republic Act No. 7277 or the Magna Carta for Persons with Disabilities and in 2010, Republic Act No. 10070 which established a Disabilities Affairs Office in every city, municipality and province in the country.

The House Committee on Dangerous Drugs plans to amend the Dangerous Drugs Act of 2002 in order to strengthen law enforcement against illegal drugs.

## **SINGAPORE**

Singapore put in place various programmes which aim to ensure an inclusive society where persons with disabilities (PWDs) are given the opportunity to become equal, integral and contributing members of the society. It uses a multi-pronged approach in implementing these programs by engaging stakeholders in the areas of early intervention and education, employment, and financial security.

## **THAILAND**

Pursuant to the mandate expressed in Article 7, paragraph 3 of the Statutes of AIPA, all member-countries are required to inform the AIPA Secretariat of any action taken by their respective governments on resolutions and initiatives adopted by the General Assembly. In this regard, Thailand is in the process of formulating the 11<sup>th</sup> National Economic and Social Development Plan, which was formulated pursuant to Res31GA/2010/Soc/02 and focuses on developing human resource development by, among others, empowering and encouraging the different sectors of society to participate with dignity in social, economic and political activities; promoting cultural values as a driving force for national economic and social development; developing science and technology, research and innovation to expedite economic growth; and reforming business laws to promote fair practice.

Thailand also utilized Res31GA/2010/Soc/03 as a guide in their formulation of the 11<sup>th</sup> National Economic and Social Development Plan, which seeks to improve the quality of life of persons with disabilities through legislations such as the Education for the Disabled Peoples Act B.E. 2551 and the Promotion and Development of Quality of Life for the Disabled Act B.E. 2550. The plan, which was drafted with the participation of groups of persons with disabilities, also seeks to provide them with greater access to social services.

In line with the mandate contained in Res31GA/2010/Soc/04, the government of Thailand continues its battle against illegal drugs through the implementation of both national and regional action plans. Thailand, for example, hosted the International Seminar on Drug Control Law between ASEAN and China as a means to strengthen regional coordination, monitor regional progress and provide policy-level commitment to reach the goal of a drug-free Southeast Asia and China by 2015. On the national level, Thailand continues to develop and enforce laws on illicit drugs, as well as enhance their network of control measures.

## VIETNAM

As its initial step towards promoting the implementation of the resolutions adopted during the 31<sup>st</sup> General Assembly, Vietnam circulated all the said resolutions to nine committees and the Ethnic Council of the National Assembly. They also made the resolutions accessible to the different government agencies and employees by uploading them to the website of the Vietnam National Assembly. These efforts led to the resolutions being used by the Committees as reference materials and as the bases of their recommendations on relevant laws debated and approved by the National Assembly.

To comply with Res31GA/2010/01, the Prime Minister of Vietnam approved the national strategy for the protection of children for the period 2011-2015. This strategy assigned ministries to formulate some laws to protect and promote the welfare of children.

In the area of human resource development, Vietnam ratified the Strategy for Human Resource Development for the period 2011-2020. This strategy, which is in accordance with Res31GA/2010/Soc/02, views human resources as vital to the attainment of sustainable development, international integration and social stability.

To comply with the provisions of Res31GA/2010/Soc/03, Vietnam parliament approved the Law on People with Disabilities.

Relative to the impact of climate change and natural disasters on people's lives, Vietnam, in compliance with Res31GA/2010/Soc/01, is currently formulating a law—for submission to the National Assembly on 2012—on mitigating the negative impacts of natural disasters. Vietnam has also just completed installing 10 tsunami early warning stations in Da Nang city.

### **D. ON WOMEN OF THE ASEAN INTER-PARLIAMENTARY ASSEMBLY (WAIPA) MATTERS**

## INDONESIA

In applying the principle of non-discrimination, Indonesia expedited the ratification of the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography; and the revision of Law No. 3 of 1997 regarding the juvenile justice system. As a measure to eliminate sexual harassment and abuse against children, it ratified the

Convention through a Presidential Decree in 1990. In 2002, it enacted Law No. 23 of 2002 to protect children from any kind of abuse, violence, harassment or mistreatment.

As regards the campaign against human trafficking, Indonesia closely cooperated with Australia, Hong Kong and Malaysia.

Relating to the Resolution on increasing women's participation in politics, Indonesia set a regulation to support the representation of women in politics by encouraging a minimum 30 percent quota for women parliamentarians.

### **MALAYSIA**

Regarding the Resolution on increasing women representation in politics, prescribing that at least 30 percent of the Members of Parliament should be women, the number of women parliamentarians in Malaysia has steadily grown and now constitutes 10 percent of the Members of Parliament.

### **PHILIPPINES**

Pursuant to the Constitutional mandate on the vital role of women and children in nation-building and on the protection and promotion of their rights and interests, the Philippine Congress enacted the Women in Development and Nation Building Act in 1992, the Anti-Sexual Harassment Law in 1995, the Anti-Rape Law in 1997, the Anti-Violence Against Women and Their Children Act in 2004, and the Magna Carta of Women in 2009.

To promote and protect children's rights, the Philippine Congress in 2011 approved on Third Reading House Bill No. 4480 for the protection of children in armed conflict, and House Bill No. 4481 for the strengthening and propagation of foster care for children with special needs. Soon, it will approve House Bill No. 4455 for the promotion of positive and non-violent discipline among children.

The Philippine Commission on Women (PCW) continues to draft policies and coordinate efforts on women's concerns, and the government continues to implement the 2006-2012 Gender Responsive Economic Actions for the Transformation of Women Project.

The Philippines also organized the Association of Lady Legislators (ALL) which aims to strengthen linkages among female lawmakers throughout the

country, and the Congressional Spouses Foundation, Inc. (CSFI) which is a non-stock, non-profit organization that supports the initiatives of the Members of the House. Currently, there are 67 female legislators in Congress.

## **SINGAPORE**

Although committed to increasing female representation in Parliament and politics, Singapore recognizes that this cannot be achieved through a quota system or legislation but through the provision of ample educational and employment opportunities.

## **THAILAND**

In accordance with Res31GA/2010/WAIPA/01, Thailand included social welfare in its national agenda in order to turn Thailand into a Welfare Society by 2017 and to ensure the Thai people's access to social assistance, social insurance, social services and social promotion.

Thailand also enacted the Anti-Trafficking in Person Act B.E. 2007 to provide more comprehensive protection for women and children from organized crime gangs. In addition, the Royal Thai Government also provides social welfare services for victims of trafficking, particularly women and children, including shelter, education, vocational training and physical and psychological recovery.

To enhance the role of women in economic recovery after the financial crisis, as stipulated in Res31GA/2010/WAIPA/02, Thailand implemented programs to promote opportunities for women entrepreneurs, including the establishment of the Women Business Incubation Center and the provision of consultation services for female entrepreneurs.

Res31GA/2010/WAIPA/03 aims to increase the role of women in politics. To achieve this goal, Thailand set a target to double women's political representation in parliament, sub-district administrative organizations and executive positions. To increase the number of women candidates, Thailand also created a cooperative network among public sectors, NGOs and women's organization to provide knowledge of the constitutional and related laws and arranging a training course on local politics for women.

## **VIETNAM**

Consistent with Res31GA/2010/WAIPA/03 which aims to, among others, enhance the role of women in the lawmaking process, the Prime Minister of Vietnam ratified the national strategy for gender equality for the period 2011-2020. The goal of the said plan is to reduce the gender gap in the field of economics, politics, labor and employment, and empower more women to occupy management and leadership positions. In the latest general election (2011-2015), the number of female parliamentarians reached 24.4 percent.