Editorial

Out of School

South Asian NGOs argue that the solution to the child labor problem is education. Children have to be put in school to break the cycle of poverty in the long term. Improving the working condition of child laborers will put food on the table but will not secure their future. They will retire young and unable to find other appropriate sources of income. The moment they have children the whole cycle begins again.

The economic crisis in Asia is pushing more children to get out of school. Unless the economic recovery quickly brings back the level of income prior to the crisis, more and more children are likely to leave the school. More and more children are facing an uncertain future.

The basic right to education is violated in both cases of children who have been working for the family and children who may have to work after leaving the school. But this is just one aspect of the problem. They also suffer from, among others, reduced food intake, unhealthy environment, bad working conditions, inaccessible social services, gender discrimination, and in many cases violence.

On the whole, Asia and the Pacific have young societies. Children constitute a great portion of today's population in the region. The urgency of getting the children of economically dislocated families fed, clothed, housed and schooled should be recognized and reflected in government priorities. The rights of the child idea has no better opportunity to be realized than now.

Human Rights Defenders: Two Documents

The United Nations' "Declaration on the Right and Responsibility of Individuals, Groups, and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms" is complemented by another declaration on the same issue. This document, entitled "Paris Declaration," was drafted during the Human Rights Defenders' Summit held in Paris on December 10, 1998 a day after the UN General Assembly adopted a resolution approving its declaration.

The two declarations are similar in many respects. But the NGO declaration states much more clearly the factors that restrict the effective promotion and protection of human rights.

While the UN declaration mainly restates rights that individuals, groups and other organs of society should enjoy in the promotion and protection of human rights, the NGO declaration enumerates the rights that have frequently been violated in the course of doing human rights work. The UN declaration in its preambular section states that it is

"[A]cknowledging the important role of international cooperation for, and the valuable work of individuals, groups and associations in contributing to the effective elimination of all violations of human rights and fundamental freedoms of peoples and individuals, including in relation to mass, flagrant or systematic violations such as those resulting from apartheid, all forms of discrimination, colonialism, foreign domination and occupation, aggression or threats to national sovereignty, national unity or territorial integrity and from the refusal to recognize the rights of peoples to self-determination and the right of every people to exercise full sovereignty over its wealth and natural resources."

The NGO declaration on the other hand states:

"We denounce in particular the fact that human rights defenders are a target of those whose regimes and practices they condemn; and that, because of their commitment, they are among the victims of summary executions, enforced disappearances, torture, arbitrary detention, violations of the right to a fair trial, freedom of opinion, expression, association, assembly, demonstration, movement, the right to privacy, the right to employment and employment rights, the right to housing, health, education and culture and that they

are increasingly forced into exile or enforced displacement, or to live in inhuman or degrading conditions;

We condemn the proliferation of systematic measures and practices used by States to prevent or impede the legitimate work of human rights defenders, including censorship and seizure of publications, defamation, administrative and police harassment, intimidation, implication in criminal cases, their identification with 'terrorist' groups, restrictions imposed on the creation or registration of associations, the legal and administrative obstacles to the right of access to and dissemination of information, the surveillance and control of access to funding and the use made of such funds, the creation by the authorities of State-controlled non-governmental organizations, reliance on a state of emergency or public order requirements, impunity for the perpetrators of such acts against human rights defenders..."

This provides the difference in perspective of the two documents. The UN declaration looks at the general human rights context affecting states, groups, communities and individuals while the NGO declaration focuses on the acts or omissions of states in relation to the rights of human rights defenders.

The UN declaration fails to mention clearly the suffering being experienced by those who work for human rights within the jurisdiction of the states which approved the document.

While the UN declaration rightly states that "'[E]veryone has the right, individually and in association with others, to solicit, receive and utilize resources for the express purpose of promoting and protecting human rights and fundamental freedoms through peaceful means, in accordance with article 3 of the present Declaration," the NGO declaration condemns the cases of government surveillance and control of access to, and use of, funds by human rights defenders.

The UN declaration therefore failed to properly emphasize the problems of human rights defenders, which affects to a large extent the protection, promotion and realization of human rights the world over. The preamble of the Universal Declaration of Human Rights states that the "disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind..." This is an obvious reference to the experience of the second world war. In the same fashion, the UN dec-

laration could have stated in its preamble the repression suffered by human rights defenders, which certainly outrages the conscience of humankind.

On another issue, the UN declaration restates Article 29 (1) of the Universal Declaration of Human Rights in the following manner: Article 18

> *"1. Everyone has duties towards and within the community, in which alone the free and full development of his and her personality is possible.*
>
> *2. Individuals, groups, institutions and non-governmental organizations have an important role to play and a responsibility in safeguarding democracy, promoting human rights and fundamental freedoms and contributing to the promotion and advancement of democratic societies, institutions and processes.*
>
> *3. Individuals, groups, institutions and non-governmental organizations also have an important role and a responsibility in contributing, as appropriate, to the promotion of the right of everyone to a social and international order in which the rights and freedoms set forth in the Universal Declaration of Human Rights and other human rights can be fully realized."*

The NGO declaration on the other hand states in articles 21-22 that:

> *"We reaffirm the fact that the realization of all the rights enshrined in the Universal Declaration of Human Rights is the responsibility of everyone, and we call upon private business, multinational companies and international financial institutions to ensure that their strategies and projects contribute to the implementation of civil, cultural, economic, political and social rights, and do not obstruct the freedom of action of human rights defenders;*

> ***   ***   ***

> *Finally, we urge men and women of all ages and all organs of society to engage in their daily lives in their communities to respect and promote all rights for all people everywhere, and to join us to make of the high aspirations proclaimed by the Universal Declaration of Human Rights a reality for present and future generations."*

What is distinctly different in the two documents on the issue of duty to the community is the mention of institutions related to business and finance which have important role in ensuring a better environment for realizing all human rights. This particular point finds relevance to the current situation in Asia where the financial crisis still wreaks havoc to the lives of many people especially the poor.

Now more than ever, the impact of business on human rights is felt. The role of business institutions in the harassment of human rights defenders forms part of this problem. The NGO declaration is exhorting business and financial institutions to play a role in solving the problems rather than be a part of them.

There is a clearer statement of the current human rights situation around the world in the NGO declaration. It identifies institutions, groups and other entities in society whose activities affect human rights. It points out forms of repression, perpetrated by state machineries, suffered not only by human rights defenders but also by other people.

Some of the major provisions in support of the human rights defenders that can be drawn from the two documents are the following:

a. Working for human rights is a right and a responsibility;

b. The state has the primary obligation to protect people who do human rights work;

c. National and international mechanisms are needed to ensure protection of the rights of those who do human rights work.

Asia-Pacific has its own share of disappearances, torture, illegal arrest and detention, extra-judicial killing and other forms of human rights violations inflicted upon people who work for human rights. Many human rights defenders are still being subjected to human rights violations up to the present.

