



*Editorial*

## *Regional Human Rights Forum*

Governments, human rights/non-governmental organizations, and national human rights institutions comprise the major players in the field of human rights today. Their partnership towards human rights protection, promotion and realization is becoming indispensable.

It is crucial that this partnership be based on a critical collaboration mode. Human rights/non-governmental organizations and the national institutions should not lose their independence nor their role of taking governments to task whenever warranted.

This partnership is sustained only with sincere dialogue and resolute joint action in addressing human rights concerns.

The UN has the role of further enhancing this partnership through national projects as well as regional interactions. The UN-organized annual Asia-Pacific workshop on regional cooperation on human rights is a forum for discussing how the commitments made by governments in previous conferences and workshops are translated into action at the national level. It is in this area that human rights/non-governmental organizations and the national institutions can provide support.

The annual regional workshop has reached the stage of facilitating regional and national level program implementation. It is now ready to make “regional cooperation on human rights” translate into concerted steps on concrete measures – something that will impact on the regional human rights situation.

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.

# Asia-Pacific Workshop on Human Rights: Getting Ready for Action?

The Tenth Workshop on Regional Cooperation for the Promotion and Protection of Human Rights in the Asia-Pacific Region was held in Beirut on 4-6 March 2002. There were participants from governments, non-governmental organizations (NGOs), national human rights institutions (national institutions), and UN specialized agencies. The Office of the High Commissioner for Human Rights (OHCHR) organized the regional workshop with the Lebanese government as host.<sup>1</sup>

## Civil Society and National Institutions Consultation

The OHCHR held an NGO consultation meeting on 3 March 2002, prior to the regional workshop. The meeting discussed the role of civil society in the regional human rights protection and promotion work. It also reviewed human rights issues in the region that should be emphasized in the regional workshop. This is the second NGO meeting held by OHCHR prior to a regional workshop. The first NGO consultation meeting was held in Bangkok on the occasion of the Ninth regional workshop in 2001.

Representatives of five NGOs, seven national institutions (India, Thailand, Mongolia, New Zealand, Nepal, Palestine, and South Korea), and the Director of Asia-Pacific Forum of National Human Rights Institutions attended the meeting. Aside from the OHCHR officials, there were representatives of the United Nations Economic and Social Council for Western Asia (ESCWA) and UNDP country office (Nepal). There were representatives of other NGOs and national institutions (Philippines, Malaysia, Australia, Sri Lanka, Fiji, Iran, and Hong Kong) who attended the regional workshop but were not able to attend the consultation meeting.

The NGO and the national institution representatives stressed the need to coordinate their activities in the region.

## Regional workshop

The workshop was opened by the Foreign Minister of Lebanon (Mr. Mahmoud Hammoud). In his remarks, he mentioned the problem besetting Lebanon caused

by Israeli aggression. He mentioned the long period of Israeli occupation of parts of Lebanon and, after its withdrawal, the failure of Israel to take out more than four hundred thousand land mines (or provide a map where the landmines are located) in South Lebanon and West Bekaa. He also mentioned the continued detention of some Lebanese by the Israeli government despite UN resolution calling for their release.<sup>2</sup> The Palestinian issue was also raised.

On the steps needed to further advance human rights, he agreed that "South-North" dialogue is important. He also praised the OHCHR for designating a representative in the Arab region based in Beirut.

Mrs. Mary Robinson, UN High Commissioner for Human Rights, stressed the importance of the appointment of two OHCHR representatives in the region (based in Beirut and Bangkok respectively). These regional representatives work with Justice P.N. Bhagwati, the honorary OHCHR regional adviser. She said that the regional representatives<sup>3</sup> help OHCHR become more efficient and effective in responding to requests for advice, and ensure that it remains conscious of the need to fulfill commitments to follow up any activities agreed upon under the Tehran Framework.<sup>4</sup> The regional representatives will also work closely with UN country teams (composed of country office personnel of UNDP, UNICEF, etc.) to ensure that human rights perspective becomes part of the work they do, in keeping with their own respective mandates.

Mrs. Robinson summed up the human rights challenges in relation to development:

Poverty eradication without empowerment is unsustainable. Social integration without minority rights is unimaginable. Gender equality without women's rights is illusory. Full employment without workers' rights may be no more than a promise of sweatshops, exploitation and slavery. The logic of human rights in development is inescapable.

She also mentioned that the "phenomenon of terrorism set many challenges to the interlinked purposes of the United Nations - international peace and security, human rights, human development and the rule of international law."

She then explained her thoughts about the workshop. She mentioned the following points:

- a. Since step-by-step approach takes time, there should be identified objectives that member-states desire to achieve over a longer period with biennial rolling programme of action to work towards those goals. The annual workshops became review meetings where states review progress in achieving these goals and approve broad future directions. Thus the participants in the workshop should be senior officials with the necessary decision-making capacity and representatives of national institutions and civil society.
- b. Workshops are not ends in themselves but should always be seen as part of a broader program or project to achieve real change. At the end, the success of the activities should be judged by whether they lead to progress and change at the national level, creating or strengthening national capacities and infrastructures thus affecting in a concrete way people's lives.
- c. The activities under the Tehran Framework should be constantly evaluated and strengthened. The implementation of the national plans of action on human rights for example can be evaluated.<sup>5</sup>
- d. All partners in this regional process (governments, NGOs, national institutions, OHCHR, other UN agencies, UN treaty bodies and thematic experts, private enterprise and victims of human rights violations) should work together more closely and consistently.

