



Editorial

Migrant Workers

The International Convention on the Protection of the Rights of Migrant Workers and Members of Their Families may soon take effect. This convention declares the rights of migrant workers whether they are documented or undocumented.

This convention explains that the rights of the "... migrant workers and members of their families have not been sufficiently recognized everywhere and therefore require appropriate international protection."

It further states that "...human problems involved in migration are even more serious in the case of irregular migration and convinced therefore that appropriate action should be encouraged in order to prevent and eliminate clandestine movements and trafficking in migrant workers, while at the same time assuring the protection of their fundamental human rights."

Some migrant workers suffer most in the current system of migration. They are the so-called "low skilled labor" such as domestic help, construction workers, and agricultural laborers. They suffer from low or unpaid wages, physical abuse, bad working conditions, and also long period of detention if not summary deportation. Governments in many receiving countries fail to respond to the needs of these workers who supply an essential labor component of their economies.

The role of receiving countries in protecting the rights of all migrant workers is obviously indispensable. The failure of receiving countries, therefore, to become party to the convention will make its implementation ineffective.

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, HIV and the Migrant Workers

CARAM-Asia

According to the World Report 2000 of the International Organization for Migration (IOM), over 150 million people are residing outside their countries of origin. Other estimates state that more than 25 million are Asian migrants working in other countries.

In recent times, Asian migration patterns have been marked by intra-regional migration, temporary labor migration and a rise in irregular migration.

There is also an increasing trend towards the feminization of migration. The IOM report puts the gender distribution of migrants internationally at 52.5% for men and 47.5% for women migrants. However, the increase in the participation of women in the regional labor migration from 15% in 1976 to 27% by 1987 with the upward trend showing no let up in the 1990s is evidence of the feminization of migration in Asia.

In the Philippines, newly hired women Overseas Filipino Workers (OFWs) increased from 61% in 1998 to 68% in 1999, as against a percentage share of 12% of total OFWs in 1975. The situation is the same for Sri Lanka. (see table)

TABLE -1

Migration of Sri Lanka Workers to All Countries Distribution by Gender

1981		1996	
Male	Female	Male	Female
27,265	30,385	41,315	121,257

Source: BATU-SAARC Migrant Year Book 2000 (based on Sri Lankan Foreign Employment Bureau)

While the vulnerability of migrants to HIV and other infections is recognized because of various working and living conditions which impact on their human rights, the feminization of migration exacerbates the problem. Recent UNAIDS (2001) estimates indicate that out of five million people who were newly infected, two million were women. Similarly, by 2001, 19 million out of the 40 million people living with HIV/AIDS were women.

Human rights issues

Some of the human rights issues affecting the health and HIV vulnerability of migrant workers concern the following:

Access to information

In the context of active promotion of export of labor to finance economic growth and meet foreign debt obligations by many sending countries, the availability and accessibility of information for migrant workers at pre-departure, post arrival and reintegration stages are either limited or non-existent. In a survey of Bangladeshi workers in Malaysia, 91% say that they did not receive orientation or training relating to HIV or AIDS before leaving their home country.¹ Existing information available to migrant workers focuses on developing job skills and greater subservience² ignoring rights-based orientation programs which facilitate development of survival skills and empowerment against health and HIV vulnerabilities. Such a situation could adversely impact on the security and health status of the migrant workers in the other stages of migration.

Mandatory testing, notification and deportation

Most receiving countries in Southeast and Northeast Asia and in the Middle East require people applying for overseas jobs to undergo mandatory testing for HIV and other infectious diseases. In addition to the discriminatory nature of the mandatory testing, it is often undertaken in an insensitive and irresponsible manner.

Though the Bangladesh government condemned in 1997³ the mandatory HIV testing requirement, emigrating workers are still required to undergo tests in Bangladesh prior to departure. The 2000 survey done by CARAM of Bangladeshi migrant workers in Malaysia reveals that:

- Pre-departure medical tests were completed by 83% of the workers
- 48 workers (65.8%) were aware that they were undertaking HIV testing
- Of the 48, only 3 who knew that they had been tested for HIV received pre- and post-test counseling.

Similarly, in a study conducted in the Philippines, many migrant workers were unaware that they were

tested for HIV.⁴

HIV testing can also be a discrimination tool when imposed on people in difficult situation. The mandatory HIV testing by the Burmese government in April to June 2002 of the three thousand Burmese migrant workers, who were deported from Thailand, constituted a discriminatory act against people whose migration was caused by the forced relocation and forced labor policies of (along with economic mismanagement by) the government.⁵

Access to health care

Access to health care is not considered a right of migrant workers in receiving countries. For undocumented migrant workers, their fear of arrest effectively restricts the use of medical facilities especially of state-run hospitals. Lack of or poor access to health care by migrant workers precipitates their HIV vulnerability.

Working conditions

Labor rights violations such as long working hours with little or no rest, exposure to unsafe working conditions, poor sanitation and nutrition, and wage withholding, underpayment or illegal deduction have the potential of compromising the health of migrant workers and predispose them to infections.

Single entry policy and denial of right to marry

Most receiving countries require migrant workers to enter the country without spouses and partners. Further, marriage in the receiving country often becomes reason for deportation. Such policies deny the human, social and sexual identities and needs of migrant workers, and increase their health and HIV vulnerabilities when they opt for unsafe means of pursuing relationships.

Detention centers and health

Reports indicate that in most detention centers, migrant detainees face poor nutrition and sanitation, minimal or no medical attention.⁶ Rape and sexual abuse of women migrant detainees are also common. Such violations may cause direct infection with HIV and severely compromise the health of detainees and increase vulnerability to infection.

HIV-positive migrant workers

Returning migrant workers who are HIV positive face discrimination at home. The case of two returning migrant workers in Bangladesh illustrates this point. They were isolated in a jail-like situation in a hospital and the media hounded them by publishing their photographs in newspapers using information supplied by the hospital.⁷

Until returning migrant workers are protected and are able to enjoy their rights to privacy, information and access to appropriate health care, it is not possible to protect the societies they belong to from the AIDS pandemic.