The *1993 Bangkok NGO Declaration on Human Rights* asserts that since human rights defenders "voice the interests of the people and work for their advancement, it is imperative that they be permitted to work freely; their right to participate in community life and to enjoy the totality of human rights must be respected." The Asian Human Rights Charter on the other hand states that there is a "clear and legitimate role for NGOs in raising consciousness of rights, formulating standards, and ensuring their protection by governments and other groups. Professional groups such as lawyers and doctors have special responsibilities connected with the nature of their work to promote the enforcement of rights and prevent abuse of power. "

It is high time that governments in the region expressly recognize the legitimate role of human rights defenders in line with both the UN declaration and the Paris Declaration of the NGOs.

Monitoring the Progressive Realization of Housing Rights

Maria Socorro I. Diokno

The right to housing is recognized in international law; its concept, scope and nature have been developed over recent years, particularly through two General Comments adopted by the United Nations Committee on Economic, Social and Cultural Rights. [1] The right to housing, like all human rights, may be violated, restricted or derogated from; thus the right to housing must be actively protected in law and in practice. Monitoring is one such way of protecting housing rights in order to give substance and meaning to the right of reparation for every victim of a housing rights violation.

Monitoring through the use of indicators

The enjoyment and guarantee of housing rights, and the level of compliance by government of its obligations must be periodically monitored to assess progress in the realization of the right. The assessment often takes the form of qualitative and quantitative measurements, called indicators.

Indicators are defined as "statistical data which attempts to provide or 'indicate' (usually based on some form of numerical qualifications) the prevailing circumstances at a given place at a given point in time." [2] "The term 'indicator' reflects the necessary modesty that must attach to statistics intended to measure one or other aspect of development: indicators are not necessarily direct and full measures of what they are intended to indicate but often indirect or incomplete measures (e.g., measures of causes, instrumentalities or inputs; of effects or outputs; of particular manifestations, phases or parts of the whole). This is perhaps especially true of social development indicators. An indicator is not just a statistical series but a statistical series plus a set of assumptions; it requires careful examination and testing before use." [3]

While indicators can be used to measure both a certain situation and changes concerning the situation of housing rights, indicators however contain weaknesses that need to be rectified if indicators are to be incorporated more thoroughly into the realm of human rights. Weaknesses or imperfections of indicators include: [4] lack of available and/or reliable statistics; incomplete or out-dated sources; utilization of inappropriate indicators; apparent contradictions between certain indicators; frequent and almost standard use of estimates where precise figures are unavailable; use of improper or inconsistent criteria and methodologies in the selection of indicators; limitation of cross temporal comparability; use of indicators of a percentage type which can create difficulties in terms of how to measure growth or change; necessity of relying upon nationally collected indicators which, if such statistics are used in a human rights framework of assessment, may result in biased figures; and lack of disaggregated statistics. Thus "indicators do not always reflect the human condition in a meaningful way and may be an easy way to avoid attacking the root cause of poverty and related concerns." [5]

Despite these limitations, indicators are nonetheless valuable tools that have the potential to adequately and accurately measure not only the existence of housing rights--or any derogations therefrom--but also any advances that may develop.

What is essential, therefore, is to adopt a central approach towards the use of indicators which emphasizes the use of those indicators which are to a substantial degree compatible with the legal duties of states under existing domestic and international human rights law.

Monitoring the Progressive Realization of Housing Rights: Compliance with State Obligations Under Article 2.1 of the ICESCR

Article 2.1 of the International Covenant on Economic, Social and Cultural Rights (ICESCR) is central to the full understanding of the Covenant. [6] Through General Comment Number 3, the UN Committee elaborated on the nature of state obligations by clarifying the scope and meaning of this article.

The UN Committee begins by stating that "while the Covenant provides for progressive realization and acknowledges the constraints due to the limits of available resources, it also imposes various obligations which are of immediate effect. Of these, two are of particular importance in understanding the precise nature of States parties obligations. One of these is the 'undertaking to guarantee' that relevant rights 'will be exercised without discrimination. The other is the undertaking 'to take steps,' which in itself, is not qualified or limited by other considerations. Thus while the full realization of the relevant rights may be achieved progressively, steps toward that goal must be taken within a reasonably short time after the Covenant's entry into force. Such steps should be deliberate, concrete and targeted as clearly as possible towards meeting the obligations recognized in the Covenant." [7]

The means to satisfy the obligation to take steps include, among others, the adoption of legislative measures, provision of judicial measures, administrative, financial, educational and social measures. [8] The UN Committee stresses that "the undertaking 'to take steps by all appropriate means neither requires nor precludes any particular form of government or economic system

being used as the vehicle for the steps in question, provided only that it is democratic and that all human rights are thereby respected" and reaffirms "that the rights recognized in the Covenant are susceptible of realization within the context of a wide variety of economic and political systems." [9]

The UN Committee also defined the meaning of "progressive realization:" "the concept of progressive realization constitutes a recognition of the fact that full realization of all economic, social and cultural rights will generally not be able to be achieved in a short period of time. Nevertheless, the fact that realization over time, or in other words progressively, is foreseen under the Covenant should not be misinterpreted as depriving the obligation of all meaningful content. It is on the one hand a necessary flexibility device, reflecting the realities of the real world and the difficulties involved for any country in ensuring full realization of economic, social and cultural rights. On the other hand, the phrase must be read in the light of the overall objective, indeed the raison d'etre, of the Covenant which is to establish clear obligations for States parties in respect of the full realization of the rights in question. It thus imposes an obligation to move as expeditiously and effectively as possible towards that goal. Moreover, any deliberately retrogressive measures in that regard would require the most careful consideration and would need to be fully justified by reference to the totality of the rights provided for in the Covenant and in the context of the full use of the maximum available resources." [10]

To determine whether the state complies with its obligations under Article 2, paragraph 1, of the ICESCR, it is important to look at various state housing programs to determine whether these comply with the steps the state is required to take under the Covenant:

Has the state adopted a national housing strategy? Does the national housing strategy define the objectives for the development of shelter conditions, identify the resources available to meet those goals and the most cost-effective way of using resources, and establish the responsibilities and timeframe for the implementation of these measures?

❑ Has the state reconciled its housing-related policies with its obligations under Article 11 of the ICESCR?

❑ Has the state adopted measures aimed at conferring legal security of tenure in its variety of forms to those currently lacking protection?

❑ Has the state provided for sustainable access to natural and common resources, safe drinking water, energy, sanitation and washing facilities, means of food storage, refuse disposal, site drainage and emergency services?

❑ Has the state adopted policies that ensure that the percentage of housing related costs is, in general, commensurate with income levels?

❑ Has the state established housing subsidies for those unable to obtain affordable housing?

❑ Has the state established forms and levels of housing finance?

❑ Has the state taken measures to protect its citizens against unreasonable rent levels or rent increases?

❑ Has the state adopted measures that ensure the availability of building materials?

❑ Has the state adopted measures that guarantee the physical safety of occupants against cold, heat, damp, rain, wind or other threats to health, structural hazards, and disease vectors?

❑ Has the state adopted measures against forced evictions?

