



Editorial

Freedom from Debt

The Universal Declaration of Human Rights provides the principle that everyone as a member of society is "entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality." It is important to note "national effort" and "international co-operation" under this principle.

People who are suffering under perverse economic and social conditions will find this principle most appropriate. The accumulation of national debts supposedly for development programs in many countries in Africa and Asia raises many questions. How did the debts come about in the first place? Who should be held responsible for their failure to provide the promised development, and their success in effectively bringing suffering to people? What national efforts and international co-operation led to this situation?

Relieving national debts will certainly create an opportunity for the governments and peoples in affected countries the chance to start anew. The basic need is to free resources within countries from debt servicing and channel them instead to economic and social support systems for those most in need.

Following the human rights principle of accountability, debt relief should not release persons and institutions from the responsibility for causing the problem in the first place. Debt relief should benefit the people who suffered.

FOCUS Asia-Pacific is designed to highlight significant issues and activities relating to human rights in the Asia-Pacific. Relevant information and articles can be sent to HURIGHTS OSAKA for inclusion in the next editions of the newsletter.

FOCUS Asia-Pacific is edited by Yoshio Kawashima, Director of HURIGHTS OSAKA.

Human Rights and Debt Relief

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The Catholic Church is celebrating the 2000th year of Jesus Christ's birth by declaring the period of December 25, 1999 to January 6, 2000 as a "Great Jubilee Year." Jubilee celebration is derived from an ancient Hebrew practice of laying the land fallow, setting the slaves free and canceling debts every seventh year. The Catholic Church adopted a jubilee celebration every 100 years way back in the 14th century. Subsequently, the special celebration has become more frequent in recent times to allow more people to experience the celebration in their lifetime.¹

The "Great Jubilee Year" is significant because it promotes an idea that extends well into the field of human rights.

Pope John Paul took the first major step in fulfilling the objectives of the Great Jubilee by asking for the "Lord's forgiveness for the sins, past and present, of the Church's sons and daughters..." on March 12, 2000. His main message is summarized in this slogan: "Let us forgive and ask forgiveness!" He apologized for the sins such as violence against ethnic groups and peoples, treatment of immigrants and Roma people, genetic experiments on the unborn, abuse of minors, treatment of women, treatment of Jews, and treatment of followers of other religions and cultures.

Significant events in world history such as The Holocaust, Crusades (11th-13th century military expeditions to recover the Holy Land from Moslem rulers), Genocide (killing of Latin America's native Americans in the 16th century), Inquisition (16th century secret trials on heresy) were not mentioned but are considered to be included in "sins committed in the service of truth."²

The Pope said that violence should no longer be used in evangelizing.

The *Hindu* newspaper in India in its editorial of March 15, 2000 stated that the Pope's apology is consistent with his statement during a visit in Delhi in November 1999 that "to wage war in the name of religion is a bla-



Debt relief campaign in Europe

tant contradiction." The editorial went on to say that

One factor that facilitated this waging of war was that for most of the centuries the state remained synonymous with religion. The Crusades and Inquisition would not have inflicted such suffering if man had had the wisdom to raise a wall of separation between state and religion. He continues to pay for the absence of that wall.

The Great Jubilee has likewise helped promote the idea of canceling debts of poor countries in order to secure their future.

The idea of canceling debts spawned off an international movement that involves various churches and groups around the world. This movement is known as Jubilee 2000 Coalition.

Jubilee 2000 Coalition proposes

"a one-off cancellation of the backlog of unpayable debt for the world's poorest countries - which either cannot be paid, or can be paid only with enormous human suffering. This wouldn't be setting a precedent for canceling all debts repeatedly. Rather, it would be a once-only gesture to mark the millennium, a gesture showing that creditors and debtors alike have made mistakes and that the slate needs to be wiped clean. The procedure for agreeing [to]

this debt relief should be undertaken by an independent body, perhaps under the UN. The procedure will be open, transparent and fair. This would change millions of lives, without taking away the responsibility of debtors to pay their future debts."³

The G-7 countries already discussed this issue in a meeting in Cologne, Germany in June 1999 and came up with a framework for canceling the debts of heavily indebted poor countries (HIPCs).⁴ All credits provided under official development assistance (ODA) program and up to 90% of non-ODA debts (extended primarily by quasi-governmental organizations such as export-import banks) will be cancelled. The recent G-7 meeting in Okinawa reaffirmed the "commitment to 100 percent debt reduction of ODA claims, and newly commit to 100 percent debt reduction of eligible commercial claims."⁵

The meeting noted the need for HIPCs to accelerate the process of preparing "comprehensive and country-owned poverty reduction strategies through a participatory process involving civil society" as a means of maximizing the benefits of debt relief.

Free trade system, the dominant economic framework in the world exemplified by the World Trade Organization (WTO), is compounding the situation. In tandem with globalization, the free trade system has been shifting wealth around the world much more quickly. But it also sustained divisions between the haves and have-nots.

Poverty, according to the outgoing chief of the International Monetary Fund, remains the biggest problem. In his address to the UNCTAD meeting in Bangkok in February 2000, he said that

The widening gaps between rich and poor within nations, and the gulf between the most affluent and most impoverished nations are morally outrageous, economically wasteful and potentially socially explosive.

I detect a vigorous call for common action to transform globalization into an effective instrument for development.⁶

In the same meeting, it is reported that the International Labor Organization Director characterized the process of globalization as the glorification of "casino capitalism" and the imposition of the pains of structural adjustment on the weakest sections of society.⁷ UNCTAD data reportedly show that the world's 48 poorest nations (33 are in Africa) "are failing to benefit from free trade and globalization and instead

face worsening poverty."⁸

Participants from developing countries attending the UNCTAD conference can certainly identify with these views. They demanded that they take part in the decision-making process in WTO, presently dominated by developed countries. The UNCTAD conference ended without giving much to the wishes of the developing countries.⁹

It is reported that developing countries are against the inclusion of human rights (including labor) and environmental issues in the WTO talks. One reason is the fear that developed countries will use these issues to weaken the competitiveness of the developing countries. While this is a likely scenario in a free trade system, this stance conflicts with the view that human rights and environment should not be sacrificed in the name of economic development.