Health and HIV vulnerability of female migrants

The increasing number of women migrant workers engaged in the informal labor sector (as domestic help and sex workers) raises health issues. Their isolation and poor working conditions cause their vulnerability to health problems, and decrease their protection against abuse. Their lack of capacity to negotiate for safe sex and denial of right to make a free choice regarding their body as women exacerbate the risk of contracting HIV.

Government policy and employers' practice in receiving countries of prohibiting women migrant workers from getting pregnant during their employment institutionalize the suppression of the women migrant workers' right to control their bodies.

Likewise, the ban on migration of women workers (such as in Nepal, India and Bangladesh) leads to the use of irregular migration channels that expose them to health risks. This policy obviously restricts their freedom of movement.

Given the regional scenario of increasing number of women infected with HIV, lack of protection for migrant women workers will lead to increased vulnerability of women to HIV/AIDS.

Awareness of health rights

Minimal recognition of the health rights of migrant workers causes many of the problems they face. Failure to appreciate the link between the rights violations in HIV-infection prevention measures and the consequent increase in HIV infection of migrant workers, the focus on "welfare approach" to infection prevention (supply of condoms and information materials for example) without developing an enabling environment for health rights protection, and the inadequate recognition of the link between health rights and the economic rights of migrant workers, among others, will not lead to a holistic approach to fighting HIV/AIDS infection.

Mandatory testing and discrimination

The significance of HIV testing as an epidemiological tool or as a necessary medical intervention for treatment is not challenged. However, the focus on migrant workers and the notification and deportation process related to HIV testing is discriminatory. The infringement of the human rights of migrant workers in relation to mandatory testing-deportation process is

shown as follows:

- Since HIV infection does not diminish the capability of a person to function at various levels, medical tests for HIV infection and other diseases restrict the right to travel, and deny the right to work when used in conjunction with deportation. Also, in cases of easily treatable sexually transmitted diseases (STDs) and other infections, should they be ground for deporting migrant workers who paid so much just to get their jobs abroad?
- Selection of migrant workers as a category for mandatory testing appears to arise from their marginalized status. Professional expatriate workers are excluded from such testing. It appears that only migrant workers are required for mandatory HIV testing because they are perceived to be transmitters of the HIV virus. But everyone regardless of status is at risk of becoming virus transmitter. With the exception of Singapore, most receiving countries require only migrant workers to undergo mandatory HIV testing.
- Conduct of mandatory HIV testing without their knowledge (and consequently without pre- and post-test counseling) violates the right to information, privacy and confidentiality.
- Deportation of migrant workers due to false positive test result makes the discrimination even more severe.⁸
- Testing is also unfair as it places the responsibility of handling the HIV epidemic on the migrant workers. Granting that their support is also necessary, how can they help when their situation places them at risk of acquiring HIV?
- The social responsibility of governments, companies and other institutions that test and deport migrants is also questioned. How are they responding to the fact that many migrant workers enter the country with a clean bill of health but subsequently become HIV positive?

A false sense of security occurs among the local population of receiving countries by thinking that they are free from HIV infection because mandatory testing and deportation of migrant workers are undertaken. Granting that employers of receiving countries have the right to hire healthy workers, what is their responsibility in keeping the workers healthy and giving them access to health care during the course of their employment?

Conclusion

The protection and promotion of the rights of migrant workers effectively reduce not only their vulnerability to HIV but also that of the societies they live in. The crucial elements of this approach are:

- enabling national and regional environments that provide protective mechanisms covering migrant workers;
- regional co-operation and intervention with the responsibility being more on receiving countries because of their role in the development of trans-border migration system based on their development strategies, as well as their greater capacity to contribute to the building of an enabling environment. This in no way means lesser support from sending countries in managing the HIV pandemic;
- co-operative and collective interventions at the local level that increase community action and involve migrant workers themselves, to enable them to protect themselves against health/HIV infection risks;
- empowerment of migrant workers as a pre-requisite as well as an end result of the strategy to reduce their HIV vulnerability.

CARAM-Asia is a regional network of organizations committed to action-research on Mobility and HIV/AIDS in Asia. It has 11 partner-organizations in South, Southeast and the Middle East.

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Endnotes

1. Kanlungan Center Foundation Inc, *Fast Facts on Filipino Labor Migration*, Philippines, 2000.
2. Migrant Services Center, *BATU-SAARC Migrant Year Book, 2000*, Sri Lanka.
3. *Vulnerable – A Case Study of HIV/AIDS and Bangladeshi Migrant Workers in Malaysia*, Tenaganita – CARAM Malaysia, April 2000.
4. Krisnawaty et al, *Report of the Preparatory Meeting of the Regional Summit on Pre-Departure, Post Arrival and Reintegration Programs for Migrant Workers*, CARAM Asia, 2000.
5. Riza Faith C. Ybanez, *Labor Migration and HIV/AIDS: Vulnerability of Filipino Migrant Workers in Hongkong*, CARAM Philippines, 2000.
6. NGO Statement - "Deportation of Burmese Migrants and HIV Testing," during the 24 June 2002 meeting of groups working with Burmese migrants.
7. *A Memorandum on Abuse, Torture and Dehumanized Treatment of Migrant Workers at Detention Centres*, Tenaganita, Malaysia, 1995.
8. Joachim Victor Gomez, "Overview of the Policy on Health and Migration in Bangladesh and Reproductive Health Status in South Asia," *CARAM NEWS*, Issue # 7, October, 1999.
9. Tenaganita case files, 2000.

Protecting Foreigners in Japan: Some Proposals

National Network in Solidarity with Migrant Workers

The National Network in Solidarity with Migrant Workers (Network) prepared the “Proposals for Comprehensive Policies for Foreign Residents - Toward a Multi-ethnic and Multi-cultural Society” in May 2002 to address issues affecting foreign residents in Japan. The proposals call for an improvement in the framework for the protection of the rights of migrant workers.

