

**WCC/CCA South East Asia Consultation on
'Affirming the Fullness of Life of Undocumented Children'**
1-4 September 2004, Kuala Lumpur, Malaysia

Communiqué

We, the representatives of various Churches, NGOs, human rights and children's organisations, welfare services and migrant organisations in Asia, concerned with the issues of children of undocumented migrants and refugees, participated in the WCC/CCA Consultation on 'Affirming the Fullness of Life of Undocumented Children' in the YMCA Hostel in Kuala Lumpur, Malaysia from September 1 - 4, 2004.

This consultation is a continuity of and response by South East Asian Churches to the call of the WCC/CCA Consultation on 'Affirming Fullness of Life and Dignity of Children' which was held in Bangkok, Thailand from 9-15 of November 2001 and to the process of consultation, networking and advocacy which has followed on from that first Consultation.

We note that there are two categories of undocumented children – one where the children or their parents were born in their home country but now live in a host country, and one where children although born and living in their native country remain undocumented. It was decided that the focus of this consultation would be on the first category, that is on children (and/or their parents) who have crossed borders which includes children who are refugees, stateless and forcibly displaced as well as migrants. The plight and conditions of such undocumented children are related with the overall issues and problems faced by both migrant workers, undocumented and documented, and refugees in general. Like their parents, undocumented children are "stateless", unprotected and vulnerable to different forms of exploitation and discrimination.

We understand that the situation of deepening poverty and growing unemployment, as well as heightening military situations and human rights abuses in home countries such as the Philippines, Myanmar, Cambodia and Indonesia, has forced people to flee from their own countries and to take refuge in neighbouring countries like Malaysia and Thailand for survival. These cross border situations exacerbate the exploitative conditions of undocumented children.

We are very concerned that marginalised people are being used in their host countries as a cheap and docile workforce to serve and fulfil the needs of big businesses in order to be more competitive and to guarantee more profits as dictated by the neo-liberal policies of globalisation. Such unjust policies, such as liberalised economic policies on trade and investment, have a negative impact on the people, especially the farmers, fisher-folk, indigenous people and workers and directly add to the miseries of the people. As a result, migration becomes a major industry and source of dollar revenue through remittances and the mandatory collection of fees in developing countries. It creates a condition where the rights and well being of undocumented migrant children are unprotected.

We regret that undocumented refugee children in their host country, especially when the State is not party to the 1951 Convention on the Rights of the Refugees and the 1967 Protocol, are routinely denied access to basic rights such as shelter, employment, education and health. Such children live in constant fear of being arrested and deported. They are exposed to exploitation and extortion as well as sexual and physical violence.

We affirm that all undocumented children, irrespective of their status in the host countries, have fundamental rights that must be respected since they are human beings. These rights are defined and enshrined in the internationally recognised conventions and instruments. As human beings, they have the right to live humanely. However, despite the existence of such international conventions and instruments, undocumented children are deprived of their fundamental rights as

children such as survival, protection, development and participation as stated in the United Nations Convention on the Rights of the Child.

We recognise, as representatives of Churches and NGOs in South East Asia, our weaknesses and limitations in addressing the needs and rights of undocumented children. The rights based approach to this issue must be upheld.

We commend the effort to establish an international movement of migrants, refugees and other displaced people working on undocumented children and agree that it must be upheld and supported.

We agree that churches should take an active role in understanding the situation of undocumented children, be more spirited in pursuing an information dissemination campaign on the rights of the undocumented children among its members and take an active role in the struggle to uphold and protect the rights of children.

We recommend that churches and NGOs work hand in hand in establishing appropriate mechanisms to address the problems of the undocumented children. We recognise the importance of engaging with governments, inter-governmental organisations and other related organisations such as the United Nations. We recommend that a South East Asia Ecumenical Network be formed to focus on the issues affecting the dignity of children, particularly that of undocumented children at this current time.

We urge governments of both sending and receiving countries to ratify, observe and implement all international instruments pertaining to the protection of the rights and well being of undocumented children irrespective of their working and living status in the host countries.

Lastly, **we urge** the World Council of Churches (WCC), the Christian Conference of Asia (CCA) and National Councils of Churches in South East Asia, particularly through the above mentioned formation of a South East Asia Ecumenical Network, to adopt, adapt and implement the Action Plan suggested by this consultation.

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***Proposed South East Asia Ecumenical Action Plan to
'Affirm the Fullness of Life of Undocumented Children'***

Global and Regional Level

- WCC, CCA and member councils and churches to continue to promote the issue of 'Undocumented Children' and that of 'Overcoming Violence Against Children' throughout the year 2005, in conjunction with the Decade to Overcoming Violence focus on Asia.
- WCC and CCA to produce a Bible Study Guide on 'Overcoming Violence Against Children' for use in Asia in 2005, with a focus on Undocumented Children in South East Asia.
- WCC and CCA to organise through the South East Asia Ecumenical Network consultations and seminars where appropriate on these issues.

Sub Regional Level

- The South East Asia Ecumenical Network on the Dignity of Children to focus on the issue of overcoming violence against children and undocumented children in the year 2005.
- This Network be supported and facilitated by Ms. Clarissa Chang based at CCM (Malaysia), on order to ensure effective communication and dissemination of this communiqué and Action Plan within the sub region.
- This Network will share and distribute information and resources on the issue of overcoming violence against children and undocumented children.
- The Network will consider and explore the feasibility of conducting fact finding missions on the state of undocumented children; starting in Malaysia by the end of 2004 with the possibility of similar mission in Thailand by end of 2005.

National Level

We suggest that the National Ecumenical Networks already set up in South East Asia along with National Ecumenical organisations and churches consider using the following suggestions to work on overcoming violence against children especially undocumented children, depending on local realities and capacities:

2.1 Advocacy

- 2.1.1 Raise awareness of child rights and dignity within churches, particularly the issue of undocumented children such as sharing the results of the fact finding mission, through consultations, forums, workshops, exchange programmes to areas such as Sabah and focus on particularly affected areas in Tawau, Keningau, Sabah
- 2.1.2 Advocate for the rights and dignity of children at government level through lobbying, dialogue with government officials (e.g. regarding legislation and law implementation) and involvement in the UN CRC process at a national and international level e.g. through alternative reports etc.
- 2.1.3 Raise awareness of the issue within local communities through using existing media (e.g. newspapers, radio etc.)

2.2 Networking

- 2.2.1 Strengthen and re-energise existing sub-regional and national networks
- 2.2.2 Sharing information and resources with the networks through e-groups, developing resources (e.g. flyers. Posters, newsletters, websites etc.), creating databases and mapping
- 2.2.3 Support and encourage the formation of people's organisations
- 2.2.4 Formation of a Quick Response Team to respond to emerging situations

- 2.2.5 Resource mobilisation to strengthen existing services to undocumented children at the National and Local level through resource mobilisation, human, financial, moral and technical support, referrals, facilitate, co-ordinate and conduct medical, fact finding, investigative missions