Voices against globalization that favors richer countries and stifles development in poorer countries have been raised. Many non-governmental organizations argue vigorously against globalization. Their efforts contributed to the failure of the WTO conference in Seattle. They pointed out that both developed and developing countries cause the problems.

The International Forum on Globalization (IFG) argues that globalization policies lead to a number of negative outcomes, including:

- The rapid diminishment of the powers of local and indigenous communities, states, and even nations to control their futures as economic and political power is transferred to global and transnational institutions.
- The acceleration of modes of economic development that give scant attention to issues of equity, or the health of the natural world, and that have already brought the planet to the brink of economic, social and ecological catastrophe.
- The reinforcement and expansion of the economic colonization of southern countries by northern countries, while widening the gap between rich and poor in all countries.
- A sharp increase in unemployment in both the North and the South, as work is increasingly mechanized and automated, as corporate farming and biotechnology replace traditional small-scale agriculture, and as corporate activity becomes more mobile, unrestricted, opaque, and unaccount-

able.

- Massive population shifts from rural to urban areas, with commensurate poverty, famine, ethnic friction, and degradation of living and working conditions and human rights.
- The accelerated invasion of the earth's remaining wilderness, bringing a loss of biodiversity, depletion of natural resources and the breakdown of the planet's life support systems, as is already evident in ozone destruction, global warming, loss of species and habitat, depletion of forests and oceans, and the loss of the lands and rights of native peoples.
- Worldwide homogenization of diverse, local and indigenous cultures, social and economic forms, as well as values and living patterns that reflect the efficiency needs of the new global monoculture; simultaneously, the homogenization of diverse landscapes, as they are transformed to suit the global market.

The IFG views international trade and investment agreements, including the General Agreement on Tariffs and Trade (GATT), the World Trade Organization (WTO), Maastricht Treaty, North American Free Trade Agreement (NAFTA) and the Multilateral Agreement on Investment (MAI), combined with the structural adjustment policies of the International Monetary Fund and the World Bank, to be direct stimulants to the processes that weaken democracy, create a world order that is under the control of transnational corporations, and that devastate the natural world.¹⁰

The debate on globalization continues while the free trade system remains deeply entrenched. It is thus argued that countries that integrate in the global system reap economic benefits. China is cited as an example of success for attracting majority of the investment money during the past decade. This supposedly contributed to the lowering of poverty level in Asia.¹¹

Human rights concerns

The issues raised by Jubilee 2000 Coalition and the questions over WTO, IMF and WB are linked to a major human rights concern: existence of a social and international order in which rights and freedoms cannot be fully realized. This is the opposite of what Article 28 of the Universal Declaration of Human Rights provides.

Debt relief will improve the situation for many poor countries. But as the Jubilee 2000 Coalition admits, it will not prevent future unjustified debts from getting incurred again. The only way is to review the present national and international economic systems that breed this problem.

What measures should be taken to create systems that prevent abuse of power to incur debts? How will the needs of people (especially the poor) be addressed in a manner that respects their rights and freedoms?

Poverty is a justification for human rights violations. Those who get unlawfully arrested, or tortured, or extra-judicially killed are most likely from the poorer sections of society. Those who receive little financial and social support are the ones who are already suffering from discrimination and other forms of human rights violation. Being poor or in a vulnerable situation therefore means being exposed to a variety of human rights violations.

Debt relief provides an opportunity to examine ways of addressing the poverty issue anew. It also leads to the question of human rights realization. Two issues arise in the process:

- a. redressal of injustices, and
- b. creation of enabling environment to realize human rights.

How will these issues be treated in the context of Asia-Pacific?

Asia-Pacific countries have not fully addressed the injustice raised by several well-publicized issues regarding indigenous peoples (including the Australian Aborigines), comfort women, and victims of human rights violations under previous authoritarian governments (in the Philippines, Indonesia, Thailand, Korea and other countries).

The failure of governments to take full responsibility on these issues is reflected in the current Asian financial crisis. While the international financial system is equally liable for the crisis, governments tend to blame only the outside causes and fail to look at the critical defects in the domestic economic, social and political systems that likewise caused the problem.

Economic development can lead to the eradication poverty if done with equity and justice. But the governments' doggedness to have prosperous societies at the shortest time possible allows human rights viola-

tions. In a highly competitive world, there is no room for dissent or care for the weak who cannot compete. This precisely leads to the objections to globalization. The argument that economic rights should be a priority over other rights is proving to be incorrect.

The reported unrest happening in the rural areas of Thailand and China regarding development projects vividly shows how much negative impact is being absorbed by rural people. There are likewise reports of displacement of urban poor communities in many countries to give space for development/commercial projects. These cases show how unprepared governments and international players are in facing the negative consequences of development projects.

Much of the abuse by international financial institutions, multinational business corporations and the governments regarding development projects stems from the violation of basic human rights. The failure to provide relevant information on the projects to the public in general and the affected (or to be affected) people in particular causes a host of problems - from corruption to sudden and sometimes violent displacement of people. It prevents people from protecting themselves against such violations.

The low priority and support for the replacement of livelihood, or housing, and other social services such as health and education that people lose due to displacement caused by projects violates the right to social and economic security. The protests Indonesian farmers are lodging before the Indonesian government refer to claims about projects that were forced on them by the previous Soeharto government. They have long been suffering. They can claim their right to just compensation and other benefits only now.

In the same manner, development projects that replace traditional means of livelihood such as shift from traditional fishing to fish farming eventually expose the livelihood to greater market fluctuations, and other problems. Failed fish farms leave behind damaged fishing resource due to loss of vegetation (mangroves especially) and use of chemicals for fishpond maintenance. The same can be said of lands that are converted to input-intensive farms or plantations. The poor are hardly protected against such risks.