A portion of the proposals concerning women migrants is presented below.¹

1. General

The experiences and situations of migrant women in Japan are diverse. But they share some common structural factors: social and cultural gender roles (which place additional burden on the women in the form of multiple discrimination), lack of or diminished rights as migrants, and limited opportunities in the labor market.

The Network proposes to bring the Japanese legislative and administrative measures more in line with the international human rights standards, and calls for effective improvement in the policies for the protection of the rights of migrant women.

2. Human Trafficking/Organized Prostitution

The number of victims of trafficking/organized prostitution seeking shelter has not decreased. The majority of the women are from the Philippines and Thailand, but recent victims include those from South America, Eastern Europe and the former Soviet Union. The government has no accurate information regarding the conditions of the workers, nor does it have specific policies to protect their rights.

Trafficking/organized prostitution is a difficult problem because of the involvement of international organized crime syndicates. The police and immigration authorities are the main agencies addressing the issue. But the police often refuse to provide protection to the women. And the basic immigration policy is to detain and deport women who have been found to engage in prostitution.

The Network proposes that the government conduct a study on the trafficking/forced prostitution of foreign women and children, and implement policies to abolish the practice, as well as help the victims. The government should prosecute and punish the traffickers, brokers and other perpetrators. To effectively assist the victims of trafficking/organized prostitution, their cases should not be treated as mere violation of immigration laws. Government officials involved in assisting such victims should not be required to report them to immigration authorities. The government also needs to strengthen cooperation with NGOs in Japan as well as those in the countries of the victims, and ensure medical and psychological care and rehabilitation program for them.

3. Labor Rights

Discrimination against working women in Japan in general (such as the limited types and number of available jobs and low pay) are exacerbated in the case of foreign migrant women, regardless of visa status.

Foreign migrant women who come to Japan with “entertainer” visa are vulnerable to sexual abuse in the so-called “entertainment” (drinking) places, and to getting involved in the sex industry. Japanese labor laws do not have provision on “entertainers,” thus depriving these foreign women a means to protect their rights. Numerous cases have been reported involving “surrender” of passports to employers, non-payment of wages, pay cuts and forced prostitution.

The number of foreign domestic workers is estimated at around 3,000, mostly working for expatriates and foreign government officials. They are forced to work longer hours, with no guarantee of minimum pay. They are isolated from the outside, and many are exposed to violence. Japanese labor laws do not apply to this category of workers.

The Network proposes that the government expands the area of work available to foreign migrant women. The government should also ensure that the labor laws are applied, and the labor rights of foreign migrant women workers protected, regardless of “entertainer” or domestic worker status. The legal measure should cover both Japanese and foreign employers, including officials of foreign governments.

4. The Rights of Women Living in the Community

Foreign migrant women, residing in Japan on a permanent basis by virtue of marriage, face a broad range of issues involving language, marriage relationship, reproductive rights, and culture.

Pregnancy and childbirth in a foreign environment, where the public and private support systems found in their home countries do not exist, are stressful. The institution of the “family” and the role of the “wife of the son,” which are related to the traditional concepts of gender roles, create considerable conflicts and stress.

The women are disadvantaged by language, the lack of support system for learning Japanese language, as well as the lack of basic information about their own community in their native language.

Within the family, many of the women are required to adapt to the Japanese way of life and are not permitted to practice their own culture, such as the use of their language. They are also deprived of their right to decide in matters of birth control and use of contraceptives. Among foreign women working in the sex industry, this leads to an increase in HIV infection. Many foreign migrant mothers cannot avail themselves of the existing support systems for child-raising, due to lack of information.

The Network’s proposal calls for the improvement in the system for providing necessary information, such as medical information, and support for the women as well as other family members at the local and national levels. The support systems should be sensitive to the culture of the foreign migrant women.

5. Domestic Violence

Some shelters report that among the foreign

migrant women seeking help there are more victims of domestic violence than those of trafficking, which was the major cause for seeking help through the 80s and early 90s. Domestic violence is rooted in discrimination against women, but the foreign migrant women’s situation is worsened by the added factor of racial discrimination.

Support services for victims of domestic violence are dependent on resident permit, therefore access is denied to foreign migrant women without such status. Even for those with access, the authorities providing those services, such as the social welfare offices, courts, or women’s centers are not sufficiently aware of the situation of foreign migrant women.

For many foreign migrant women, their resident status is dependent on their marriage. In case of divorce, change or renewal of their residence status is difficult to obtain if they do not have children of Japanese nationality.

The Network proposes that protection and support under the Law on the Prevention of Spousal Violence and the Protection of Victims should be provided at the national and local levels to all women regardless of nationality and status. Protection of the victims should have priority over immigration law requirements. The foreign victims should also be given favorable consideration in matters of divorce and custody of children.

The National Network in Solidarity with Migrant Workers consists of interested individuals and organizations working for the protection of the rights of migrants in Japan. Several of the organizations in the network have shelter for foreign migrants.

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Endnote

1. This is an edited version of the segment on women migrants. HURIGHTS OSAKA did the translation from the original document in Japanese language.

Rights of Disabled Persons and Japan

Kusunoki Toshio

The United Nations General Assembly at its 56th session adopted a resolution supporting the drafting of a “convention on the rights of persons with disabilities.” The resolution is meant to promote the human rights of disabled persons and their participation in society based on the principles of the Universal Declaration on Human Rights.

Currently, there are around 600 million disabled persons around the world, approximately 10% of the global population. With the “retaliatory” bombing of Afghanistan by the U.S. last autumn (2001), numerous lives were lost and far more people suffered physical or mental disabilities. Approximately, a fifth of the number of disabled persons became disabled not just through direct involvement in combat, but through poverty, hunger, malnutrition and disease caused by war. The ratio of children under 15 in this group is exceedingly high.