Monitoring the Progressive Realization of Housing Rights: Satisfaction of the "Minimum Essential Levels of ESC Rights"

In its General Comment Number 3, the UN Committee maintains "that a minimum core obligation to ensure the satisfaction of, at the very least, minimum essential levels of each of the rights is incumbent upon every State party. Thus, for example, a State party in which any significant number of individuals is deprived of essential foodstuffs, of essential primary health care, of basic shelter and housing, or of the most basic forms of education is, prima facie, failing to discharge its obligations under the Covenant."

The Committee further states that "any assessment as to whether a State has discharged its minimum core obligation must also take account of resource constraints applying within the country concerned. In order for a State party to be able to attribute its failure to meet at least its minimum core obligations to a lack of available resources it must demonstrate that every effort has been made to use all resources that are at its disposition in an effort to satisfy, as a matter of priority, those minimum obligations. The Committee wishes to emphasize, however, that even where the available resources are demonstrably inadequate, the obligation remains for a State party to strive to ensure the widest possible enjoyment of the relevant rights under the prevailing circumstances. The Committee underlines the fact that even in times of severe resources constraints whether caused by a process of adjustment, of economic recession, or by other factors the vulnerable members of society can and indeed must be protected by the adoption of relatively low-cost targeted programmes." [11]

To determine whether the minimum essential levels of housing rights are satisfied, one must look at the status of this right, which can be gleaned through various indicators established by both official and NGO sources. Indicators relating to the right to housing may be classified into four categories:

(a) information on housing tenure, such as, for example, types of housing tenure, number of persons in different types of housing tenure broken down by gender, age, social class, ethnicity and geographic location, etc.;

(b) information on the housing population broken down by age, gender, social class, ethnicity and geographic location, such as, for example, number of homeless persons, number of persons currently inadequately housed and without ready access to basic necessities, number of persons living in over-crowded, damp, structurally unsafe housing or other conditions which affect health, number of persons currently classified as living in "illegal" settlements or housing, number of persons evicted, number of persons currently lacking legal protection against arbitrary eviction or any other kind of eviction, number of persons on waiting lists for obtaining accommodation, average length of waiting time, measures to decrease such lists, measures taken to assist those on such lists to find temporary housing, etc.;

(c) data on housing affordability, such as, for example, number of persons whose housing expenses are above any state-set limit of affordability, based upon the ability to pay or as a ratio of income, broken down by age, gender, social class, ethnicity and geographic location, cost of housing materials, rent levels, etc.;

(d) information on the extent of access to natural resources broken down by geographic location, such as, for example, proportion of households with access to safe and clean potable water, types of access to safe and clean potable water, proportion of households with access to sanitation facilities, types of access to sanitation facilities, proportion of households with access to energy sources, types of energy sources, etc.

Monitoring the Progressive Realization of Housing Rights Through Benchmarks

In General Comment Number 1, the UN Committee stressed the importance of providing "a basis on which the State party itself, as well as the Committee, can effectively evaluate the extent to which progress has been made towards the realization of the obligations contained in the Covenant. For this purpose, it may be useful for States to identify specific benchmarks or goals against which their performance in a given area can be assessed. Thus, for example, it is generally agreed that it is important to set specific goals with respect to the reduction of infant mortality, the extent of vaccination of children, the intake of calories per person, the number of persons per health-care provider, etc. In many of these areas, global benchmarks are of limited use, whereas national or other more specific benchmarks can provide an extremely valuable indication of progress." [12]

It is important, therefore, to find out what specific benchmarks have been established by the state, and to determine whether the state meets the benchmarks it itself set. Among the benchmarks which the state could possibly establish are: identification of a specific number of low cost housing units that will be constructed in a given period; identification of a specific number of housing units that will be distributed to homeless persons within a given period; identification of a specific number of housing sites targeted for development of low-cost housing units within a specified period; identification of a specific number of homeless persons who will be granted access to low-cost housing within a specified period; etc.

To determine the progressive realization of housing rights through benchmarks, one may need to answer the following questions:

❏ Has the state set benchmarks or targets towards the realization of housing rights? If so, what benchmarks or targets has the state set?

❏ If the state has not established benchmarks, why has it failed to do so? What can be done to pressure the state into establishing these benchmarks?

❏ Has the state actually met the benchmarks or targets or goals it has established?

❏ If the state has established benchmarks but has failed to meet them, why has the state been unable to meet its benchmarks? What can be done to pressure the state into meeting its benchmarks?

Admittedly, monitoring the progressive realization of housing rights is a difficult–albeit challenging task. Accurate and effective monitoring requires the active participation of affected sectors–either directly or through representative NGOs. "Participation is the component not only of preventing deprivations of rights but also of the arrangements for securing aid when violations have occurred." [13] Monitoring with the active participation of affected sectors is one tool to achieve the full satisfaction and enjoyment of housing rights.

End notes:
1. *See* General Comment Number 4 (*The Right to adequate housing (art, 11 (1) of the Covenant*) adopted by the UN Committee on Economic, Social and Cultural Rights at its sixth session, 1991, UN Doc. HRI/GEN/1/Rev.3, 15 August 1997, pages 65-71; and General Comment Number 7 (*The right to adequate housing (article 11.1 of the Covenant*): *forced evictions*) adopted by the UN Committee on Economic, Social and Cultural Rights at its sixteenth session, 1997, UN Doc. HRI/GEN/1/Rev.3, 15 August 1997, pages 94-99.
2. Danilo Turk, *The Realization of Economic, Social and Cultural Rights*, July 1990 (Progress Report), UN Doc. E/CN.4/Sub.2/1990/19.
3. United Nations Research Institute on Social Development cited in Turk, ibid.
4. Ibid.
5. Ibid.
6. General Comment Number 3, *The Nature of States Parties Obligations (Art. 2, Para. 1 of the Covenant*), adopted by the UN Committee on Economic, Social and Cultural Rights at its fifth session, 1990, UN Doc. HRI/Gen/1/Rev.3, 15 August 1997, page 61.
7. Ibid., paragraphs 1 and 2, pages 61-62.
8. Ibid., paragraphs 3 to 7, pages 62-63.
9. Ibid., paragraph 8, page 63.
10. Ibid., paragraph 9, pages 63-64.
11. Ibid., paragraphs 10-12, page 64.
12. General Comment Number 1, *Reporting by States Parties*, adopted by the UN Committee on Economic, Social and Cultural Rights at its third session, 1989, UN Doc. HRI/GEN/1/Rev.3, 15 August 1997, paragraph 6, page 57.
13. Henry Shue cited in Sigrun I. Skogly, "Structural Adjustment and Development: Human Rights-An Agenda for Change": Bert B. Lockwood, Jr., *Human Rights Quarterly*, Volume 15, Number 4, Baltimore, MD, November 1993, page 769.

The Concept of Islamic State

Asghar Ali Engineer

The idea of an Islamic state is a most discussed subject among supporters and opponents. Is there any such concept? Can we call any state an Islamic state? There are many claimants of course. Interestingly among the claimants are military dictators as well as monarchs. Can we legitimately call a state an Islamic state? Is there any criterion to judge the claim? If so, what is that criterion? Generally some ritualistic aspects of Islam like prayer, fasting, *zakat* etc. are imposed in addition to the Islamic punishments to lay claim to the status as an Islamic state. Is this enough?