She also said that

The heart of the [Tehran] Framework is the commitment and hard work of states. I urge every state here to examine how it can contribute in a tangible way to the subject matter of the four pillars. It could be to host an activity, to recommend and help shape a project, to make voluntary contributions on which all the activities depend, or to offer the wisdom of your own experiences for the benefit of others.

### **Workshop proceedings**

The regional workshop discussed six main topics: national action plan on promotion and protection of human rights, human rights education, national human rights institutions, right to development and economic, social and cultural rights, World Conference against Racism, Racial Discrimination, Xenophobia, and other Forms of Intolerance (WCAR), and development of regional and subregional arrangements for the promotion and protection of human rights. Each topic has introductory

remarks, followed by reports/comments by representatives of governments, NGOs and national institutions.

Mr. Brian Burdekin, OHCHR adviser on national institutions, gave introductory remarks on the role of national institutions. He pointed out the need for regional cooperation among national institutions in partnership with governments and NGOs. He also mentioned the partnership between the OHCHR and the Asia-Pacific Forum of National Institutions (Forum). A representative of the Forum presented a report on its recent activities including a workshop in Hong Kong on economic, social and cultural rights, and the annual meeting held in Colombo. The Forum accepted the Mongolian Human Rights Commission as its latest member during the annual meeting. Comments from the representatives of governments and national institutions touched on the issue of independence of national institutions from the governments. Many government representatives stated their governments' support for independent national institutions. The representatives of the national institutions, on the other hand, pointed out several measures to effect the independence of such institutions. They raised the following measures: involving different institutions in establishing the national institutions; appointing people belonging to different sectors of society as members of the national institutions; having an appropriate legal mandate; making people in general understand the Paris Principles; having regular report to the public about the activities of the national institutions; and creating working relationship between national institutions and NGOs. The relationship of the national institutions with UN agencies was also stressed by the comments. Several government representatives reported on the steps being taken to create national institutions, as well as problems being encountered.

The introductory remarks on national action plan and on regional and subregional arrangements for the promotion and protection of human rights were prepared by Mr. Vitit Muntarbhorn.<sup>6</sup> Several government representatives reported on the existence and implementation national plans for human rights. A few others expressed the problems in developing such plans including the priority given to other issues (such as poverty alleviation program), lack of financial and technical resources, and legal obstacles (such as the relationship between international human rights instruments and domestic law like the Sharia law; and decentralized system of government). The need to make the process of developing national plans open and inclusive (such as holding of nationwide public hearings and the representation of

minority groups in the entity tasked with drafting the plan) was stressed.

Several views were expressed on regional human rights arrangement. Some government representatives expressed the need to continue the discussion on this issue including the proposal to create an ASEAN human rights mechanism. It was mentioned that the ASEAN has formally noted the idea of an ASEAN human rights mechanism in one of its high-level meetings. Others cited obstacles to having a regional human rights structure such as the cultural diversity of the region, lack of ratification of many human rights instruments, and the financial implications in operating such structure.

Mr. Jefferson R. Plantilla of HURIGHTS OSAKA gave the introductory remarks on human rights education. He reviewed the activities undertaken during the twelve months prior to the regional workshop. He stressed the importance of pooling the existing resources in the region in order to cover more people, issues, institutions and places. The representatives of governments, national institutions and NGOs agreed on the need to pool resources in the region and create systems that would facilitate this process. Institutions such as the Southeast Asia Ministers of Education Organization (SEAMEO) should be tapped to play a role in providing training on human rights education. Training on how to integrate human rights education in the school curriculum and in the training programs for professionals, and how to reach vulnerable and marginalized sectors in society were also emphasized. A government representative expressed his government's willingness to support the development of human rights education programs in the region.

Mr. Waleen Sadi, a member of the UN Committee of Economic, Social and Cultural Rights, made the introductory remark on the right to development, and economic, social and cultural rights. Mr. Sadi stressed the need to assure that there is equal treatment between economic, social and cultural rights and civil and political rights. He also urged to maximize the use of treaty bodies. He mentioned, for example, that his Committee has explained many issues regarding economic, social and cultural rights, as well issues relating to national institutions. Representatives from governments, national institutions and NGOs raised several comments. One mentioned the need for a new paradigm in realizing economic, social and cultural rights. Another pointed out that while the obligation to realize these rights lies with governments, the international community is responsible for creating the appropriate international order to support the realization of these rights. Others stressed the need to review development projects that adversely affect

these rights. It was commented that negotiations with the World Bank, International Monetary Fund, and official development assistance agencies forget the economic, social and cultural rights involved. Another mentioned that the destruction of the natural environment adversely affects the realization of these rights.

Mrs. Mary Robinson gave the introductory remarks on the WCAR. She emphasized the importance of making the discussions in WCAR translated into concrete action. She mentioned that the government representatives had a difficult time "giving birth" to the WCAR Declaration and Programme of Action. But now, the task is to assure the health and growth of the "baby."



Opening ceremony of the Tenth Workshop on Regional Cooperation for the Promotion and Protection of Human Rights in Asia-Pacific.

## **Statement of Conclusions**

The government representatives adopted the Statement of Conclusions of the workshop with an annex entitled "2002-2004 Programme of Action for the Asia-Pacific Framework for Regional Cooperation for the Promotion and Protection of Human Rights."

## **Critical issues regarding the workshop**

A number of critical issues should be addressed in maximizing the benefit of the regional workshop.