Redress mechanisms will not be effectively used if people are weakened by the impact of development projects. Loss of income or source of livelihood can prevent them from seeking remedies. How many of these problems have been properly brought to the

attention of relevant government agencies? And for those cases that received such attention, how many have been given appropriate remedies? ¹²

How will debt relief relate to these situations? Will it be able to help compensate for the loss suffered by people affected by the debt-supported projects? Will it be able to prevent these situations from occurring again?

While these questions may exceed the coverage of the present debt relief program, they nevertheless stress the seriousness of the problems brought about by debt-supported development projects.

Human rights principles therefore constitute an important component in discussing any debt relief program. These principles can apply in remedying negative impacts of debt-supported development projects, as well as in making funding systems for development projects accountable.

End Notes

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3. Jubilee 2000 Coalition, www.jubilee2000
4. The debt reduction framework is called Enhanced HIPC Initiative.
5. G-7 Leaders' Statement, July 21, 2000, Okinawa, *The Japan Times*, July 23, 2000
6. Camdessus urges wealthy nations to recognize needs of 3rd World, *The Daily Yomiuri*, February 15, 2000.
7. Editorial, *The Hindu*, February 21, 2000 New Delhi, India (as reprinted in *The Daily Yomiuri* newspaper).
8. "Rich-poor division stalls UNCTAD trade negotiations," *The Daily Yomiuri*, February 16, 2000.
9. "UN trade declaration falls short for poor nations." *The Japan Times*, February 21, 2000; "Developing, industrialized nations clash at U.N. trade summit," *The Japan Times*, February 15, 2000.
10. The International Forum on Globalization Position Statement, see www.ifg.org
11. Martin Wolf, "Refuting the big lie of global inequality," *The Japan Times*, February 12, 2000
12. See Plantilla, Jefferson R. and Yokoyama. Masaki, *Development and Democracy: Philippines' Quest for the Next Century*, Occasional paper, HURIGHTS OSAKA (Osaka: 1997) for a discussion of the problems encountered by people who were displaced by port and coal-fired thermal plant projects in two provinces in the Philippines.

A Fight against *Kamaiya* System: an Experience Review

Mukunda Raj Kattel

An overview

The *kamaiya* system arises from debt relationship. It sustains bonded practices as a matter of accepted social phenomenon. It works as simple as this: a debt recipient, a poor and illiterate folk, comes into bondage to the lender, a local landlord, after failing to pay the loan in cash at a stipulated time. The debtor is then required to offer labor in repayment. But the value of labor is so minimal, almost zero in many cases, that a complete repayment of the loan is hardly possible. The debtor over time comes under the complete control of the master; he marries in bondage and dies in bondage. His wife and children inherit the loan and bequeath it to succeeding generations. This is the dynamics of the *kamaiya* system, a remnant as well as a new form of slavery. The bonded person is called *kamaiya*.

The system was first noticed by anthropologists in the 1960s. However, it got public attention as a system promoting enslavement only at the outset of 1990s. Buoyed with the success of the democratic movement in the country in early 1990s, a fledgling organization-INSEC-resolved to lead a fight against the system and sponsored a path breaking study. Its 1992 report divulged the plight of *kamaiyas* to a wide array of audiences, national and international, and mounted solidarity of concerns. INSEC soon initiated a *kamaiya* literacy and awareness program to educate the *kamaiyas* about their situation and the causes of the *kamaiya* system. It was thought that the *kamaiyas* would subsequently challenge the system and free themselves from bondage as a result of the program. Many other organizations begun to take up the issue afterward.

Eight years later, the *kamaiyas* tore apart the chain of bondage. They are now legally free from enslavement and have become sovereign citizens, a decade after the 1990 Constitution of the Kingdom of Nepal prohibiting "traffic in human beings, slavery, serfdom or forced labour in any form" (Article 20) took effect.

A bane of many, a boon for a few

The *kamaiya* system continued during the whole decade

of the 1990s despite the democratic form of government and the 1990 Constitution that prohibits slavery because of a number of factors.

The word *kamaiya* means a hard working person who earns much through manual labor. The ruling class, including opinion makers, profit immensely from the system. It is a source of their power over society; the principal reason why uprooting this entrenched system was difficult despite legal provisions prohibiting bonded practices such as that the system sustained.

Existing laws and obligations prohibiting bondage in Nepal

- Article 20 of the Constitution prohibits bondage and serfdom in any form.
- The Civil Code under Traffic in Human Beings (No.3) makes enslavement a punishable act ranging from 5-7 years of imprisonment.
- Bonded labour is explicitly prohibited by the 1956 UN Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices similar to Slavery. Nepal is a State Party to this Convention.

Another factor, the most gruesome of all, is that most people occupying policy making positions in all Nepali political parties have been identified as masters of a number of *kamaiyas*. The General Secretary of the Communist Party of Nepal (United Marxist-Leninist), now the main Opposition party, hinted at this fact when he made party directives (a commendable decision) in early January 2000 to expel members from any position in the party if they are found holding *kamaiyas*. The directive, although much acclaimed, worked rather slowly, if not completely failed. Meanwhile, the Nepali Congress Party, mostly in power following the advent of democracy, openly protected those who maintained *kamaiyas*.

The present Land Reform and Management Minister, a democratic leader, is a master of *kamaiyas*. He stated that, "I also had *kamaiyas* as *kamaiya* keeping was a system. However, I had taken a good care of them." As

head of a government ministry, an influential Nepali Congress leader, and a veteran proponent of democracy, he does not feel any guilt over this admission. People with similar position as his could alter the situation of the *kamaiyas* overnight if they did their job and relinquished their control over *kamaiyas*.

In the context of the *kamaiya* system, the 'freedom' most political leaders and ministers spoke about throughout the decade of the 1990s referred to their own freedom, the freedom to keep slaves, unfortunately.

On the average, a *kamaiya* works about 13 hours a day. He gets only around 11 rupees at the maximum. Using the legal minimum wage of 60 rupees (US\$ 0.80) for eight-hour work per day, he should be getting 102 rupees for the 13-hour work. Instead, he loses around 90 rupees a day to his master. Annually, a master makes a surplus of 32,500 rupees (US\$ 450) per *kamaiya*. This amount is multiplied several times more based on the number of the members of the *kamaiya* family engaged in the work.