First of all we should know whether or not there is any concept of Islamic state in the *Qur'an* or *Hadith* literature. A thorough examination of the scripture and *Hadith* literature shows that there is no such concept of Islamic state. In fact after the death of the Holy Prophet the Muslims were not agreed even on the issue of his successor. The Muslims split on the question - a section maintaining that the Prophet never appointed any successor and another section maintaining that he did.

As far as the *Qur'an* is concerned there is, at best, a concept of a society rather than a state. The *Qur'an* lays emphasis on *adl* and *ihsan* (justice and benevolence). A *Qur'anic* society must be based on these values. Also, the *Qur'an* strongly opposes *zulm* and *'udwan* (oppression and injustice). No society thus based on *zulm* and *'udwan* can qualify as an Islamic society. The *Qur'anic* values are most fundamental. It is thus debatable whether a state, declaring itself to be an Islamic state, can be legitimately accepted as such without basing the civil society on these values. We will throw more light on this later.

The pre-Islamic Arab society had not known any state structure. It was a predominantly tribal society, which did not know any distinction between a state and a civil society. There was no written law, much less a constitution. There was no governing authority either hereditary or elected. There was a senate called *mala'*. It consisted of tribal chiefs of the tribes in the area. Any decision taken had to be unanimous and the tribal chiefs enforced the decision in their respective tribes. If a tribal chief dissented, the decision could not be implemented.

There was no taxation system nor any police or army. There was no concept of territorial governance or defense or policing. Each tribe followed its own customs and traditions. There were of course inter-tribal wars and all adult tribals took part in defending one's tribal interests. The only law prevalent was that of *qisas* (retaliation). The *Qur'an* put it succinctly as "And there is life for you in retaliation, O men of understanding. " (2:179) The whole tribal law and ethic in pre-Islamic Arabia was based on the law of retaliation.

The Islamic movement in Mecca inherited this situation. When the Prophet and his companions faced severe persecution in Mecca they migrated to Madina also known as Yathrib. Madina was also basically a tribal city governed by tribal laws. Like Mecca, there was no state in Madina and only tribal customs and traditions prevailed. In fact Madina was worse in a way than Mecca. In Mecca, inter-tribal wars were not much in evidence as it was turning into a commercial society and inter-tribal corporations for trade were coming into existence. However, Madina, being an oasis, was a semi- agricultural society and various tribes were at daggers drawn. To get rid of the inter-tribal warfare, the people of Madina invited the Holy Prophet as an arbitrator.

The Prophet, a great spiritual and religious personality, commanded great respect and set out to establish a just society in Madina. First of all he drew up a pact between various tribal and religious groups known as *Mithaq-i-Madina* (i.e. the Medinese treaty) which guaranteed full autonomy to all tribes and religious groups like the Jews, the Muslims and other pagan tribes. All religious groups were free to follow their own laws and traditions. Coercion was not used to force people to follow other laws and traditions. The Holy *Qur'an* also declared that "there is no compulsion in the matter of religion" (2:256). The *Mithaq-i-Madina* was a sort of preliminary constitution of the "state" of Madina, which went beyond a tribal structure and transcended the tribal boundaries in matters of common governance. It also laid down the principle that if an outside force attacks Madina all will defend it together. Thus for the first time a concept of common territory, so necessary for a state to operate, was evolved. Before this, as pointed out earlier, there was the concept of tribal but not of territorial boundaries.

The Prophet, in a way, took a revolutionary step, in dissolving tribal bonds and laying more emphasis on ideological boundaries on one hand, and territorial boundaries on the other. However, the Prophet's aim was not to build a political community. He wanted to build a religious community instead. If Muslims evolved into a political community it was accidental rather than essential. Hence the *Qur'an* lays more emphasis on values, ethic and morality than on any political doctrines. It is *Din* (religion) which matters most than governance. Allah says in the *Qur'an* that *al-yauma akmaltu lakum dinakum* (I have perfected your *Din* today, 5:3). Thus what the *Qur'an* gives us is a perfect *Din*, not a perfect political system. The political system had to evolve over a period of time and in keeping with the needs and requirements.

One of the basic duties of the Muslims is to "enforce what is good and combat what is evil." This clearly gives a moral and spiritual direction to an Islamic society. The later emphasis on integral association between religion and politics is, to the best of my knowledge, totally absent in the Holy *Qur'an*. The Prophet was an enforcer of good par excellence and he devoted his life to eradicating evil from society. But he never aspired for political power. He was one of the great spiritual persons born on this earth. He strove to inculcate spiritual power among his companions. The following verse of the *Qur'an* enunciates the basic philosophy of the Muslim community. "You are the best *ummah* (nation, community) raised up for people: you enjoin good and forbid evil and you believe in Allah." (3:109)

Thus it will be seen that the basic task of the Muslim *ummah* is to build a moral society based on good and negation of evil. The unity of Muslims is possible only if they remain basically a religious community engaged in building a just society, which has no elements of *zulm* (oppression and injustice), though there may be different ways of approaching the truth. The Holy Prophet is reported to have said that a society can persist with *kufr* (unbelief) but not with *zulm* (injustice). The *Qur'an* also describes Allah as *Ahkam al-Hakimin* (best of the Judges, 95:8). These are all value-giving injunctions and hence give a direction to the society.

Islam never required Muslims to evolve into a political community. Politics leads people basically to power-seeking projects, and aspirations for power brings about division rather than unity. The *Qur'an* required Muslims to remain united and not entertain disputes weakening themselves. "And obey Allah and His Messenger", the *Qur'an* says, "and dispute not one with another, lest you get weak-hearted and your power depart, and be steadfast. Surely Allah is with the steadfast." (8:46)

When someone aspires for political power they dispute with each other and thus become weak which is what Muslims have been warned against. And in the history of Islam the dispute between Muslims arose on the question of political power. Who should wield political power and rule was the main question after the death of the Holy prophet. Thus Muslims began to divide on the question of power.

Various disputes arose between different groups of Muslims even leading to bloodshed during the thirty years of what is known in Islamic history as *khilafat-i-Rashidah* (period of the rightly guided rule). This thirty-year period is full of conflict and bloodshed. Three rightly guided Caliphs out of four were assassinated. Why was the spirit of unity lost? Why did wars break out between different groups and parties? It was mainly on account of fights between different aspirants for power and pelf. The first signs of these aspirations appeared immediately after the death of the Holy Prophet.

The people of Mecca belonging to the tribe of *Quraysh* claimed their superiority over others and said that an Imam can only be from the tribe of *Quraysh* as they first embraced Islam and they were most cultured and cultivated with adequate experience. The supporters of the Prophet from Madina the *Ansars*, on the other, claimed that it is they who helped the Prophet when he was driven out of Mecca due to severe persecution by the people of *Quraysh* and hence they better deserve the succession to the prophet. The *Imam* or Caliph, they claimed should be from amongst the *Ansars*. The members of the family of the Prophet felt that 'Ali, the son-in-law of the Prophet and leader of the *Hashimites*, was better qualified to succeed the prophet.