### **a. Participants**

There is a need to heed the call of Mrs. Robinson for governments to send representatives who are "senior officials with the necessary decision-making capacity" so that discussions can be more definitive in terms of setting broad future direction for the workshop. With such representatives, the discussions may also become more concrete.

The representatives of national institutions, NGOs and even some UN agencies are normally heads or occupying positions with capacity to make decisions. Thus, governments should “match” the NGO and national institutions with their corresponding representatives.

On the other hand, there are not enough NGO representatives in the workshop. There are still many more NGOs working on the issues in the agenda of the regional workshop that are not represented. The representation of regional NGO networks is important to cover the concerns of many national NGOs who cannot attend the regional workshop.

UN specialized agencies are also poorly represented. And their representatives do not participate actively in the discussions (probably due to their own technical rules). To maximize their presence, they should be asked to take more active role.

The better-represented institutions are the national institutions. Except the Komnasham, all national institutions in the Asia-Pacific were represented in the regional workshop. With high-level representation, they send the message that they are serious in engaging the governments in the discussion of human rights issues.

Media representatives should likewise be invited not only to discuss ways of disseminating the results of the regional workshop but also to take an active part in implementing the program of action.

#### b. Discussion format

The sessions are normally reporting sessions. There is a need to have more time to discuss the issues raised by the resource persons as well as by the participants in order to fully clarify practical suggestions for action. This relates to the idea of changing the nature of the workshop into a review meeting with the aim of assessing how far the activities have been implemented and what measures can be taken to achieve full implementation.

#### c. Preparatory activities

Part of the preparation for the workshop should be the preparation of country or issue-based reports. This however does not seem to be uniformly done by the participants. The reports will show how governments, NGOs and the national institutions have acted upon the agreed activities.

National level workshops, consultations and meetings can be preparatory activities that would widely disseminate the agenda of the workshop and help gather as much involvement of national organizations in dis-

cussing the current state of implementation of the program of action.

Needless to say, international, regional, and national/local media should be involved at this preparatory stage.

#### Concluding note

The annual regional workshop organized by the OHCHR is a major human rights event in the Asia-Pacific region. It is the main forum through which the OHCHR facilitates dialogue and planning of activities on human rights among governments and the civil society. But it has not been given appropriate attention by the regional human rights community and the governments, and is largely ignored by the region's mass media.

Technical rules about the conduct of the sessions, the type of representatives of governments, and the preparatory steps should be reconsidered in order to improve the discussion of activities under the Tehran Framework.

Since the Tehran Framework covers many activities and human rights concerns, it is only logical that more support should be solicited from all partners/participants in the region. With the participation of all key players, the regional workshop can become a truly regional process of addressing human rights concerns. This is a challenge the regional workshop has to face.

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#### Endnotes

1. The regional workshop was held in the United Nations Social and Economic Council for Western Asia (ESCWA) building in Beirut.
2. He also said that the Israeli Supreme Court upheld the legality of continued detention of the Lebanese.
3. OHCHR will also appoint representatives for other regions of the world.
4. See *FOCUS Asia-Pacific* issue no. 17, September 1999, pages 7-8 for the details of the Tehran Framework.
5. The Philippine national human rights plan is now undergoing evaluation through the technical assistance of the UNDP.
6. He was not able to arrive in Beirut. Mr. Gianni Magazzeni, OHCHR senior human rights officer, read his papers instead.

# National Plans for the Promotion and Protection of Human Rights and the Strengthening of National Human Rights Capacities<sup>1</sup>

*Vitit Muntarhorn*

By 2000 a number of Asia-Pacific countries had adopted various national human rights plans. These included Australia, Indonesia, Philippines and Thailand. In 2001 the possibility of preparing such plans was being discussed by the following: Mongolia, Nepal, Jordan, Gaza and New Zealand.

How do they converge? While, of course, national plans vary according to their specific situations, there are some areas where they share common ground, including the following:

1. Linkages between the national setting and international human rights standards, implying that the latter can help to raise standards nationally, while not forgetting local wisdom;
2. Coverage of at least civil, political, economic, social and cultural rights, with varying emphases on individual and collective rights, related obligations/duties, and target issues, such as education, health, shelter, employment, poverty, and freedom of association and expression;
3. Target groups in vulnerable positions, such as women, children, the elderly and those with disability, to be assisted and protected;
4. Suggested reforms of laws, policies, programmes, practices and mechanisms to improve human rights promotion and protection;
5. Support for national institutions, such as national human rights commissions for the promotion and protection of human rights;
6. Partnership with key government agencies to implement the national human rights plan;
7. Capacity-building of power groups such as the police and judiciary to respect human rights;
8. Cooperation with civil society, including non-governmental organizations (NGOs), in the formulation and implementation of the plan;

9. Allocation of resources to implement the plan;
10. Establishment or identification of a national monitoring mechanism to follow-up the implementation of the plan.