Various studies, three studies by INSEC alone, in the 1990s estimate that between 70,000 and 100,000 *kamaiyas* are being exploited under this system. And the system primarily affects the indigenous Tharu people in western Nepal.

The road to liberation

The liberation of *kamaiyas* shows that non-governmental organizations (NGOs) can effect social change. Their honest and united work had a crucial bearing on *kamaiya* liberation. Annex 1 shows an example of an NGO initiative that helped create long-term impact on this entrenched and protected system.

A loose network of NGOs (local and international) and intergovernmental organizations working for the *kamaiya* liberation also helped a lot. This network called *Kamaiya Concern Group* (KCG) worked for three years. Government representatives from the land department occasionally participated in the network's meetings. Coordinated by INSEC as its secretariat, KCG was influential in making strong public opinion against the *kamaiya* system and creating high-level pressure on the government.

On May 1, 2000, in the Geta Village Development Committee of Kailali district, 19 *kamaiyas* revolted against their landlord, Shiba Raj Panta, an influential Nepali Congress leader. They filed a case against the landlord demanding freedom from bondage, minimum

wage, compensation for unpaid labor, registration in their name of the land where they stay, and protection from the landlord.

The case was not accepted initially by the local government office. The case however gained the support of other *kamaiya* victims. Thousands took to the streets, shutting down major cities in the west, Mahendranagar and Dhangadhi in particular, in support of the case. They also conducted sit-in at the district administration office until the Chief District Officer finally registered the case. The movement did not end there. It was extended to the capital city, Kathmandu, miles away from Kailali. A team of *kamaiyas* submitted a memorandum to the Opposition leader and concerned ministers. Meetings were held with Members of Parliament, journalists and other concerned people. Finally, a series of demonstrations of *kamaiyas* held in Kathmandu city, and sit-ins organized in front of the Prime Ministers' office forced the government to announce a decision on 17 July 2000 declaring the system illegal and the practice henceforth punishable. The Cabinet Decision presented to the parliament provides the following points:

- the engagement of *kamaiya* labor is illegal,
- the *kamaiyas* are emancipated outright,
- any written or verbal contract made between the landlord and the *kamaiya* or a family member is null and void and its enforcement punishable by law, and
- the debt (*saunki*, in local term) under the *kamaiya* system is illegal and therefore should not be paid back.

It was a matter of pleasure for all, more so for INSEC, which pioneered the work in this sector that led up to the liberation movement.

Post freedom scenario

Gaining freedom for the *kamaiyas* did not mean much, however. They still suffer from the pains accumulated during the several generations of living under the system.

The state has not yet been able to rehabilitate them and supply them with basic subsistence needs. The civil society is yet to enter into the domain of its new role. A sense of confusion is thus in place.

Kamaiyas have either left or have been forced by their masters to leave their hamlets constructed in the land of the masters. They do not have any belongings, including utensils, quilts and bedding. Very basic of all, they

do not have sufficient food to eat. Mr. Gopilal Chaudhari, freed at the age of 78 along with his family members, is completely dependent upon Backward Society Education, a Dang-based NGO, for food. Mr. Chaudhari says, "sometimes food is available, sometimes I go to bed hungry."

Sheltering in public places, kamaiyas have become refugees in their own land...

Similarly, Mrs. Phul Kumari Chaudhari, a mother of four, has an additional load to shoulder when her husband fell ill. She has an only a pot to cook food, this too is not sufficient for the whole family. She laments, "We do not have basic things in our shelter, how long can we go on this way?" She is happy about the freedom but worried about the resultant situation. Sheltering in public places, *kamaiyas* have become refugees in their own land, hanging on to the hope that the situation would turn out better some day.

Following the declaration of freedom, His Majesty's Government sponsored various study teams to update "the *kamaiya* record and identif[y] ... government and public land suitable for distribution to the landless *kamaiyas*" and has come up with a data on 20,162 affected families. The *kamaiyas* are classified under the following:

- those having neither a piece of land nor a house,
- those having a house but not a piece of land,
- those having a house and a piece of land less than 334.7 square meters; and
- others.

With the data on hand, the government reportedly approached bilateral agencies and international NGOs to support the rescue and rehabilitation operation. However, the work is yet to materialize. The government also failed to introduce a law in the current session of parliament legally banning the system. This law would specifically address the *kamaiyas*, unlike the vague provisions existing in other laws dealing with 'bondage', define 'bonded labour' in relation to the *kamaiya* system, and give a legal basis for a package programme to address this particular group of victims.

The NGOs too are seemingly caught in the dilemma,

the dilemma centering on 'what's next.' At the peak of the freedom movement, as events proceeded with some immediate impact in Kathmandu, a gap between the partner organizations working jointly developed. Some unhealthy judgments were made, and decisions were taken by some individuals, without any calculation on their long-term impact, in the name of collective verdict. Some individuals with very poor exposure to the system and its dynamics also came in attempting to make it a credit-issue, that they were behind the freedom of *kamaiyas*, hence the success should be attributed to them. Although, the course of events did not take a detour, its hangover is still seen among the partners, which has delayed the initiation of a coordinated effort. However, this has not stopped organizations like INSEC from getting into action, and should also not stop others concerned with humanitarian and human rights issues.

The *kamaiya* system is a clear result of the political dynamics in Nepal, characterized as the "politics of the fittest", since it sustains the elites' hold onto power.

The crisis of the *kamaiyas* needs the urgent attention of all concerned individuals and institutions, you and me. Let us join hands in response to the humanity crying out for help in the lap of *Sagarmatha*,¹ a target of many to test out their courage over the years. Another test also exists, a test of human courage to help out those victimized by the 'fittest.'

1. *Sagarmatha* is a Nepali word for Mt. Everest, the highest peak in the world.