Meanwhile, in the developed countries, the number of persons who become disabled in mid-life through diseases prevalent in modern society, such as brain disorders or diabetes, is increasing dramatically. Taking into account social factors such as traffic accidents, stress, unemployment and isolation, the issue of disabled persons is obviously global in scope, and it needs to be addressed immediately.

According to the 2001 survey of the Japanese Ministry of Health, Labour and Welfare, the number of physically disabled persons in Japan is approximately 3.4 million, of which 3.2 million live at home, and about 160,000 stay in institutions. Adding the 50,000 intellectually disabled¹ persons and 2.18 million mentally disabled persons, the total number of disabled persons in Japan is estimated to be over 6 million. The standard used by the Japanese government to determine the number of disabled persons is unfortunately limited to physical disability. This is far too narrow a standard.

UN action

The Plan of Action for the International Year of Disabled Persons, adopted at the UNGA 34th session (1980) declares that

Disabled persons should not be considered as a special group with needs different from the rest of the community, but as ordinary citizens with special difficulties in getting their ordinary human needs fulfilled.

This is the concept of “normalization.” Prior to this plan of action, the “Declaration of the Rights of Disabled Persons” was adopted in 1975. This declaration states the rights of disabled persons to lead a self-reliant life just as their fellow citizens regardless of the kind of disabilities they have, the right to engage in gainful employment, the participation of disabled persons in social life, and the prohibition of discrimination (including discrimination in living conditions and treatment in facilities) and violence against them. These concepts were radically different from the Japanese government policies at that time.

The UN Plan of Action represented the basic direction of the International Year of Disabled Persons (1981). In 1982, the “World Programme of Action Concerning Disabled Persons,” designed as a guideline for achieving concrete results from the International Year was adopted. In 1983, the UN Decade of Disabled Persons was proclaimed. These initiatives urged the governments to enhance their policies on promoting equalization of opportunities for the disabled.

These initiatives present policy proposals in areas of prevention and rehabilitation, as well as improvement of the legal system, physical environment, social security, employment, education, sports and recreation. In 1987, a global meeting of experts was held in Stockholm for the mid-term review of the Decade, based on questionnaires sent to the governments. The meeting called for further strengthening of efforts by Asian and African countries.

In response, the Economic and Social Commission for Asia and the Pacific (ESCAP) designated in 1992 the decade of 1993-2002 as the “Asian and Pacific Decade of Disabled Persons,” to “consolidate the efforts initiated during the preceding United Nations Decade through a new emphasis on regional cooperation in support of progress at the national level.”² In 1993, the UN General Assembly adopted the “Standard Rules on the Equalization of Opportunities for People with

Disabilities,” based on the review of the Decade, and recommended to all member states to strengthen their efforts.

Need for Convention on the Rights of Disabled Persons

The UNGA resolution calling for the adoption of a convention on the rights of the disabled persons states that the efforts so far undertaken by the UN “...have not been sufficient to promote full and effective participation by and opportunities for persons with disabilities in economic, social, cultural and political life.” It reiterates the need to elaborate an international instrument on the rights of the disabled persons, which was also recommended to the General Assembly by governments in the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance (2001).

The UNGA resolution identified steps to gather ideas from all sources (UN bodies, governments, and NGOs) about the convention that will be submitted to the 57th session of the UNGA in 2002.

In view of the overwhelming economic disparity between the developed and the developing countries, as well as the severe economic downturn in the developed countries, only some countries are actively in favor of elaborating a treaty. The road towards a comprehensive rights treaty might not be smooth.

Anti-Discrimination Law in Japan

In 1993, the Japanese government acknowledged the existence of four barriers to the independence and social participation of disabled persons: legal, physical, informational and cultural, and people’s attitude. In 1995, the “Government Action Plan for Persons With Disabilities: A Seven-Year Strategy to Achieve Normalization,” which included numerical policy targets, was made public. Subsequently, a legislation promoting barrier-free access in transportation was passed in May 2002. Significant progress was made in the amendment of the law enabling access to public buildings, and in making a policy aimed at reducing access-to-information disparities by improving information technology systems. In spite of these positive developments, however, the removal of barriers in the legal system and in the people’s minds has not improved very much. The Basic Law for Persons with Disabilities, enacted in 1993 did not include provisions for the protection of rights and prohibition of discrimination. No law on such rights has been legislated since then. Government policies to enable persons with disabilities lead an independent life have, therefore, seen little progress. And cases of serious

human rights violations against disabled persons continue to arise.

Meanwhile, organizations such as the Japan Federation of Organizations of Physically Disabled Persons and the Japan National Assembly of Disabled People’s International (DPI) continued discussions*to pursue the enactment of the Japan Disabilities Act (JDA), which would prohibit discrimination against disabled persons. This issue will be taken up in the World Assembly of DPI (October 2002, Sapporo).

An anti-discrimination law would need to clarify what actions or situations should be prohibited as discrimination against the disabled persons. The ongoing discussions on the welfare system reform emphasize the autonomy of the disabled persons, which makes the coordination between the client’s will and policy decision-making a critical issue. A stricter application of the guardianship system will also be required. Further, there must be explicit provisions on education, employment, independent living and housing environment, income security, provision of care, appropriate medical care, and access to information. There is also an urgent need for a legal remedy mechanism in case of violation of rights. A system for the participation by the disabled persons themselves in the policy-making process is another essential issue.

The activities supporting the JDA legislation is increasing in strength. Aside from DPI, the National Bar Association and members of the Diet (national legislature), among others, have joined the campaign. Further appeals must be made to the government, bearing in mind the discussions in the UN for the drafting of the rights convention, and the coordination with UN bodies.