The emergence of these plans highlights various challenges as follows:

1. The preparation phase. The period for preparing the national human rights plan demands a participatory process whereby NGOs, members of civil society, government personnel and other actors need to be well consulted. The national experiences vary on this. The preparation of some of the national plans mentioned above was participatory, e.g. one draft plan was subjected to public hearings throughout the whole country before it was adopted. Yet, another national plan mentioned above was formulated by the government sector rather than by a participatory process.
2. The implementation phase. The issue here is how to implement the plan effectively. Several of the plans mentioned above have led to key law and policy reforms, and these are much welcome. However, the implementation is at times weak and lacks adequate participation from the general public. The resources for effective implementation have not been forthcoming on some fronts.
3. The evaluation phase. A key concern is to have a monitoring mechanism to trace and track the implementation of the plan, and to ensure transparent evaluation. While some of the plans mentioned have such mechanism, evaluation has not been systematic or participatory enough in some areas.
4. The follow-up phase. This implies the need for follow-up activities, such as reforms, which are recommended by the evaluation. On a positive note, some countries have extended the period of their national plans, or adopted new plans to follow the initial plans, so as to provide opportunities for more follow-up. However, this process is dependent upon the quality of the implementation of the plans and related evaluation. The impact of

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1. This is an excerpt of the Introductory Remarks on the same topic read at the Tenth Workshop on Regional Cooperation for the Promotion and Protection of Human Rights in the Asia-Pacific Region (Beirut, Lebanon, 4 - 6 March 2002).

the plans has to be tested qualitatively rather than quantitatively.

In this regard, it is worth noting that the Office of the High Commissioner for Human Rights (OHCHR) has supported the preparation of a handbook which helps to indicate the various steps in the development and implementation of such plans.

Recent examples of the evolution of national plans can be seen from two countries. First, the example of Thailand. The 5-year plan was adopted by the Thai Cabinet in 2000. It lists nine orientations as follows:

- enhance respect for human rights under the Thai Constitution (1997);
- integrate human rights in the national political, economic and social development;
- take measures to promote people's understanding concerning human rights and duties, responsibilities and ethics;
- promote the universality, indivisibility and interdependence of human rights;
- support the implementation of human rights treaties to which Thailand is a party;
- foster cooperation at all levels to promote and protect human rights;
- improve laws and regulations to promote and protect human rights;
- support NGOs and people's organizations at all levels;
- improve government organs, especially the bureaucracy, to use power democratically.

The Thai plan targets for action many marginalized sectors, e.g. women, children, those with disability, those with HIV/AIDS, stateless persons and prisoners. It even covers some groups not traditionally found in general human rights discourse at the international level, e.g. consumers. However, it shies away from identifying certain groups for protection, e.g. indigenous communities and refugees.

Currently, there are various challenges facing the Thai Plan. Is it being well implemented? The Plan was adopted by the previous government, and there is now a new government. A key test is to ensure that the plan is seen as non-partisan and that it pertains to all governments. Second, while there have been some reforms pursuant to the Plan, e.g. reform of the Anti-Communist law, it is not altogether clear how the totality of the Plan is being implemented. The Plan is supposed to be monitored by an inter-sectoral group, but this still needs to be activated. Third, with the recent establishment of the National Human Rights

Commission, a question has arisen concerning to what extent this Commission is bound to follow the Plan. The Commission is working on its own strategic plan, and while the national human rights plan will be borne in mind, the Commission is likely to follow an independent line. Fourth, many government ministries are still not well briefed about the national plan, thus indicating the need for more dissemination of the plan, related dialogues and sustainable follow-up activities based on more capacity-building and reforms.

Second, the example of the Philippines. The Philippine Human Rights Plan was for the period 1996-2000, and it has now been extended to 2002. It is a detailed plan with many target groups such as women, children, indigenous communities, Muslims, the urban poor and rural workers. The targets set by the Plan have helped to promote law and policy reforms. However, the key test is not so much in the passage of new laws, but in their effective implementation. The implementation process has been assisted by inter-agency "sectoral working groups" (SWG) consisting of both government personnel and NGOs, and the whole process is closely linked with the Philippine Human Rights Commission. The 1999-2000 report of this Commission notes as follows:

"Under the legislative agenda, nine laws covering 30 measures for children, women, prisoners/detainees, informal labor workers, urban poor and indigenous peoples, were passed. 77% of the proposed measures are ongoing and are covered by 116 Senate and House Bills/Resolution pending in Congress. However, 28 new legislative measures filed in Congress were added to the original plan. However, there are still 20% of the original measures, which have not been translated into actual bills.

Under the administrative and programme agenda, 43 measures covering children, youth, women, elderly, urban poor, prisoners/detainees and migrant workers, have been completed, while 175 others are still being worked out.

At the regional level, ordinances and resolutions on human rights passed by the local government units at various levels are now being implemented and are being monitored by the regional SWG. Primarily, the measures provide policy, local funding, logistics and other support for the implementation of human rights programs, projects and activities for the local areas' priority sectors, such as the creation of women and children's desks in police stations, establishment of

Barangay (village/district level) Human Rights Action Centers, implementation of the Philippine Human Rights Plan, creation of Human Rights Councils at different levels, expansion of prison facilities and construction of separate cells for women and children; creation of Human Rights/Desks, nutrition and health care programs for elderly, ...training....”

Given the difficult current political situation facing the country, the implementation of the Plan is faced with many obstacles - not because of the Plan itself but because of the environment around the Plan. Interestingly, the implementation of the Plan is now being evaluated, and the United Nations Development Programme is helping to support this. The lessons learned from such evaluation need to be used well to propel more sustainability of actions at the national and local levels.

These experiences attest to the fact that the formulation of national human rights plans needs to bear in mind a variety of potential challenges in the implementation process, and those stakeholders with the power to help implement them need to coordinate well to build the capacity for effective actions.

## Directions

The above analysis has endeavored to provide a brief overview of national human rights plans in the Asia-Pacific region - in a realistic manner. There is a need to promote such plans precisely because they provide focus and targets for actions. However, the quality of their implementation needs to be ensured. The credibility of such plans is based upon the basics of any plan development - integrated planning, implementation, evaluation and follow-up, with adequate resources, responsive to the needs of the target groups in a feasible time frame.