Thus these fissures appeared as different groups aspired for leadership and consequently for power associated with the 'nascent' Muslim state. It is also necessary to stress here that a preliminary state structure came into existence because it was an historical and not religious need. We would like to elaborate on this a bit.

As every Muslim knows the religious duties of Muslims are to pray, fast, donate to the poor (*zakat*), perform *Haj* and believe in *tawheed* (unity of Allah) and not associate aught

with Him. This is necessary for spiritual control over oneself. A Muslim can perform these obligations wherever he/she lives. There is no need for an Islamic state for this. A Muslim living in a non-Muslim society can perform these obligations without let or hindrance. And even when there is Muslim rule no ruler can forcibly enforce these obligations on Muslims. Matters of *'ibadat* (acts of worship and spiritual exercises) cannot be coercively enforced by any authority. It is a matter between human beings and Allah.

However, it is different matter as far as *mu'amalat* (relations between human beings) are concerned. A state has to govern these *mu'amalat* and the ultimate aim of the state is to set up a society based on justice and benevolence (*'adl* and *ihsan* in the *Qur'anic* terms). *'Adl* and *'ihsan* are most fundamental human values and any state worth its salt has to strive to establish a society based on these values. But for this, no particular form of state is needed. Even an honest monarch can do it. It is for this reason that the holy *Qur'an* praises prophet-rulers like Hazrat Da'ud and Hazrat Sulayman who were kings but Allah's Prophets too. Even Queen Bilquis is praised for her just governance in the *Qur'an* though she was not a prophet herself.

But the *Qur'an* is also aware that such just rulers are normally far and few in between. The governance has to be as democratic as possible so that all adults could participate in it. If governance is left to an individual, or a monarch, the power may corrupt him or her as everyone knows absolute power corrupts absolutely. It is for this reason that the *Qur'an* refers to democratic governance when it says: "And those who respond to their Lord and keep up prayer, and whose affairs are (decided) by mutual consultation, and who spend out of what We have given them" (42:38). Thus the mutual affairs (those pertaining to governance) should be conducted only by mutual consultation which in contemporary political parlance will be construed as democratic governance. Since in those days there was no well-defined practice of political democracy, the *Qur'an* refers to it as `amruhum shura' baynahum (affairs to be conducted through mutual consultation) which is very meaningful way of hinting at democracy. The *Qur'an* is thus against totalitarian or monarchical rule.

Verse 3:158 of the *Qur'an* is a very important verse in laying down the guidance for governance. It is a divine statement against dictatorship or authoritarianism. The verse reads: "Thus it is by Allah's mercy that thou art gentle on them. And hadst thou been rough, hard-hearted, they would certainly would have dispersed from around thee. So pardon them and ask protection for them, and consult them in (important matters)..." Thus a ruler has to be gentle not hard-hearted and rough, and has to act in consultation with the representatives of the people. This verse has been addressed to the Prophet and no *imam* from his family can deviate from this divine injunction.

Thus even an *imam* from the Prophet's family cannot be absolutist and has to base his rule on democratic principles. Thus also even the *Shi'ah* theory of *imamah* cannot lead to absolutist or purely personal rule. Also, an *imam* can be infallible in religious matters, in laying down religious rulings. But in all secular and worldly matters he will be bound by democratic structures of governance.

Secondly, the theory of *imamah* was much more relevant to the close relatives of the Prophet who lived either during

his time or very close to his period. Today, more than four-teen hundred years after the death of the holy Prophet, no one can claim such physical closeness to the Prophet and its resultant benefits. And even within the first century of the Prophet's death there were many claimants for the office of *Imam*. The *Shi'ahs* were divided into a number of sects and sub-sects. Fourteen hundred years after the death of the Prophet who can determine the authenticity of the claimant to the office of the *imamah*? The twelve *Shi'ahs* and also the *Isma'ili-Mustalian Shi'ahs* believe in seclusion of their respective imams. No wonder then that Iran adopted the elective principle of governance, which is the ultimate aim of the Islamic scripture.

Also, once Islam spread to vast areas of the world out-side the confines of Arabia new ethnic and racial groups were added to its fold. This proved both the strength as well as weakness of the Islamic society. Strength as far as rich diversity was concerned and weakness as far as complex problem and group conflicts it gave rise to. The group con-flicts became greatly intensified even within the limited period of *Khilafat-i-Rashidah* which lasted for slightly less than thirty years.

During this period, a number of groups came into exis-tence. The most powerful group was of the tribe of *Quraysh* who were *muhajirs* (immigrants) to Madina to which they migrated along with, or after the Prophet, to avoid persecu-tion in Mecca. They claimed to be the *sabiqun al-awwalun* (those who responded to the call of Islam earlier than others and also belonged to the tribe of the Prophet). After the death of the Prophet they also came out with the doctrine that the *Khilafat* be confined to the tribe of *Quraysh*. However, the *Quraysh* was divided into several clans of which the clans of *Hashim* (to which the Prophet himself belonged) and of *Banu Umayyah* were at loggerheads. Among the Qurayshites the Hashimites and the Umayyads fought against each other for the leadership of the nascent Muslim state. Ali and his sons (particularly Hasan and Husain) who were claimants to the leadership all belonged to the clan of *Banu Hashim*.

Then there were *Ansars* (those who belonged to the tribes of *Aws* and *Khazraj* of Madina and who had helped the Prophet by swearing allegiance to the Prophet and help-ing him (hence *Ansars* i.e. helpers) migrate to Madina and supporting him vis-a-vis his powerful opponents. The *Ansars* also claimed leadership of the state after the death of the Prophet on the basis that they had helped the Prophet and that without their help his mission would not have sur-vived. But the Qurayshites strongly resisted their claim to the *Khilafat*. Then the leaders of the *Ansars* proposed a compromise and said let one from the *Quraysh* and one from the *Ansars* share the leadership but this was also turned down by the Qurayshites that it would lead to more conflict and confusion.

Islam had tried to usher in a just society based on com-passion, sensitivity towards other fellow human beings, equality and human dignity. However, the well entrenched vested interests, though paying lip service to these values, in practice sabotage them in various ways and continue to impose their own hegemony. The weaker sections and the downtrodden attracted by the revolutionary thrust of Islam and its sensitivity towards them felt disillusioned and revolt-ed. This revolt brought about near anarchy in society and resulted in civil war in which thousands were killed.

Ultimately the Umayyads captured power and *Khilafat* was converted into monarchy. Maulana Abul A'ala Maududi has thrown detailed light on it in his book *Khilafat aur Mulukiyyat*. Thus we see that the Islamic society went through great deal of turmoil and bloodshed and could not evolve a universally acceptable form of state. When the Abbasids overthrew Umayyads in the first half of the second century of Islam, there again was great deal of bloodshed. When the Abbasids captured power, some Umayyads fled to Spain and established their own rule there. Two Caliphs simultaneously existed.