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Endnote

1. Previously known as “mentally retarded.” Since these words are considered derogatory in meaning and fail to convey the real condition of the persons concerned, they are no longer used. See www.unescap.org/decade/terminology.htm#examples for examples of negative and positive use of words and expressions relating to disabled persons.
2. See “The Agenda for Action of the Decade” of the UN ESCAP in www.unescap.org/decade/agenda1.htm

Ratifying the Rome Statute: Japan and the International Criminal Court

Dr. Benjamin Goold

As many nations around the world prepare for the arrival of the International Criminal Court (ICC) in July 2003, most Asian nations unfortunately have yet to either sign or ratify the 1998 Rome Statute. Although the Philippines recently introduced legislation aimed at incorporating the Rome Statute into domestic law, Tajikistan, Cambodia and Mongolia remain the only countries in the region to have actually ratified the Statute. East Timor (Timor-Leste) acceded to the Rome Statute on 6 September 2002. While this general lack of enthusiasm for the ICC is cause for concern, the absence of Japanese support for the ICC is particularly disturbing. Japan was actively involved in the Rome Conference and voted in favor of the Rome Statute, yet the government has not indicated when, if ever, it intends to formally accept the jurisdiction of the ICC. In light of Japan's political and economic importance in the Asia-Pacific region, it is essential that Japan ratifies the Rome Statute as soon as possible and encourages other countries to do the same. In order for this to happen, however, there are a number of obstacles – real and imagined – that the Japanese government must first overcome.

To date, the Japanese Ministry of Foreign Affairs has maintained that ratification of the Rome Statute cannot take place until Japan enacts domestic legislation dealing with such issues as the treatment of prisoners of war and the role of Japan's Self Defense Force (SDF). Because Japanese law does not currently provide for domestic prosecution of war crimes, there is concern within the government that should a member of the SDF or some other Japanese citizen be accused of such crimes, Japan would be obliged to hand that individual over to the ICC for indictment. Given that this is a situation the Japanese government is keen to avoid, the passing of emergency legislation is regarded as an essential precursor to ratification of the Rome Statute and participation in the ICC.

According to the Japanese government, emergency legislation will be introduced into the Lower House

sometime in the next parliamentary session, so in theory at least the country could be in a position to ratify the Rome Statute before the end of the year. However, judging from the debate that has already taken place over the past few months – both within the ruling Liberal Democratic Party (LDP) and between the LDP and the various opposition parties – it seems likely that such legislation will be highly controversial and even seriously delayed. Since the events of September 11 last year, the Japanese government has become increasingly concerned with issues of security and Japan's international military obligations. As a consequence, parliamentary debate is likely to focus on the future of the SDF and the operation of Article 9 of the Constitution, which specifically renounces the threat or use of force by Japanese forces abroad.



Rome Statute Logo

It is, nonetheless, possible to envisage a situation in which Japan could ratify the Rome Statute without first having to confront many of these larger problems. Members of the ruling Liberal Democratic Party (LDP) have argued that the question of ratification can only be considered once emergency legislation has been passed and – if deemed necessary – Article 9 of the Constitution amended. This is not, however, the only option open to the Koizumi government. Interim legislation ratifying and implementing the four Geneva Conventions¹ would go some way to providing the Japanese judiciary with the authority to hear cases against Japanese nationals accused of crimes against humanity. The government would also be in a much better position to ratify the Rome Treaty. Once wide-

reaching emergency legislation has been agreed, this interim legislation could then be either incorporated or amended as required, without disturbing Japan's commitment to the ICC. By taking such an approach, the Japanese government could avoid the danger of ratification being delayed by a long and potentially divisive political struggle over the form and content of emergency legislation and the future of the SDF.

Leaving aside questions of domestic law and emergency legislation for the moment, there are clearly other concerns behind Japan's reluctance to ratify the Rome Statute. In a press conference on the 19th of April 2002, Justice Minister Mayumi Moriyama indicated that the government was particularly worried that the ICC might undermine Japanese national sovereignty. Such concerns are difficult to understand and even harder to justify. Most international treaties require participating states to surrender some degree of national sovereignty. The fact that Japanese sovereignty may be diminished as a consequence of participation in the ICC is only an argument against ratification if the burdens of treaty membership outweigh the benefits. Given that the overwhelming majority of Japanese citizens are strongly opposed to violence and the use of military force, it is hard to imagine a situation in which Japan would not be willing to surrender accused nationals or members of the SDF to the ICC for indictment. As such, it can be argued that Japan has little to lose in accepting the jurisdiction of the ICC, and much to gain in terms of standing both in the Asian region and in the international community as a whole.

More generally, some members of the Japanese Right appear to believe that ratification of the Rome Statute may lead to the indictment of Japanese citizens for war crimes committed before and during the Second World War. Aside from the fact that under the provisions of the Rome Statute, the ICC has no authority to try previous crimes – specifically those committed before 1 July 2002 – the Prosecutor and other members of the Court are unlikely to accept representations regarding crimes committed decades ago that have already been the subject of previous international hearings. While ratification may lead to a public re-examination of Japan's wartime past, it is highly unlikely that there will be any legal consequences for either living individuals or the Japanese State for past actions. As a consequence, the concerns of the Right must be dismissed as having more to do with a desire to stifle public debate than any principled objection to the establishment of the ICC. By ratifying the Rome

Statute, the Japanese people would not only be signaling their abhorrence of crimes against humanity, but also reaffirming their rejection of Japan's military past and the revisionist tendencies of the far Right.

Given that the ICC is scheduled to begin operating sometime in early 2003, it is essential that the Japanese government move quickly to remove the obstacles to ratification. The establishment of the ICC is an historic step towards the creation of a truly international system of justice based on the rejection of violence and a respect for fundamental human rights. By dragging its feet and refusing to ratify the Rome Statute, Japan risks being seen by the rest of the international community as less than fully committed to these ideals.