Annex 1

A chronology of major events that INSEC initiated in a bid to fight the *kamaiya* system

1991/92: Launching of pioneering survey on the situation of *kamaiyas*, and the publication of a report proving that debt bondage prevails in the *kamaiya* system in western Nepal, and the Tharu people are the victims of the system. The report exposed these facts: 93.2% of the *kamaiyas* belong to Tharu community; 15.5% under the age of 20; a *kamaiya* family has 6.34 members in average; 73% are homeless and 98.2% are landless; average *kamaiya* family is short of 433.3 kg food grain to feed its members annually; and 96.3% are illiterate.

1993: Initiation of *kamaiya* literacy and awareness

programme to educate the *kamaiyas* about their rights and encourage them to form an organization.

- 1993: A case against the system was filed in Supreme Court demanding a mandamus to enact a law banning the system.
- 1994: A proposed act abolishing the system was drafted and circulated to MPs; they were lobbied to enact it into law.
- 1994: *Kamaiya* Liberation Campaign was initiated with *kamaiyas* forming organizations.
- 1995: A National Conference of *Kamaiyas* was held which created a *Kamaiya* Liberation Forum (KLF). In subsequent years, the KLF became instrumental to take up the voices and issues of *kamaiyas*.
- 1995: *Kamaiya* child education programme was initiated addressing out-of-school children to prepare them for formal schooling. Those above primary school age were admitted to vocational training.
- 1996: Formation of *Kamaiya* Concern Group with INGOs, NGOs, IGOs and government representatives in order to take up *kamaiya* liberation jointly.
- 1997: An appeal was issued to *kamaiya* masters on behalf of KCG urging them to release their *kamaiyas*. This helped a release of 13 *kamaiyas*.
- 1997: Further research carried out in cooperation with London-based Anti-Slavery International (ASI) covering all *kamaiya* prone districts, and a report entitled *Forced to Plough* was published. The report exposed new facts about *kamaiyas*. It also identified that debt bondage prevails in other areas under other systems affecting primarily the dalit groups.
- 1997: 'A Revisit to the *Kamaiya* System' was undertaken to look into the changes/effects of various programs implemented by various agencies. The Revisit exposed, among others, that *kamaiya* system also prevailed in other districts
- 1999: A minimum wage campaign for agricultural workers was launched in co-operation with Village Development Committees (VDCs), the

grassroots level politico-administrative units, convincing them of the need to apply it within their jurisdiction. As the wage movement spontaneously extended to around 100 VDCs, within a period of 6 months, the government was bound to respond to the campaign by fixing a nationally applicable minimum wage for agricultural workers on 13 January 2000. In fact, it is this wage provision that facilitated the current *kamaiya* freedom movement. The 19 *kamaiyas* in Geta VDC led their movement with the wage demand in hand.

- 2000: A high level delegation was sponsored in co-operation with ASI. Such veterans as an MP of the Lords of Commons, an expert on bonded labor in the world, a well-known Indian anti-bonded labor activist, and so on visited the Prime Minister, Opposition Leader and other high level politicians expressing their concern to ban the system. The delegation had wide media coverage, nationally as well as internationally through such agencies as BBC World Service.

The then Prime Minister promised the delegation to introduce a national legislation to define and ban bonded labor.

- 2000: A quick survey is being undertaken to know the current situation of liberated *kamaiyas*. Based on the information gathered, a *kamaiya* rehabilitation movement is to start soon. The survey also aims at collecting information on current landholding of masters. It is anticipated that the information will be useful to launch a comprehensive agrarian reform movement for a long-term solution to the problems facing agricultural workers.

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FIFTH ANNUAL MEETING OF THE ASIA PACIFIC FORUM OF NATIONAL HUMAN RIGHTS INSTITUTIONS

7 - 9 August 2000, Rotorua, New Zealand

STATEMENT OF CONCLUSIONS

Introduction

1. The Fifth Annual Meeting of the Asia Pacific Forum of National Human Rights Institutions, consisting of representatives of the National Human Rights Commissions of New Zealand, Australia, Fiji, India, Indonesia, Nepal, the Philippines and Sri Lanka, met in Rotorua, New Zealand, from 7 to 9 August 2000.
2. The Forum expressed its gratitude to the New Zealand Human Rights Commission for hosting the meeting, to the Office of the High Commissioner for Human Rights for its co-sponsorship and financial support of the Annual Meeting and inter-sessional workshops, to the New Zealand Government for funding from Official Development Assistance and to the Australian Agency for International Development for its financial assistance. The Forum expressed its particular appreciation for the efforts of the Secretariat of the Forum and the staff of the New Zealand Human Rights Commission for their work in the organisation of the Meeting.
3. The Forum welcomed the participation, as observers, of over 100 representatives from regional governments, other relevant institutions, international, regional and national non-government organizations and the business sector. Participants included government representatives from Australia, China, the Cook Islands, India, Indonesia, Japan, the Republic of Korea, Laos, Mongolia, Myanmar, Nepal, New Zealand, Pakistan, Papua New Guinea, Samoa, Singapore, Solomon Islands, Thailand and Vanuatu as well as a representative of the people of East Timor. They also included representatives from 24 non-government organizations including, in particular, from Cambodia and Tahiti.
4. The Attorney-General and Associate Minister of Justice of New Zealand, the Hon Margaret Wilson, opened the Meeting on behalf of the Prime Minister of New Zealand, the Rt Hon Helen Clark. The Prime Minister's message noted the strong support of the New Zealand Government for the work of national human rights institutions and the role of the Asia Pacific Forum. New Zealand's Minister of Foreign Affairs, the Hon Phil Goff spoke at the closing ceremony about the challenge of promoting *Democracy and Institutional Strengthening*.
5. The special theme for the Meeting was *National Human Rights Institutions and the Protection and Promotion of Economic, Cultural and Social Rights - International, Regional and National Strategies*. The Forum welcomed the participation, as keynote speakers on this issue, of Justice P N Bhagwati, Regional Representative of the United Nations High Commissioner for Human Rights and Deputy Chairperson of the United Nations Human Rights Committee, and Professor Paul Hunt, Rapporteur of the United Nations Committee on Economic, Social and Cultural Rights. The keynote speakers, and the discussion which followed, drew attention to the fact that the International Covenant on Economic, Social and Cultural Rights could be used as a 'shield' against the implementation of structural adjustment measures that violate the provisions of the Covenant.