Thus we see that the political theory of Islam had to undergo frequent changes to accommodate the empirical reality. It is, therefore, not possible to talk of an 'Islamic State' with a sense of finality. It is extremely difficult task to evolve any *ijma* (consensus of Muslims) on the issue. Today also there are several Muslim countries with as varied forms of state as monarchical to dictatorial or semi-dictatorial to democratic. All these states, however, call themselves as 'Islamic State'.

The forms and structures of state are bound to vary from place to place and time to time. It would be very difficult, for example, to create a democratic state in a feudal society. Thus the *Qur'an* does not give much importance to the form of state but greatly emphasizes the nature of society. While the state is contingent the society based on values like jus-tice, equality, compassion and human dignity is a necessity in Islam. And needless to say in our time it is only a demo-cratic state with widest possible power-sharing arrangement, which can guarantee such a society. Also, as per the *Qur'anic* teachings, the Islamic state should guarantee equal rights to all ethnic, racial, cultural, tribal and religious groups. The *Qur'an* considers racial, nationality, tribal and linguistic differences as signs of Allah and indicative of identity (see 30:22). It also accepts the right of other reli-gious communities to follow their own religion and it also accords equal status to men and women (see 33:35 and 2:228). The *Qur'an* accepts plurality in society as the will of Allah (5:48).

Thus in view of all this an Islamic state should have fol-lowing characteristics:
1) It should be absolutely non-discriminatory on the basis of race, color, language and nationality;
2) It should guarantee gender equality;
3) It should guarantee equal rights to all religious groups and accept plurality of religion as legitimate and
4) Lastly it should be democratic in nature whose basic premise will be human dignity (17:70).

Only those states which fulfill these criteria can be con-strued to be Islamic in nature. Thus an Islamic state is the very epitome of modern democratic pluralistic state.

The Road to Freedom

Justice M.N. Venkatachaliah

Esteemed friend Shri Virendra Dayal, Dr. Kim Dong-hoon, distinguished invitees, delegates to the workshop, ladies and gentlemen. I deem it a privilege to be invited to inaugurate this South Asia Workshop on Human Rights Education in Schools.

When we speak of human rights education, we speak of education in human rights and education for human rights as the means of our social and constitutional emancipation. One of our eminent personalities in public who was imprisoned in the country's freedom movement wrote his diary while in jail. This was some 76 years ago. Chakravati Rajugopalachari said

"we all ought to know that swaraj [1] will not at once, and I think for a long time to come, be better government or greater happiness for the people. Election and their corruptions, injustice, and the power and tyranny of wealth, and inefficiency of administration will make a hell of life as soon as freedom is given to us. Man will look regretfully back to the old regime of comparative justice and efficient, peaceful, more or less honest administration of the British. The only thing gained will be that as a race, we will be saved from dishonor and subordination. Hope lies only in universal education by which right conduct, fear of God, and love will be developed among the citizens from childhood. It is only if we succeed in this that swaraj will mean anything. Otherwise, it will mean the grinding injustice and tyranny of wealth. What a beautiful world it would be if everybody were just and God-fearing and realize the happiness allowing others. Yet there is more practical hope for the ultimate consummation of this ideal in India than elsewhere."

This education is for right conduct and for an impersonal love for all mankind. Philosophical foundations of human rights just simply tell us this: that man by reason alone of his birth in the human family, whether one is virtuous or vicious, moral or immoral, capable of contributing his share to the chores of the world or not, he has certain inherent, inalienable, universal right to life, liberty, equality and dignity. These rights are not conferred by the grace of anyone. They are inherent in all human beings. The human rights are, indeed, the touchstone for the ethical and moral content of the laws of a country.

Human society has ceased to be a caring society. All over the world, there is growing sense of hostility, intolerance and belligerence. This Century has witnessed two World Wars, which saw over a hundred twenty million human beings killed. Nearly a hundred million more have died in politically incited struggles where religion, race, ethnic strife have played a major part. In the beginning of the Century, civilian casualty in war was less than 5%. Today, it is over 90%, children being the main sufferers. There are over 50 million homeless refugees in the world. This Century has the doubtful distinction of being one of the bloodiest Centuries in human history. At such troubled times, it is unrealistic to be astonished if political behavior does not pay decorous heed to the values of human dignity. In our country the population of children below the age of fourteen is nearly forty percent of the population. It is a young nation.

The developing countries face increasing pressures of the crudities and inequities of the international order. The slogan "all rights for all" of the Vienna Conference is far from reality. It is an uneasy realization that all poverty, hunger, illiteracy, illness, shelterlessness could be solved if less than 4% of the personal wealth of just 225 richest men in the world is spent annually, and that the rich have resisted this great blessing!

In March 1993, well in advance of the Vienna conference, some of the Asian countries discussed the Western ethno-centric character of the international human rights norms. They argued that their own goals were different; that their concerns were the community as a whole and not merely the insular individual. They spoke of the increasing myth of indivisibility of political and economic rights and of the increasing dichotomy between them. They, echoing the words of Philip Alston, said the economic rights, so far as the developing countries

were concerned, are more invisible than indivisible. There is immense poverty in the developing countries. Education in human rights consists in learning those values and practices by which they empower future generations as to how they may hope to live. To live in a good society and a just society. To realize that no economic prosperity can save a society which does not respect the dignity of all individuals as being at the core of all civilizational values and that without such basic human dignity, shared by all without any reservation, no economic prosperity is neither worthwhile or enduring. It is rightly said that an unequal society lives in a constant fear of an impending disaster.

Dag Hammarksjold said that the "road to holiness necessarily passes through the world of action." It is in the world of action, in the *karma* [2] of the day-to-day life, in the execution of one's prescribed duties towards society, that the internal purification necessary for deeper acquisition of knowledge will come true. It will not be a mere mass of information. It should transcend the level of information and inform the culture of the inner man a true sense of discrimination. The purification must come from one's own act devoted to the good of society. This the children must learn. Then again, for that knowledge to sublimate itself into wisdom that sense of discrimination must constantly self-introspect the validity of one's actions.

The UNESCO statement on Human Rights Education considers that "the school among other agencies of society has an obligation to play its part fully and effectively in developing understanding of the principles of human rights and in shaping the attitudes and behaviour of future citizens in accordance with them." It adds, "education for human rights is conceived not only as an end in itself but also as a means of developing qualities and creating conditions which will enable people to live peacefully together in a World of closely interrelated nations." The syllabi should cover "the history of social revolutions and independence movements and breakdown from colonisation." It adds, "struggle for human rights through ages or of movements for social welfare and justice will enable pupils to appreciate the size of the formidable task." Human Rights education should "provide sense of pride in human accomplishment." The mind of the child should transcend the stereotype of narrow and sectarian conditioning of racial and religious influences. While the spiritualism of all religions has the element of ennobling and unifying universality, the distortions of ritualism divide. Human Rights

education which has the dignity of man as its universal principle helps the child to jettison its prejudices.