Furthermore, as one of the most democratic and economically developed countries in the Asia-Pacific region, it is essential for Japan to take a leading role in encouraging other Asian countries – such as China and Korea – to ratify the Rome Statute. Over the coming decades, it is likely that the ICC will become one of the world's most important legal institutions. Unless Japan seizes the moment and gives its full support to the ICC, Japan's reputation as a country committed to international peace and the renunciation of war will be placed in serious jeopardy.

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Endnote

1. The four Geneva Conventions, adopted in the Diplomatic Conference held at Geneva on 12 August 1949, are the following:
 - a. Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field;
 - b. Convention for the Amelioration of the Condition of the Wounded, Sick and Shipwrecked Members of the Armed Forces at Sea;
 - c. Convention Relative to the Treatment of Prisoners of War;
 - d. Convention Relative to the Protection of Civilian Persons in Time of War.

Human Rights Education Study Visit

HURIGHTS OSAKA sponsored a group visit to the Philippines on 30 July - 4 August 2002 to study human rights education programs. The study visit attracted eighteen Japanese with diverse backgrounds.

The study visit program had equally diverse components. In a short period of four days, the Japanese group went to government and non-governmental institutions, roamed around Metro Manila and nearby mountain and lake, and met farmers, garbage scavengers and students. The group was exposed to a wide range of human rights education programs that exist in the country.

The program consisted of the following visits:

a. Philippine Commission on Human Rights

The group was briefed on the field (regional offices) operation of the Commission and its experience in the use of Barangay (Community) Human Rights Action Centers (BHRAC).

b. National Federation of Farmers' Organizations (PAK-ISAMA)

The group focused on the federation's campaign on agrarian reform and how farmer-members are educated about the law and the necessary skills in claiming their rights under the land reform program of the government.

c. Non-governmental organization (NGO) working with the urban and rural poor (CO-Multiversity)

The group was oriented on the work being done by an NGO to support people's organizations in their demand to stop a "mega-dike" project along a lake (Laguna lake) through a program for the empowerment of urban poor communities.

d. NGO working with the urban and rural poor (SALIGAN)

The group was informed about the idea of using legal resources to support farmers, urban poor and women in protecting their rights under the law. The discussion covered the concept of paralegalism, and the training of paralegals.

e. Farmers' community in Antipolo (area of a PAKISAMA member-organization)

The group was briefed on the experiences of farmers in a mountain area in advocating for their rights under the agrarian reform law. Various cases of land problems were presented.

f. Department of Education

The group shifted from non-formal education programs to formal education program with a visit to the Philippine Department of Education. The group was briefed on the existing human rights education program in schools of the government. The presentations and discussions focused on the development and implementation of the program.

g. School Visit – Mataas na Paaralang Neptali A. Gonzales (Mandaluyong city)

The group went to a classroom observation exercise. A teaching demonstration on a human rights lesson plan was held involving a high school class. The group had separate dialogues with students and the teachers after the class session.



h. Visit to Payatas Community

The group had an exposure visit to an urban poor community. It was a community besides a big garbage dumpsite. The group had an orientation on the program of an NGO working in the community (Center for the Future of the Filipino Children) as well as the problems of the community. The group then proceeded to see different parts of the community and the garbage dumpsite. The members of the group went up to the top of the dumpsite to witness the dumping of garbage by trucks and scavenging by members of the community.

i. Visit to a lakeside project

Another exposure visit was made to a community affected by a development project (dike project along the shore of Laguna lake). The group went to see the on-going construction of the dike, and met with representatives of the different sectors of a lakeside town. The community representatives explained their reasons for opposing the project.

For further information, please contact: HURIGHTS OSAKA, 1-2-1500 Benten 1-chome, Minato-ku, Osaka 552-0007 Japan, ph (816) 6577-35-78, fax (816) 6577-35-83, e-mail: webmail@hurights.or.jp; www.hurights.or.jp

Southeast Asian Human Rights Lesson Plans

HURIGHTS OSAKA

The review of human rights lesson plans developed during the Southeast Asian Writing Workshop (Writeshop) on Human Rights Lesson Plans held in the Philippines in July 2001 was started for eventual publication.

The Southeast Asian Review Team, composed of representatives from the six countries represented in the SEA writeshop, met in Bangkok on 20-22 July 2002 to review the lesson plans. The Review Team clarified the principles for reviewing the lesson plans and their final format, and discussed the other materials to be included in the publication.

The Review Team decided to follow the lesson plan format adopted in the SEA writeshop as well as the curriculum framework developed by the six country delegations. The curriculum framework is divided into lower and upper primary school levels, and lower and upper secondary school levels. This allows flexibility in using the lesson plans in the different year levels within each category. It is at the same time recognized that primary-level lesson plans may be used for secondary level.

As a result, the lesson plans will have the following characteristics:

- focus on specific problems or issues as identified in the table of lesson plans adopted by the Review Team. The emphasis is on issues that are within the experience of the students;
- general applicability to the Southeast Asian context and flexibility in adapting the lesson plans to national curriculums, and other national educational conditions. Statements will be written in a general sense to make the lesson plans easily adaptable to any of the countries in Southeast Asia;
- addition of notes for the teachers in each lesson plan to explain the topics and the related human rights concepts;
- use of single-session lesson plans format of 40 to 50-minute duration that can be adjusted to differ-

- ent time coverage for single session;
- use of simple language;
- focus on single specific human right per lesson plan;
- maintenance of consistency among the different parts of the lesson plan (objectives to application);

There will be an even distribution of lesson plans for lower and upper primary school levels, and lower and upper secondary school levels.

A list of authors will be added in the publication instead of having names and countries in each lesson plan.

The first meeting of the Review Team checked the primary level lesson plans. Most of the discussions dealt with the identification of human rights concepts appropriate to the issues being discussed in the lesson plans.



Members of the Review Team

Identifying appropriate human rights concepts relating to the common experiences of primary and secondary school students is a challenge even for those already involved in human rights education. One cannot help but have sympathy for teachers who are trying to teach human rights within their respective subjects but do not have proper materials on human rights to guide them.