It is worth harking back to the Asia-Pacific intersessional workshop on national human rights plans where the participants shared their wisdom on such plans and identified possible elements inherent in the evolution of such plans. They include the following:

1. Purposes of national human rights plans. These should cover the need to promote the universality, interdependence and indivisibility of human rights, encourage ratification of international human rights instruments and related reporting, strengthen national capacity for the promotion and protection of human rights, including national human rights mechanisms, adopt effective steps to help vulnera-

ble groups, and enhance cooperation and education on human rights, with gender sensitivity.

2. Possible steps in formulating national plans. These should entail eight steps as follows:

- the establishment of a national coordination committee for the development of the national human rights plan;
- the conducting of a baseline study on the promotion and protection of human rights in the country to facilitate the formulation of the plan;
- the inclusion of key components such as the international framework, international cooperation, the national legal and institutional framework, national human rights mechanisms, human rights education, vulnerable groups, and the indivisibility of human rights in the national plan;
- the development of priorities and strategies such as partnership-building, awareness campaigns, legislative reform, national capacity building to promote and protect human rights, and benchmarks to measure progress;
- the drafting of the national plan with clear objectives, time frame and implementation strategies;
- the implementation of the national plan, including resources mobilization and dissemination of the plan;
- the monitoring and evaluation of the national plan;
- the review and revision of the national plan targeted to further improvements.

The final challenge is to bear in mind consistently that the national human rights plan is merely a means to an end, and not an end in itself; it needs to be process-oriented and outcome-oriented. In this perspective, the plan has to embody “national”, as contradistinguished from “governmental”, aspirations. Hence, the call for a genuine and persistent commitment to be non-partisan, participatory, accessible, transparent and sustainable.

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# Human Rights Education in Asia-Pacific<sup>1</sup>

*Jefferson R. Plantilla*

During the last twelve months since March 2001 a number of activities indicate key areas for developing human rights education programs in the region. The "Asian Human Rights Education Trainers Colloquium," organized by the Asian Regional Resource Center for Human Rights Education (ARRC) in April 2001 in Chiangmai, Thailand, brought together representatives of NGOs from twelve countries to review human rights education experiences. Mrs. Mary Robinson, the UN High Commissioner for Human Rights, in her message to the participants stressed that

increased mobilization of concerted effort is needed, in order to make this [UN] Decade [for Human Rights Education] a successful event. I would therefore encourage all of you to continue your important work, and in particular to contribute to the establishment of partnerships, among and within your respective countries, towards the realization of the Decade's objective: to make human rights education, everywhere, a life-long process by which all people learn to respect and defend the rights and the dignity of others.

In the process of reviewing experiences, the NGO participants realized the need for continuing study of, including experimentation on, the most appropriate human rights education methodologies.

The Canadian Human Rights Foundation (CHRF) and the Asia-Pacific Forum on Women, Law and Development (APWLD), with the assistance of the International Organization for Migration (IOM), held a training program entitled "Protecting Migrant Workers: Strengthening Collaboration in Asia" in October 2001 in Chiangmai, Thailand. Asian labor attachés and other government officials responsible for migrant workers discussed their role in protecting migrant workers' rights (especially women migrant workers), in sending and receiving countries in Asia.

The Asian Forum on Human Rights and Development (FORUM Asia) in cooperation with the Chulalongkorn University also held its annual training

on the study of human rights during the latter part of the year. It was attended mainly by NGO workers.

In December 2001, the Asia-Pacific Center of Education for International Understanding (APCEIU) held its second regional workshop for human rights NGOs in Asia. The workshop entitled "Education and Training for Human Security in the Asia-Pacific" (Ichon, Republic of Korea) discussed human rights issues and human rights education experiences. APCEIU is an affiliate institution of the Korean National Commission for UNESCO (KNCU) and has the official support of UNESCO.

For human rights education in schools, the "Southeast Asian Workshop on Writing Human Rights Lesson Plans" (otherwise known as the SEA Writeshop) was held in June 2001 in Manila, Philippines. The Philippine Department of Education, the Philippine Commission on Human Rights and the Asia-Pacific Human Rights Information Center (HURIGHTS OSAKA) jointly organized this workshop. The workshop brought together representatives of schools, Ministries of Education, education research institutes and NGOs from six ASEAN countries (Cambodia, Indonesia, Malaysia, Philippines, Thailand, and Vietnam). Teachers, curriculum developers, education researchers and NGO representatives worked together for nine days developing appropriate human rights lesson plans. If financial resources are available, the lesson plans will be published and training workshops will be organized to disseminate the materials to more educators within ASEAN.

At the national level, the technical assistance on human rights education being extended by the Office of the High Commissioner for Human Rights (OHCHR) to the People's Republic of China is an important example. The program falls squarely under the Tehran Framework and the results of the Eighth Workshop on Regional Cooperation for the Promotion and Protection of Human Rights in the Asia-Pacific Region held in Beijing, China on 1-3 March 2000. It is also, in part, a follow up to the OHCHR-organized "Sub-Regional Training Workshop on Human Rights Education in Northeast Asia" held in Seoul, Republic of Korea on 1-4 December 1999.

Under this program, a National Seminar on Human

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1. This is an excerpt of the Introductory Remarks on Human Rights Education in Asia-Pacific given in the Tenth Workshop on Regional Cooperation for the Promotion and Protection of Human Rights in the Asia-Pacific Region (Beirut, Lebanon, 4 - 6 March 2002).