Article 26 (1) of Universal Declaration of Human Rights, 1948 (UDHR) exhorts that "everyone has the right to education." Sub-article (2) says "Education shall be directed to the full development of the human personality and to strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups..." The International Covenant on Economic, Social and Cultural Rights in its Article 13 provides that "... education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms." The 1993 World Conference held in Vienna recognizes that "human rights education and training are essential for the promotion and achievement of stable and harmonious relations among communities and for fostering mutual understanding, tolerance and peace." The United Nations Decade for Human Rights Education (1995-2004) enjoins upon all governments, international organizations, non-governmental organizations, professional associations, etc. to promote a universal culture of human rights.

I am deeply beholden to the organizers of this Workshop for giving me this opportunity to share some thoughts on the great excitement of the blessings of education. I inaugurate this Workshop with great pleasure and wish its deliberations every success.

Notes

1. *Swaraj* is roughly translated into freedom or independence.

2. *Karma* means physical or mental action.

Training for Commitment-Building

The widening space for collaboration in the field of human rights between non-governmental organizations and government institutions opens a whole new perspective on human rights training. Representatives of these institutions, which have not traditionally been working as partners, have begun to join training programs together. In these education activities, the participants' shared understanding and commitment toward common goal become primary considerations. A major part of the training must therefore be devoted to exchange, clarification, and, hopefully, agreement on views about human rights and/or human rights education.

The recently held Southeast Asia training workshop on human rights education in school shows that such training perspective is worth applying. This training was attended by representatives of non-governmental organizations and government institutions involved in education (or human rights education) in Cambodia, Indonesia, Philippines, Thailand, and Vietnam (invitees from Malaysia were not able to participate).

Human rights concepts, societal conditions, supporting and hindering factors for programming on human rights education in schools, and areas for development were discussed and clarified during the whole workshop.

Southeast Asia Pilot Teachers' Training Workshop on Human Rights Education

HURIGHTS OSAKA jointly organized a pilot training workshop with the National Human Rights Commission of Indonesia and the Centre for Human Rights Studies (Universitas Surabaya) on April 26-29, 1999 in Bali, Indonesia.*

This training followed an ASEAN perspective by

1. Focusing on the experiences of various institutions within ASEAN;
2. Situating human rights education programs within the existing realities in the subregion;
3. Discussing the issue of culture and human rights in the context of the subregion; and
4. Developing an ASEAN vision for human rights education.

The training workshop also stressed the importance of continuing linkage among ASEAN institutions involved in human rights education in schools.

The participant-centered approach was employed in the training workshop. Most activities focused on the participants while facilitators gave minimal input. There were,

strictly speaking, no resource persons in the training workshop. Small group activities occupied major parts of the program. Participants were grouped interchangeably as mixed groups, country groups, and position-based groups (e.g., curriculum developers, education researchers, and teacher trainers). Three teams of participants from Thailand, Indonesia and the Philippines demonstrated the use of human rights lesson plans in a local high school in Bali, Indonesia.

Major Components of Training Design

The training workshop was composed of the following major issues:

1. Human rights concept and vision. This included presentations and discussions on the current human rights situation, societal issues, national histories, and sectoral concerns (such as those of children);
2. HRE and the School Curriculum. This comprised reporting on human rights education programs in ASEAN countries, discussions on the profile of human rights advocates (teachers and students), and development of model human rights curriculum.
3. Teaching methodology. This consisted of making lesson plans, modules, and teaching guides. It also included an actual classroom teaching demonstration of the lesson plans developed or adopted by the participants.

Training Participants

Since people who occupy influential positions in the education system are more capable of promoting human rights education much more effectively in their respective areas of work, the training workshop focused on them.

In view of this, people who have the following qualifications were sought:

a. Occupying a position of influence in the education system;
b. Interest in a particular subject related to human rights; and
c. Interest in social justice issue.

English language proficiency was added as a qualification due to the subregional character of the training

workshop.

The training workshop was able to get the participation of teacher trainers, teaching material developers, curriculum developers, officers of teacher colleges/education faculties of universities, education researchers, and school administrators.

Common grounds

The Southeast Asia Pilot Teachers' Training Workshop attempted to find common grounds upon which discussion on human rights education can be based. Thus a review of the existing situation in ASEAN is the logical first step undertaken. In this training, for example, the ideas that came out can be summed up as follows:

a. Various manifestations of culture affect the human rights situation in ASEAN. They can be:

1. Culture of war and violence, which means the lack of system to peacefully resolve conflicts;

2. Familialism, which puts the family as the only important consideration (leading to the practice of serving the family even to the point of using illegal means such as corrupt practices);

3. Culture of patriarchy, which affects women most especially;

4. Culture of impunity, which shields government officials from accountability for wrongdoing/serious failure to perform official duties;

5. Culture of silence, which afflicts most people especially the poor, and which is supplemented by the policy of silence and impunity by those who have power;

6. Death penalty which threatens the protection of the right to life.

b. ASEAN has been undergoing economic change and development, which affects the education system as shown in the case of Vietnam;

c. The principle of the rule of law has been disregarded for a long time. Now it is becoming an important issue in the changing situations in ASEAN countries;

d. Government-people relationship is being redefined. There is a growing move toward a government of, for, and by the people;

e. The meaning of human rights in relation to the family, school, and society is now seen as an important issue to take up.

Such shared understanding of the situation between the representatives of non-governmental organizations and government institutions formed a solid foundation for discussions on appropriate program on human rights education in schools.

The discussions on factors in schools that either inhibit or support human rights education show once again the congruence of experiences and ideas among the participants. Tables 1-3 contain the summary of some of the small group discussions:

Table 1

Inhibiting factors	Supporting factors	Feasible measures
In relation to the schools: • Inappropriate teaching methods, and materials • Over-loaded curriculum • Pre-occupation with exams • Lack of mandate for HRE • Lack of recognition of the needs of HRE • Restrictive school rules and regulations • Unsupportive school environment • Lack of preparedness of the government education agency • Different situations between public and private schools In relation to the teachers: • Undesirable attitude • Lack of training • Lack of skill/competence • Lack of human rights awareness • Lack of motivation/ indifference • Fear of reaction by government, school, and students • Fear of talking about human rights In relation to human rights concept: • Unclear relationship b/w human rights and other issues • Misconception of human rights In relation to society: • Consumerism • Traditional values and culture	• Existence of NGO movements • Support from national human rights commissions • Support from UNESCO • People's awareness of human rights • Support from Asian foundations • Existence of National Action Plan on HRE/ National constitutional or legal mandate/government policy • Provision of funds for HRE • Commitment of some government and non-governmental agencies to HRE • Education/ Curriculum reform • Inclusion of human rights in some subjects/ State ideology subjects • Support from parents • Moral support from other sectors • Awareness of minority groups • Educators, not activists, are getting active	• Use of local art, music and values • Simplification of the notion of human rights • Exposure programs for students • Seminars and workshops • Use of media • Development of teaching methods • Government lobby work • Curriculum reform • Intensive teacher training • Fund raising • Networking among schools, organizations and individuals • Adoption of appropriate school management system • Creation of system of cooperation b/w government and NGOs • HRE awareness raising programs

Table 2 - Teachers

Heart	Head	Hand
• Humane (kindness, friendship, caring) • Open-minded • Committed • Tolerant • Respectful of /sensitive to differences • Conscientious • Role model • Good listener • Vigilant • Optimistic • Sincere and honest • Sense of fairness, justice • Courageous • Concern for others • Respect for one's self and others	• Issues & problems of human rights • Good overview of human rights movement (in and out) • Human rights violations redress procedure • Alternative, effective teaching methodologies • Basic human rights concepts and principles. • Human rights situationer • Local culture/values related to human rights. • Current economic, social and political situationer (international, national and regional) • Forms of violations of human rights • UN conventions related to human rights • Social standards	• Human rights teaching skills • Sense of innovation and creativity in teaching HR • Communication skills • Good leadership and motivation • Participatory approach • Conflict management/negotiation • Ability to measure, promote, solve human rights problems • "Pedagogy of love" • Socialization of human rights

Note: Heart means attitudes and values, Head means knowledge, and the Hand means skills.