The Review Team will meet again in December 2002 to review secondary level lesson plans.

For further information, please contact: HURIGHTS OSAKA, 1-2-1500 Benten 1-chome, Minato-ku, Osaka 552-0007 Japan, ph (816) 6577-35-78, fax (816) 6577-35-83, e-mail: webmail@hurights.or.jp; www.hurights.or.jp

Asian Youth Network for Human Development

(Editor's note: This is a slightly edited version of the Regional Plan of Action that came out of the Regional Youth Human Development Education Workshop held on 28 July - 1 August 2002 in Bangkok.)

Regional Plan of Action

Preamble

As a follow up to the UN World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance (WCAR) in Durban, South Africa in 2001, a Global Youth Network was created to implement the WCAR International Youth Declaration and Plan of Action.

The Asia Youth Network for Human Development comprises of youth from five sub regions, namely, Northeast Asia, Southeast Asia, South Central Asia, Western Asia and Pacific. It aims to promote the establishment of local, national and regional networks to implement the WCAR and address human rights issues affecting young people in the region.

This Plan of Action is based on the outcomes of the WCAR International Youth Declaration and the Asian Youth Charter developed as part of the 'Speak Your Mind' campaign organized by the Levi's R Brand, MTV Asia and UNICEF.

Organizational Structure

1. We will strengthen the steering committee and members of the Asian Youth Network for Human Development in order for us to cooperate better as a regional collective and hence strengthen the network in the Asian region.
2. We will develop a website for the Asian Youth Network for Human Development in order to share and disseminate information on the outcomes of the WCAR, the Asian Youth Campaign and the follow-up processes. The website will act as a networking tool to empower young people to work on practical follow-up activities toward social change.

Training and Education

3. We will use the knowledge acquired from the regional human rights education workshop held on 28 - 31 July in Bangkok, Thailand to host a national human rights training workshop in each of the 26 countries represented in the regional workshop upon returning to our respective countries.
4. We will distribute copies of the Universal Declaration of Human Rights to non-governmental organizations, formal and non-formal educational institutions and local community groups.
5. We will run a series of Interfaith Programs such as

forums and workshops to promote dialogue among young people from various faiths as a reconciliation tool against racism, racial discrimination, xenophobia and related intolerance.

6. We will work in cooperation with United Nations and other International Organizations on conflict resolution skills training workshop for children and young people.*

Systematic Advocacy/Lobbying

7. Upon completion of the research on regional priorities, we will share the information with UNESCO, OHCHR, UNDP, UNICEF and international, national and local organizations.

8. While recognizing that education is relevant to employment opportunities, we will attempt to analyze and review the formal education policies in order to incorporate teaching of languages of various communities. We will emphasize the study of human rights.

9. We will monitor the media and new information technology including the Internet and respond to biased representation of issues relating to the themes of the WCAR and the Asian Youth Charter.

10. We will lobby to create a media campaign focusing on the themes of the WCAR and the Asian Youth Charter.

11. We will advocate for grassroots health programs especially to support young people suffering from the deadly effects of HIV/AIDS and related sexual transmitted diseases.

12. We will identify options for enhancing opportunities for young people to be involved in policy-making structures at local, national and international levels.

13. We will lobby and advocate for people who are under foreign occupation to allow the exercise of their right to self-determination and liberation from foreign occupation.

14. We will lobby and advocate against the use of terror methods on innocent civilians to solve any kind of conflict.

Research and Policy

15. We will do a survey to identify regional priorities in the areas of racism, colonialism, caste, foreign occupation, religious persecution, terror and violence.

16. To educate young people in the history of colonization in the Asian region we will encourage the compilation of available materials including oral histories of Indigenous and traditionally oppressed people and identify areas that need to be addressed.

17. We will collate information on best practices against racism, racial discrimination, xenophobia and related intolerance that young people in the region are currently working on and share the information through the Asia Youth Network for Human Development website.

For further information, please contact: Sheryl Wong, Vice President (Youth) Ethnic Communities Council of Western Australia, and Coordinator, Asian Youth Network for Human Development 1 Grover Court, Leeming, Perth, Western Australia 6149, ph 61 8 9310 3387, fax (618) 9227-5460, e-mail: sherylwong@iinet.net.au

Events

Events Held

1. SUARAM held a "Know Your Rights Workshop" on 7 July 2002 at the Selangor Chinese Assembly Hall, Kuala Lumpur. The workshop dealt with the topic "Understanding Human Rights" which includes discussions on a. Victims and violators of Human Rights; b. Gender, class, moral arguments on Human Rights; and c. Law and Human Rights.

For further information, please contact: SUARAM, 383 (1st Floor), Jalan 5/59, Petaling Gardens, 46000 Petaling Jaya, Selangor, ph (603) 77843525, 77820357, fax (603) 7784352; e-mail: wkpeng@pc.jaring.my; www.suaram.org

2. The Asia-Pacific Mobilization Against Neo-Liberal Globalization : Social Movements Meeting was held on 10-12 August 2002 in Bangkok. Discussions centered on a. Update on IMF, World Bank, ADB and financial markets; b. country-specific situations; c. Campaign on the WTO Ministerial Meeting in 2003; d. Strategies for building regional campaigns; e. World Social Forum (WSF) and internationalization of struggles against neo-liberalism and progressive agendas for change.