Rights Education was held in Beijing on 8-9 November 2001. It brought together heads of various governmental training institutions in the People's Republic of China.

The seminar drew up a set of activities that will address the development of programs on four areas: 1. Human rights education for primary and secondary schools, 2. Human rights training for professionals and other groups, 3. Research, and 4. Institution-building. Follow up activities on each of these areas are now being prepared.

It must be stressed that there are several other human rights training programs being held at the regional and national levels. They are equally important programs deserving consideration by those interested in human rights education.

### **Lessons learned**

The activities since the Ninth Workshop on Regional Cooperation for the Promotion and Protection of Human Rights in the Asia-Pacific Region held in Bangkok, Thailand on 28 February - 2 March 2001 provide some important lessons in developing human rights education programs at the national and regional levels.

The national and regional experiences explained earlier prove that there are institutions, which are either providing human rights education training or in the best position to develop and implement human rights education programs. Their role in human rights education is crucial and should be maximized.

They also show that there are existing programs, which can be tapped to introduce human rights education programs in countries where such programs are not yet in place.

Reviewing the experiences during the past year yields some lessons learned:

#### *a. Program development*

Human rights education programs are still in the process of development. As the programs reach out to more sectors of society and become integrated into various educational activities, new ideas and issues arise.

Legal education, values education, civic education, moral education and other types of education that have long been used in the region (especially in schools) can be developed further to include the discussion on human rights. Adult education programs can include discussion of relevant issues from a human rights perspective. Education for elderly people, for example, may include issues relating to their right to social security.

Human rights education programs applicable in

countries affected by armed conflict may have to be developed to include discussion on the rights of people caught in the crossfire between government forces and the armed opposition. The right to personal security as well as the protection of properties and sources of livelihood of unarmed civilians need to be stressed. In the same manner, education program for internally displaced people and refugees is needed to clarify their respective rights.

Human rights education programs that empower victims of human rights violations such as those who have been trafficked, sexually abused, or physically and/or psychologically tortured are essential in the context of the current situation in the region. Women and children, many times the victims of these kinds of human rights violation, need programs that help them to recover as much as possible from the trauma and return to their normal lives.

The development of human rights education programs may take into account the need to make the right to development and the economic, social and cultural rights more widely understood by the people. With the effects of the 1997 economic crisis in the region still lingering, people will find these programs relevant. This supports the right to development and the economic, social and cultural rights component of the Tehran Framework.

Continuing review and exchange of ideas and experiences among human rights education practitioners within the countries and the region is therefore a need.

#### *b. Training*

The proliferation of training programs on various issues and for different audiences show the unceasing need for training on human rights in general and human rights education in particular. Notable among these training programs is the objective of facilitating national-level implementation of UN human rights instruments, strengthening skills in broadening public awareness of these instruments, and enhancing skills in realizing human rights.

Training materials produced by UN agencies and other institutions in the region, have to be properly introduced and adapted to ground level situations. This task requires training for human rights educators in both formal and non-formal education systems.

Training on how to use the media as part of human rights education programs is required. Broadcast (radio and television) and print (newspapers and magazines) media have been used for human rights education. But lack of technical skills among the non-professional media people will hinder their involvement in media-based programs.

Training is also needed on the use of the new com-

munication and information technologies. The internet has now become a major medium for disseminating information about human rights at least in many urban areas in the region. But its full potential has not been fully utilized, again due to lack of technical skills (as well as facilities such as computers and telephone lines) by those who work in the rural areas in the region.

Effective educational methodologies also require training for educators who want more than lecture-based activities. It may be worth looking at methodologies employed by professional trainers on human resource development programs of the corporate world.

### *c. Multi-institutional programming*

Based on the experiences in the region, different types of institutions find a common ground to work on. NGOs and government agencies work together on both formal and non-formal education systems. They also collaborate in training government personnel and members of the police and public security forces.

National human rights institutions (national institutions), in countries where they exist, are important players in the development and implementation of human rights education programs. They, in many cases, facilitate the introduction of human rights education in government staff training programs, and in the schools. They also help bring together NGOs and government institutions in developing and implementing human rights education programs, or even to jointly participate in human rights training activities. Almost all national institutions in the region that have existed for at least a year or so have in one way or the other taken a leading role in promoting multi-institutional programming. Their participation in multi-institutional programming on human rights education supports the national institution component of the Tehran Framework.

In the region, as pointed out in the Report of the High Commissioner for Human Rights on the mid-term global evaluation of the United Nations Decade for Human Rights Education (1995-2004)

Networking with inter-governmental organisations by national institutions (governmental and non-governmental) and networking for cooperation, consultation and participation on human rights advocacy are raised as a need. In the absence of a regional human rights mechanism [in the Asia-Pacific], opportunities should be explored within the Association of Southeast Asian Nations (ASEAN), the South Asian Association for Regional Cooperation (SAARC) and the South Pacific Forum (SPF), as well as with the Southeast Asian Ministers of Education Organisation - SEAMEO and

the United Nations Economic and Social Commission for Asia and the Pacific (ESCAP).

Other UN specialized agencies such as UNESCO, UNICEF and UNDP, which are implementing regional as well as country projects, need to take part in collaborative human rights education programming. \*

### **The next steps**

Governments, NGOs and national institutions deserve the credit for putting in place various programs on human rights education. Their individual and collaborative efforts have served their purpose.

But since the impact of human rights education is measured by its contribution to the lessening of human rights violations and the increase in human protection and realization, the work of human rights education continues.