Conclusions

6. The Forum affirmed that the status and responsibilities of national institutions should be consistent with the Principles Relating to the Status of National Institutions adopted by the United Nations General Assembly (Resolution 48/134) commonly referred to as the 'Paris Principles'. The Forum stressed that national institutions should conform to the Principles and be independent, pluralist and based on universal human rights standards and should be established following an appropriate and inclusive process of consultation which provides for the participation of non-government organizations and civil society. On that basis it admitted the National Human Rights Commission of Nepal into the Forum, increasing the Forum's membership to eight.
7. Forum members considered the report of the Working Group appointed at the Fourth Annual Meeting to examine issues associated with the legal structure and governance of the Forum. They approved in principle resolutions recommended by the Working Group for the legal incorporation of the Forum, the establishment of an interim Board of Management/Governance and an implementation Working Group. Forum members will provide any additional contributions to the Working Group's report within six weeks. Forum members agreed to develop guidelines for the selection of four regional representatives to the International Coordinating Committee and in the meantime to continue the current four representatives.
8. The Forum agreed to explore further means of promoting and protecting economic, social and cultural rights, including, inter alia, by holding a regional workshop on the practical measures States, national institutions and non-government organizations could take to protect and promote economic, social and cultural rights.
9. Forum members discussed the contemporary experience of racism and agreed that racism is found in some form in every nation and every society throughout the world. They exchanged their own experiences of addressing racism and expressed the view that overcoming racism remained one of the most significant human rights challenges confronting national institutions and civil society. Forum members emphasized the importance of the World Conference Against Racism, Xenophobia and Related Intolerance, stressed the importance of ensuring that Asia Pacific input to the Conference be maximized and agreed to develop a coordinated position for it. They endorsed the recommendations of the Secretariat's background paper. They agreed that the Secretariat should invite reports from individual members on their planned activities in relation [to] the World Conference and on the position to be jointly advocated by the Forum. The Secretariat will prepare a draft position for endorsement by members.
10. The topic *Promoting Democracy: the Role of National Institutions and the Asia Pacific Forum of National Institutions* was discussed in frank and constructive terms by Forum members and representatives of regional non-government organizations. They were addressed by representatives of the Human Rights Commissions of Fiji and Indonesia who described in detail the difficulties and challenges faced by their organizations in dealing with civil and political crises. The representative of Sri Lanka drew attention to the particular challenges faced by national institutions in developing countries, having regard to the prevailing economic and social conditions and also in times of grave national crises. These representatives, in particular the representative of Fiji, described the importance of promoting the understanding of the ideal of inclusive democracy in terms of protection of the human rights of minorities and vulnerable groups, and their representation in economic and political processes. In the discussion which followed, Forum members agreed that these were issues not only of newer democratic societies but also of societies with older democratic institutions. They also noted that democracy and the rule of law are necessary but not, in themselves, sufficient to guarantee human rights. They considered that the Forum, in cooperation with the United Nations, in particular the High Commissioner for Human Rights, could play an important role in facilitating a regional response to crises affecting the work of national institutions, individual Forum members and human

rights generally. Forum members requested that the Secretariat develop guidelines for responding to these types of situations at the request of the relevant member institution.

11. The High Commissioner's Special Adviser on National Institutions and the Director of the Forum Secretariat emphasized the necessity of a coordinated approach to the promotion and protection of human rights in the Asia Pacific region based on the major elements agreed in Beijing in March 2000 and taking particular account of the needs of recently established national institutions and requests from countries considering their establishment. Forum members reaffirmed the importance of cooperation with all sectors of society and the need to continue to strengthen regional cooperation, including with non-government organizations, so that the best possible use is made of the skills, knowledge, experience and resources that are available.
12. In addition, Forum members addressed a number of issues on which the Secretariat had prepared background papers and endorsed the recommendations put forward in those papers. These issues were: the role of national institutions in the United Nations Global Compact; the activities and responsibilities of national institutions vis a vis national governments; women and human rights; and the conduct of public inquiries by national institutions. The Forum also considered reports from its representatives at recent workshops on the use of child soldiers and the situation of internally displaced persons in the Asia Pacific region and noted the recommendations addressed to national institutions in the reports and the concluding statements of those workshops.
13. The Forum discussed proposed guidelines for establishing new national institutions. It decided to invite comments on the draft guidelines developed by the Secretariat within six weeks and requested the Secretariat to distribute a revised draft to all members for their consideration and approval.
14. The Forum received and endorsed the concluding statement of the Workshop on the Role of

National Human Rights Institutions in Advancing the Human Rights of Women held in Suva from 5 -7 May, in particular the action recommendations in paragraph 17. It also noted the recommendations addressed to national institutions. It referred the recommendations to the Secretariat for implementation. The next Annual Meeting of the Forum should receive a report from Forum members on action taken on those recommendations.

15. The Forum welcomed the inaugural meeting of the Advisory Council of Jurists and expressed its thanks to Council members for accepting appointment. The Council presented an interim report on issues in relation to the death penalty and child pornography on the Internet which the Forum had referred to the Council following the Fourth Annual Meeting. The Special Adviser on National Institutions to the High Commissioner for Human Rights noted the importance of the Council in advancing the cause of human rights in the region. The Forum thanked the Council for its interim report and asked the Secretariat to forward the final report to Forum members for their consideration and adoption.
16. The Forum received a request from the representative of the people of East Timor for the Forum to undertake a human rights capacity building program in that country. The Forum requested the Secretariat to develop, in consultation with the High Commissioner for Human Rights, UNTAET, and relevant governments and non-government organizations, a proposal responding to the request.
17. The Sri Lankan Human Rights Commission kindly accepted the nomination to host the Sixth Annual Meeting of the Asia Pacific Forum of National Human Rights Institutions in approximately twelve months' time.