Table 3 - Students

Heart	Head	Hand
• Caring • Respectful of differences • Respectful of the self • Peace -loving • Assertive • Self-confident • Self-reliant • Courageous and optimistic • Socially responsible • Responsibility for social action • Good behavior • Respectfulness • Social responsibility • Belief in the correctness of morals • Service-orientation	• Local culture/values related to human rights • Current economic, social and political situation (international, national and regional) • Forms of violations of human rights • UN conventions related to human rights • Understanding of social standards • Human rights concepts	• Critical Thinking • Peace building • Ability to act suitably according to social standards • Ability to cooperate • Human rights practitioner • Capability to reflect • Ability to use conflict resolution mechanism

The schools, the teachers and the students are the main focus of the major issues in human rights education in schools. The entries in the three tables above stress the point that the development of program for human rights education in schools has to deal with these issues. The participants who initially identified these issues in separate groups invariably came up with similar ideas. These tables contain the summaries of the ideas expressed. They indicate the similarity of situations in the countries represented in the training workshop. They also identify common concerns that people in ASEAN countries can work on together.

One can note that many of the entries in the tables above relate to the issues arising from a reading of the ASEAN realities.

Teaching Demonstration

One of the highlights of the training workshop is the use in a real classroom setting of the lesson plans that participants had prepared. A public senior high school in Denpasar, Bali (SMU 1 Denpasar - Sekolah Menengah Umum - 1st grade State Senior High School) was selected for the teaching demonstration Three classes of 16-17 year old students were selected. The 45-minute teaching demonstration extended to more than an hour. It was done in English. The feared language problem did not arise. The students were able to understand the guest teachers well, and both the workshop participants and the students enjoyed the sessions.

It was the first time for the Denpasar school to have sessions on human rights. It was also the first time for the

training participants to teach Indonesian students. On the whole, the teaching demonstration was a concrete learning exercise for the training participants, the schoolteachers and administrators, and the students in the three classes.

Commitment-building

The training participants were not simply trained on a particular area of work. They were instead exposed to the process of holding a training workshop which emphasizes their participation and which values dialogue and understanding among themselves.

Indeed, the significance of the training workshop lies more on employment of the idea that a participant-centered activity can provide enough room for participants to feel free to express ideas, ask questions, and learn from fellow participants and facilitators.

This process of mutual learning and understanding of both the realities in society and the idea of human rights education in the context of formal education hopefully paved the way for the participants to build or increase their commitment to the teaching of human rights to school children. Additionally, it is hoped that the training workshop provided ideas which can help them adopt a human rights perspective and translate the human rights principles into school rules and regulations, lesson plans, curricula, training program, etc..

At the end of the day, the most important question is: What can I concretely and feasibly do for human rights education? The training workshop hopefully made the participants think about it.

Training for NHRI Personnel

The second National Human Rights Institutions At Work Regional Training Program was held in the Philippines on May 8-15, 1999. Representatives of 5 national human rights institutions in Asia-Pacific (including the newly-established Fiji Human Rights Commission), officials of the justice ministry/judiciary of Thailand and Bangladesh, and NGOs from the countries represented attended the training. A total of 33 participants from 8 countries were in attendance. They generally occupy middle-level positions in their respective institutions. It should be noted that representatives from Bangladesh and Thailand were invited because of the impending establishment of human rights commissions in these countries.

The training focused on economic, social and cultural rights and the role of the national human rights institutions. It has the following objectives:
a. identify main human rights issues and trends in the region with particular focus on the interdependence, indivisibility and universality of human rights;
b. examine and explore organizational and program strategies for the promotion and protection of economic and social rights; and
c. encourage the development of an informal network for continued information exchanges.

The training has a series of inputs by resource persons at each stage of the program except the first stage which deals with the human rights issues in the region. Presentations were made on the Paris Principles, economic and social rights, investigation and monitoring of these rights, and human rights education. Group work followed each of the presentations. There were also group studies on economic and social rights cases.

Much of the learning by the participants must have occurred during the small group discussions. Plenary sessions would have provided more sharing of ideas and experiences but the time allotted was not enough to allow careful presentation and deliberation on the group reports.

The training program should be commended for putting together an impressive set of reading materials which participants can review after the training.

Economic, social and cultural rights are quite unfamiliar to most of the participants. These rights have not been given as much emphasis as civil and political rights by most national human rights institutions in the region. Much of the discussions were most probably focused on understanding these rights and the manner by which their violations can be effectively addressed as well as prevented. The issues regarding the realization of these rights were highlighted by the resource persons.

Representatives of the Sri Lankan and Fijian national human rights institutions, the newest in the region, participated for the first time in the training program.

The training program was organized jointly by the Canadian Human Rights Foundation and the Philippine Human Rights Commission.

HURIGHTS OSAKA ACTIVITIES

HURIGHTS OSAKA will soon make available two publications on the Japanese translation of its English publications. The first is a booklet on experiences on human rights education in schools in several countries in Asia. It is a Japanese translation of some of the articles included in the two-volume publication entitled *Human Rights Education in Asian Schools*. This booklet is the sixth in the series of booklets on human rights issues. The second is the third issue of *Human Rights Review*. This includes translation of the short versions of the papers included in the book *Human Rights in Asian Cultures - Continuity and Change*.

Preparatory activities for the Northeast Asia training workshop on human rights education in schools have started. The initial preparatory meeting was held in Seoul with the representatives from the Korean National Commission for UNESCO, as well educators from Seoul, Hong Kong, Osaka and Taipei. A tentative program for the training workshop has been drafted.

BUREAU DE POST
BENTENCHO ORC
OSAKA
JAPON
TAXE PERCUE

PRINTED MATTER AIR MAIL

May be opened for inspection by the postal service.

HURIGHTS OSAKA

HURIGHTS OSAKA
(Asia-Pacific Human Rights Information Center)
1-2-1-1500, Benten, Minato-ku, Osaka 552-0007 Japan
Phone: (816) 6577-3578   Fax: (816) 6577-3583
E-mail: webmail@hurights.or.jp
Web site: http://www.hurights.or.jp