So many people are still beyond the reach of existing human rights education programs. Likewise, human rights education programs appropriate to specific sectors of society or vulnerable groups may not be in place in many countries.

In this process of continuous education on human rights, several challenges need to be considered:

- a. Development of new programs to cover issues such as discrimination against people affected by HIV/AIDS, abused children, foreign migrant workers, among others;
- b. Creation of national system for networking among governments, NGOs, national institutions, and international organizations;
- c. Provision of financial support by the government for the continued implementation of existing programs and the development of new ones;
- d. Integration of human rights education into more staff development programs of the government, and at all levels of formal and non-formal education systems; and
- e. Evaluation and redevelopment of human rights education programs.

The development of a national plan of action on human rights/human rights education will help cover both the lessons that can be learned from current experiences as well as the challenges facing all countries. Human rights education deserves the support of all.

*Mr. Jefferson R. Plantilla is the Chief Researcher, Program Group in HURIGHTS OSAKA.*

*For further information, please contact HURIGHTS OSAKA.*

# Japanese National Human Rights Commission

## *Human Rights Forum 21*

The Japanese legislature has been working since early 2002 to enact a law for the protection of human rights. The Human Rights Protection Bill establishes a national human rights commission. The bill however has met opposition not only from members of the legislature but also from the media, law and human rights sectors. Objections to the bill are numerous and well-publicized. The Japanese legislature was forced as a result to postpone the early enactment of the bill into law.

The media sector objects to the power of the proposed national institution to rule on right to privacy complaints against its members. This is seen as an unwarranted censorship thus violating freedom of the press. In addition, the bill is criticized for a number of serious flaws. The Japanese human rights community believes that the bill fails to subscribe to the Paris Principles governing national institutions. It points to some of the major defects, as follows:

### **a. Undefined meaning of human rights**

The bill does not define what human rights mean. Without a clear definition, human rights may be interpreted in a narrow sense, and below international standards.<sup>1</sup> Human rights should therefore be defined with reference to the Constitution as well as to international human rights instruments.

### **b. Views of the victims and vulnerable sectors ignored**

The bill does not provide a mechanism for considering the concerns and ideas of victims of human rights violations as well as vulnerable sectors. Their views are important in the appointment of members of the proposed national institution and in the exercise of the proposed national institution's functions.

The bill likewise has no provision regarding the relationship between the proposed national institution

and human rights groups and other NGOs. There is, for example, no provision for consultation between them.

The proposed national institution therefore is a patronizing entity that will "bring down" the remedy to the victims of human rights violations. This system will not create trust and confidence between the proposed national institution and the victims and vulnerable sectors.

### **c. Lack of independence**

While the bill states that the proposed national institution will operate independently, there are no corresponding provisions that will ensure that this happens. On the contrary, the structure of the proposed national institution lacks independence. The proposed national institution is subject to the jurisdiction of the Minister of Justice. The existing Civil Liberties Bureau of the Ministry of Justice will become the secretariat of the proposed national institution. Considering the way Japanese bureaucracy operates, the proposed national institution cannot be shielded from the influence of the offices/officials in the Ministry of Justice, nor freely deal with cases related to the jurisdiction of the ministry.

With three part-time members out of five, the operation of the proposed national institution will depend much on its secretariat. This means that a secretariat, whose staff members belong to the Ministry of Justice, will operate more likely in line with the ministry's views.

Thus it is suggested that the proposed national institution be placed under the Office of the Cabinet so that it can exercise its function on a level higher than that of the ministries. It is likewise suggested that the proposed national institution be given the power to hire its own staff for the secretariat.

### **d. Centralized operation**

The proposed national institution, tasked to deal with cases from all over the country, will have only one office in Tokyo. It has the power to delegate its authority to the District Legal Affairs Bureau of the Ministry of Justice. In other words, it has a highly centralized system of operation.

A centralized system is not compatible with the trend toward government decentralization as well as with

*(Continued on page 13)*

## WCAR Follow-up Activities

Kazuhiro Kawamoto

The call of the UN Office of the High Commissioner for Human Rights (OHCHR) for reports on follow-up activities to the World Conference Against Racism, Racial Discrimination, Xenophobia and other forms of Intolerance (Durban 2001) did not get a response from any government in Asia-Pacific. Worldwide, only 8 government reports were received.

However, OHCHR received numerous reports from UN-accredited "NGOs [and] ... NGO networks and caucuses that were developed during the preparations for the World Conference [and] ... are actively engaged in follow-up activities in all regions of the world."

The International Movement against All Forms of Discrimination and Racism (IMADR) submitted a brief report including a summary of follow-up activi-

ties in Japan.

A coalition of Japan-based individuals and organizations interested in WCAR organized a meeting to report the outcome of WCAR to the general public. The coalition also prepared a book (in Japanese language) entitled *World Conference Against Racism and Japan* in May 2002. This publication covers issues relating to the buraku (descent), Ainu and Okinawa (indigenous peoples), colonialism and slavery (relating to Korean residents), non-Japanese residents, and migrants. It also includes articles on human rights education, multiple discrimination, trafficking in persons, initiatives of Asia-Pacific NGOs, among others. The Japanese translation of the WCAR intergovernmental and NGO declarations and programmes of action are included. The Japanese government has not yet translated any of the official documents nor publicized any report on WCAR so far.