*A report on the meeting, the key note speeches, background papers and other useful resources and links will soon be available on the Forum website:
<http://www.apf.hreoc.gov.au>*

National Seminar on Human Rights Education - Pakistan

Background

Pakistan's Ministry of Law, Justice and Human Rights (Human Rights Wing) and the International Training Centre of the ILO (Turin, Italy), in cooperation with the ILO Office in Islamabad, held on September 25-29, 2000 in Lahore a seminar on human rights education.

This seminar is part of the "Promotion and Implementation of Human Rights - An Institutional Capacity Building Project." The Norwegian Agency for Development Cooperation funds this project while ILO implements it. The project involves various Pakistani government offices and institutions, NGOs, and employers' and workers' organizations. The long-term goal is to create awareness in Pakistan about human rights concepts and issues. The immediate objective is to enable project participants to improve their role in the protection and promotion of human rights.

The activities under the project are therefore meant to increase their knowledge of the human rights mechanisms operating at the global level and also to strengthen their capacities at the national and local levels.

The Lahore seminar is the fourth in the series of seminars under the project.

Objectives

The principal objective of the Lahore seminar is to enable participating organizations to stimulate and support national and local initiatives in the field of human rights education and awareness-raising. The seminar also aims at providing participants with new training tools and ideas on methodologies to disseminate the human rights message through educational activities.

Participants

The participants came from various Pakistani government agencies and training institutions (National Institute of Public Administration, Civil Services Academy, Ministry of Education-Curriculum Wing, Ministry of Labour - Directorate of Workers Education, Ministry of Law, Justice and Human Rights - Mass Education Project). There were also representatives of non-governmental organizations (Pakistan Institute of Medical Sciences, Pakistan Education Society, Sindh Graduates Association, ASR), and media groups (The News, Daily Nawai Waqt, Serendip Production). There were observers from one more government training institution (Pakistan Administrative Staff College - Lahore), one NGO (Citizen Commission for Human Development) and one school (Grammar School Rawalpindi).

Course Content

Participants discussed human rights principles and the UN human rights system, the formal and non-formal education systems and the integration of the subject on human



rights standards into existing training programs, and the role of the media in creating human rights awareness. Presentations were made on several topics including international human rights standards, experiences on human rights education in the Asia-Pacific, and the United Nations Decade for Human Rights Education.

The participants developed plans of action on research and/or human rights education activities at the end of the seminar. These plans can be adopted as part of the programs of their respective organizations. A few of the drafted plans will be selected by ILO for funding support for a six-month period ending in October 2001.

Observations

The participants from both government and non-governmental organizations appreciate having a better understanding of human rights, and human rights education activities at the local, regional and international levels. They are interested in introducing human rights education as a component of the existing training programs in their own organizations.

The participation of representatives of government training institutions is significant. This is probably the first time that these institutions are considering human rights as a subject in their training courses. This can lead to the introduction of regular human rights courses for government personnel in the in-service training programs. A regular human rights course can help develop systems supportive of human rights within the government machinery of Pakistan.

It is important to support the development of these human rights courses. Such support can come from within and outside Pakistan.

This series of seminars is being held at a time when the Pakistani government is showing interest in human rights education and human rights mechanism. A government-sponsored national convention on human rights was held for the first time in Pakistan earlier this year, and a commission on women has been established. These are positive developments. Considering the many human rights issues in the country (as in many other countries), these developments deserve to be followed-up with concrete steps such as ratification of many more human rights instruments, amendment and/or enactment of laws and development of programs in line with the ratified instruments. Ultimately, there is no other way than to continuously support the spread of human rights consciousness in the Pakistani society to assure that government-supported programs on human rights will be used judiciously.

Mid-term Review of the UN Decade for Human Rights Education

The UN Office of the High Commissioner for Human Rights (OHCHR) completed a review of the first half of the UN Decade for Human Rights Education (1995-2004) in August this year. A report on the review is now submitted to the UN General Assembly's 55th session.

The review covered activities undertaken by governments, intergovernmental organizations, and non-governmental organizations.

The review process took several forms. Official government reports sent to the OHCHR comprise the first source of information. A survey was undertaken in April 2000 addressed to governments, intergovernmental organizations and NGOs. This was complemented by an internet forum that covered the basic issues on the implementation of the plan of action of the UN Decade.

To help prepare the report, an expert meeting was held in Geneva on 7-9 August 2000 "to review the results of the global survey and of the on-line Forum; enrich those results with the experts' experience and advice; consolidate the mid-term evaluation report; suggest recommendations for further action to be taken by all actors at all levels (national/local, regional, international level) in the coming years; and advise OHCHR on strategies to adopt for the rest of the Decade." The meeting was attended by some of the most active UN Decade players and experts on human rights education.

The review recognizes the fact that a lot of information on UN Decade-related activities are not covered for a variety of reasons. Many organizations are not aware of the review process and thus had no chance to participate in it. It is possible also that some organizations who knew the review process failed to send the requested information on time. Many governments and intergovernmental organizations failed to respond to the questionnaires.

One major principle highlighted in the review is that human rights education is an obligation assumed by States when they became party to some of the human rights instruments. This treaty obligation is supplemented by declarations adopted by UN-organized conferences. The 1993 Vienna Declaration and Programme of Action recommends the adoption of a UN decade for human rights education.

The UN Decade therefore highlights the achievements of the major players in the human rights education field, and reminds governments of their commitment to "strive by teaching and education to promote respect for these rights and freedoms."

Despite the limitations of the review process, some general trends in human rights education programs and recommendations were identified.

General trends

The responsibility for human rights education is vested in a wide variety of national entities. The effectiveness of their activities varies greatly. However, the formal structure of such entities does not guarantee their effectiveness.

Many human rights education activities exist in almost every country with or without national plans of action. A plan, however, helps enhance coordination, coherence and effectiveness. But in general, the governments responding appear to be reluctant to adopt too specific or rigid a plan of action. However, it is clear that there is a strong correlation between the degree of participation by various sections of society in the development of a plan and its effective implementation.

In many countries, mutual lack of trust between the Government and NGOs is experienced. Working together for human rights education can help overcome such distrust.