*Kazuhiro Kawamoto is a staffmember of HURIGHTS OSAKA.*

*For further information please visit:  
<http://www.hurights.or.jp/wcarasia.htm>*



*(Continued from page 12)*

### **Human Rights Commission**

the nature of human rights issues. There are local conditions (customs and history) affecting human rights issues which are difficult to appreciate when viewed from a distance. Thus it is suggested that there be local human rights commissions within each prefecture and chartered city with the authority to provide appropriate and effective remedies to human rights violations.

#### **e. Violations by public officials**

The bill relatively minimizes the seriousness of human rights violations by public officials. It lumps the violations committed by private persons together with those of the public officials. There are no special procedures that deal with cases involving the latter. A separate treatment of cases involving public officials is necessary considering that they exercise power and

lack a high degree of transparency in their operation. In other words, their human rights violations should be seen as serious cases requiring a different treatment.

*Human Rights Forum 21 is a network of human rights organizations in Japan. It has been focusing primarily on the establishment of national human rights institution in the country.*

*For more information, please contact:*

*c/o IMADR, Matsumoto Jiichiro Kinenkan, 3-5-11, Roppongi Minatoku, Tokyo, 106-0032 Japan, ph (813) 3586-7010, fax (813) 3586-8996, e-mail: [forum21@mbk.sphere.ne.jp](mailto:forum21@mbk.sphere.ne.jp)*

#### **Endnote**

1. The law creating the Korean national human rights commission, for example, has such clear definition.

## Events

### Events Held

1. The Women and Gender Institute, Miriam College (Philippines) held for the fourth consecutive year the "Summer Course on Women's Human Rights." For 2002, the Institute held two (2) Summer Courses: (1) The International Women's Human Rights: Responding to Women's Issues and Fundamentalism which was held on 6 – 11 May 2002 and (2) The International Women's Human Rights: Women and Good Governance held on 13 – 17 May 2002. The courses aimed to provide a specialized orientation/training on women's human rights to mid-career public servants, educators and professionals; deepen understanding, systematize and institutionalize the study of human rights from gender and Asian perspectives; and generate materials to constitute a sourcebook and regional database on women's human rights. Representatives from the government, the academe, the non-governmental organizations (NGOs) as well as graduate students attended the courses. For further information, please contact: Women and Gender Institute, Miriam College, Katipunan Avenue, Loyola Heights, Quezon city, Metro Manila, Philippines, ph (632) 927-2421 local 343, ph/fax (632) 435-9229, e-mail: wagi@mc.edu.ph

2. Tifa Foundation (Indonesia), the Open Society Institute, and the International Debate Education Association (IDEA) organized two seminars in June 2002 in Bogor (West Java, Indonesia). The first seminar, "Public Advocacy for NGOs" (3-5 June), was attended by NGO representatives from Southeast Asia. The second seminar, "Methodologies of Teaching Debate" (7-10 June), was attended by teachers, youth leaders, debaters as well as NGO representatives (NGOs working with education, young people, democracy, human rights) from the region. For further information, please contact: International Debate Education Association, Keizersgracht 62-64 1015 CS Amsterdam, The Netherlands, ph (3120) 520 79 58, fax (3120) 520 75 10, e-mail: webmaster@idebate.org

### Events

1. The Regional Review Team on Southeast Asian Human Rights Lesson Plans will hold its first meeting in Bangkok on 17-19 July 2002. The team was formed to review the lesson plans drafted in the Southeast Asia Writing Workshop on Human Rights Lesson Plans held in Manila last year. The team will prepare the publication of the lesson plans and determine ways of disseminating them to the six countries involved (Cambodia, Indonesia, Malaysia, Philippines, Thailand, and Vietnam). The team is composed of educators from each of these countries. For further information please contact HURIGHTS OSAKA.

2. The Human Rights Commission (SUHAKAM) of Malaysia will be holding a two-day conference in September (9-10) 2002 with the theme "Human Rights and Education." The conference aims to enhance human rights awareness in Malaysia, increase understanding of human rights education, and gather materials for human rights education in schools. A set of sub-themes will be discussed: Human rights and caring society; the role of education in promoting human rights; human rights issues in society and education; human rights curriculum in schools, and children's rights to education. Aside from keynote speeches, a panel discussion on child rights education will be held with the following topics: exam-oriented education system: a violation of children's rights to education; equal rights to education for the disabled; and rights of children in remand schools. For further information, please contact: Human Rights Commission of Malaysia, c/o Tingkat 29, Menara Tun Razak Jalan Raja Laut, 50350 Kuala Lumpur, Malaysia, ph (603) 261-25600, fax: (603) 261-25620; e-mail: humanrights@humanrights.com.my.

3. The Working Group for the ASEF Informal Seminar on Human Rights will be holding a preparatory meeting on 21-22 September in Osaka. The Informal Seminar series has the objective of creating a place for dialogue among the countries of Asia and Europe. The Asia-Europe Foundation (ASEF), Raoul Wallenberg Institute (Sweden) and the Foreign Ministry of France are supporting the meeting. For further information, please contact HURIGHTS OSAKA.

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## HURIGHTS OSAKA ACTIVITIES

HURIGHTS OSAKA has three new publications. Booklet number 9 (focusing on gender equality education in East Asia), the 2002 issue of the *Asia-Pacific Human Rights Review* (focusing on combating racism in the region), and the fifth volume of the *Human Rights Education in Asian Schools* are now available. Only the third publication is in English language.

A study tour is being organized by HURIGHTS OSAKA to the Philippines. It is focusing on formal and non-formal human rights education programs. The tour will be held in the first week of August 2002.



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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 in meeting 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.



**HURIGHTS OSAKA**

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