The review illustrates the wide range of human rights education activities involving many different groups. Many of those activities however appear to be one off efforts with little or no follow up, e.g. conferences and seminars without an overall strategy. This may put into question the long-term impact of these activities.

Negative misconceptions about human rights by government officials and the general public constitute a major obstacle. This negative perspective needs to be addressed by presenting the positive aspects of respect for human rights.

While the respondents focussed exclusively in their replies on laws relating to establishing a mandate and obligation to provide education, several other laws are of considerable importance. Laws restricting education, or justifying discrimination in access to education, restricting media, restricting human rights educators, or repressing human rights defenders are of crucial importance as well. Generally speaking, the responses do not indicate a clear correlation between legislation which supports human rights education and the actual incidence of human rights education activities.

At a policy level, the questionnaire sought to ascertain, in respect of formal education in schools, whether there is any relationship between policies that make pre-school, primary and secondary education free and/or compulsory and the actual provision of human rights education in schools, at those levels. The responses seem to negate any such relationship.

Except from one country, no responses indicate treatment of human rights as a separate subject in schools. Very few examples exist of human rights being treated as a separate subject at university level except in the programmes of specialized human rights institutes.

The evaluation of human rights education in schools is taking place only as part of the regular evaluation within the school or the ministry of education. Clearly there is no special evaluation of the human rights education component.

The UN Decade has raised awareness of the potential for human rights education through extra-curricular activities. But examples so far involve activities mainly confined to the schools themselves. Scope for extra-curricular activities that reach out from the school to community and family

remains largely underutilized.

Human rights education aimed at professional groups is reported with regard to law enforcement, administration of justice and prison officials, and less so with regard to officials working in ministries relating to the economy and social welfare. This indicates a failure to appreciate the important role that government officials working on issues related to economic and social rights assume.

Human rights education in pre-service and in-service training of professional groups is limited. This could be due to the fact that many presuppose that human rights education only relates to the education of children and young people, forgetting that education is a life long process. Government officials need throughout their professional life to be aware of all legal reforms, particularly those concerned with human rights.

Overall recommendations (at all levels)

Human rights education concepts and methods

Values-oriented human rights education alone is insufficient. Human rights education should include an accountability element and make reference to human rights instruments and mechanisms of protection

Creative participatory teaching methods, relevant to people's lives, should be used and human rights should be introduced as a holistic framework

Gender sensitivity should be emphasized in all education activities

Enabling environments for human rights educators (including information, training, facilities, equipment, and protection from harassment) should be ensured

Priority should be given to sustainable approaches (training of trainers, integration of human rights in all relevant training/education curricula, etc.)

Human rights education contents

Human rights education activities should include the following issues:

- economic, social and cultural rights
- good governance
- impunity (and International Tribunals)
- human rights defenders (and the related UN declaration)
- racism and discrimination

The link between development and human rights should be stressed

The universality and indivisibility of human rights should be emphasized

Human rights education programmes

Attention should be paid to ensure that both human rights education needs of children and young people, as well as adults, are met

Interaction among children and youth belonging to different ethnic communities should be promoted

Human rights education should be promoted in all forms of adult education

Human rights education efforts aimed at the following targets should be increased:

- local government officials, community leaders (secular and religious)
- legal and para-legal service providers
- rural populations and illiterate people
- women
- vulnerable groups such as people with HIV/AIDS, people with disabilities, minorities, the elderly
- non-state actors, such as multi-national corporations, trade and financial organizations (WB/WTO/IMF etc.)

The use of the UN Decade as a tool for mobilization and establishment of partnerships should be increased

Evaluation, research and monitoring

Evaluation and long-term impact studies and research should be undertaken in order to better understand what approaches work best and why, and in order to elaborate evaluation criteria. Any human rights education project should include the development of indicators to evaluate qualitative impact

Mass media and freedom of information

Mass media strategies to effectively promote human rights should be developed. Such strategies might include the following elements:

- media focus on human rights monitoring
- support to increasing use of the media by NGOs
- training of media professionals on human rights protection mechanisms
- involvement of the artist community
- use of "social marketing" techniques, when appropriate

Law reform, policies and practices that improve access to information and strengthen mechanisms that facilitate the flow of information, freedom of the press and other media should be promoted and implemented more vigorously

The possibilities offered by new information technologies in furthering human rights education should be better exploited, and access to such technologies should be increased. Existing programmes supporting the development of human rights education projects on-line should be strengthened and new programmes implemented

Resources

Organizational capacity-building in human rights education should be fostered

Funding for human rights education should be increased

Research on human rights education-related issues should be enhanced within academic institutions and human rights institutes

When appropriate, alliances with the business sector should be developed in support of human rights education.

This article is based on the draft report on the mid-term review of the UN Decade. The final version of the report will be submitted to and approved by the UN General Assembly in its 55th session.

HURIGHTS OSAKA ACTIVITIES

On the occasion of the fifth year of the UN Decade for Human Rights Education (1995-2004), HURIGHTS OSAKA will be holding a public symposium on human rights education. The symposium will present an experience on child rights protection in Japan and a panel discussion on human rights education. This symposium will be held in Osaka city on December 14, 2000. Another activity will be held on December 16, 2000. It will comprise of small group discussions on several topics relating to human rights education in Japan.

On January 27-29, 2001, HURIGHTS OSAKA will be holding a dialogue among human rights educators. Japanese educators will discuss with their counterparts in other countries in the region the concept of human rights education in schools from a practical perspective.



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HURIGHTS OSAKA, inspired by the Charter of the United Nations and the Universal Declaration of Human Rights, formally opened in December 1994. It has the following goals: 1) to promote human rights in the Asia-Pacific region; 2) to convey Asia-Pacific perspectives on human rights to the international community; 3) to ensure inclusion of human rights principles in Japanese international cooperative activities; and 4) to raise human rights awareness among the people in Japan to meet its growing internationalization. In order to achieve these goals, HURIGHTS OSAKA has activities such as Information Handling, Research and Study, Education and Training, Publications, and Consultancy Services.



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