For further information, please contact: Focus on the Global South (FOCUS) c/o CUSRI, Chulalongkorn University, Bangkok 10330 Thailand, ph (662) 218 7363/7364/7365/7383, fax (662) 255 9976, e-mail: N.Bullard@focusweb.org, www.focusweb.org

3. The National Committee on Human Rights Education organized a national consultation on 23 August 2002 held at the Australian National University in Canberra. The consultation entitled "Dignity, Democracy, Equality" was an inaugural national strategic conference that brought together people from all sectors involved in human rights education to develop a collective vision of a national human rights education agenda in support of the United Nations Decade for Human Rights Education (1995-2004). The consultation discussed issues relating to the Workplace, Curriculum Development and Teacher Training, Journalism and Media, Human Rights Institutions, Community, Schools and Universities, Lawyers, Police and the Judiciary, Governments, Parliaments and Local Councils. For further information, please contact: Michael Curtotti, Acting Secretary, National Committee on Human Rights Education, ph (612) 6287 2211, fax (612) 6287 3535, e-mail: curtotti@ozemail.com.au

4. The Human Rights Commission of Malaysia (SUHAKAM) held a national conference on human rights and education on 9-10 September 2002 in Kuala Lumpur. The conference was held in celebration of the second anniversary of the Malaysian Human Rights Day (September 9). The conference had the objectives of a. Enhancing human rights awareness in Malaysia; b. Increasing understanding of

human rights and education; c. Sourcing materials for human rights and education in schools. More than 300 people attended the conference with invited speakers from Hong Kong, Singapore, Australia, Japan and the Office of the High Commissioner for Human Rights.

For further information, please contact: Human Rights Commission of Malaysia, 29th Floor, Menara Tun Razak, Jalan Raja Laut, 50350 Kuala Lumpur, Federal Territory, Malaysia, ph (603) 26125600, fax (603) 26125620, e-mail: humanrights@humanrights.com.my, www.humanrights.com.my

5. A forum on Internet rights entitled "Constricting Cyberspace: The Struggle for Internet Rights after 9/11" was held on 24 September 2002 at the Balay Kalinaw, University of the Philippines, Diliman, Quezon City. The forum aimed to provide a venue to discuss the impact of the anti-terrorism campaign of many countries including the Philippines as it affects the rights of Internet users. The forum was jointly organized by The Foundation for Media Alternatives (FMA), Third World Studies Center (TWSC) and Womens Hub.

For further information, please contact: Third World Studies Center, Palma Hall Basement, College of Social Sciences and Philosophy, University of the Philippine, Diliman, Quezon City, ph (632)9205428, (632) 9205301 to 99 loc.6783; www.upd.edu.ph/~twsc

6. The Philippine National Commission for UNESCO-ASPNetwork organized the "Seminar-Workshop on Peace and Human Rights in Mindanao" in Surigao city (Philippines) on 27-28 September 2002. It was co-organized with the Surigao State College of Technology. The seminar workshop dwelt on a. Overview of human rights education; b. Legal foundation of human rights education, human rights and youth; c. UNESCO ASPNet initiatives in the Philippines; d. Classroom-based conflict resolution strategies; e. Human rights and good governance; f. Human rights and globalization issues; and g. Networking for human rights education. Teachers and school officials from Surigao del Norte and Agusan del Norte attended the seminar-workshop. For further information, please contact: Prof. Rene Romero, National Coordinator, UNESCO ASPNet, National Commission for UNESCO, Ground floor, Department of Foreign Affairs Building, 2330 Roxas Boulevard, Pasay city, Philippines, ph (632) 834-4818, 834-3447, 834-4843, fax (632) 831-8873, e-mail: unescoph@mozcom.com

Events

1. The workshop on "Universalizing the Right to Education of Good Quality: A Rights-Based Approach to Achieving Education for All" will be held in Manila on 29-31 October 2002. The Philippine National Commission for UNESCO,

UNESCO Asia and Pacific Regional Bureau for Education, SEAMEO INNOTECH, Special Rapporteur on the Right to Education, United Nations Office of the High Commissioner for Human Rights are jointly organizing the workshop. The workshop aims to:

- review the extent to which national constitutions and laws, policies and practices, have been harmonized with the core human rights obligations relevant to education;
- assess the extent to which qualitative and quantitative data are available in individual countries to demonstrate progress towards both fulfilling the core obligations emanating from the principal human rights treaties and advancing the implementation of Education for All (EFA) and to share experiences and best practices in generating necessary and internationally comparable data;
- discuss optimal processes and institutional frameworks through which the identified gaps between goals and realities could be filled in the future, including possible sub-regional and regional cooperation.

The workshop will be attended by members of UNESCO National Commissions, key individuals in ministries of education concerned with the development of education legislation and policies, members of national, regional, and international organizations concerned with the right to education (e.g., Human Rights Commissions, the UN Office of the High Commissioner for Human Rights, ILO, UNICEF, UNESCO). A broader range of participants, from different levels of government and several concerned ministries, will be invited from the Philippines.

2. The Seventh Annual Meeting of the Asia Pacific Forum of National Human Rights Institutions (APF7) will be held in New Delhi from 11 to 13 November 2002. It will be hosted by the National Human Rights Commission of India (NHRC), and co-sponsored by the United Nations Office of the High Commissioner for Human Rights. A major focus of the Seventh Annual Meeting is on the trafficking of women and children and the role that national human rights institutions can play in addressing this issue. The first day will be a closed meeting to be attended only by Forum members and representatives of the Office of the High Commissioner for Human Rights (OHCHR). The second and third days will be open to all registered participants and observers – Forum members, the OHCHR, governments, non-governmental organizations, United Nations agencies and other relevant human rights institutions. An NGO meeting will be held parallel to the first day meeting of the Forum.

For further information, please contact: Stephen Clark, Secretariat, Asia Pacific Forum of National Human Rights Institutions, ph (612) 9284 9877, fax (612) 9284 9825, e-mail: StephenClark@asiapacificforum.net, www.asiapacificforum.net

3. The Asian Civil Society Forum (ACSF) 2002 will be held on 9-12 December, 2002 in Bangkok. The conference aims to create a forum to address the diverse needs and challenges facing NGOs in Asia. Particular emphasis will be placed on

the Millennium Declaration and Plan of Action, particularly the Millennium Development Goals (MDGs) of the Millennium Summit 2000. The Forum will cover the following areas:

- a. Eradication of poverty: including social development and debt cancellation;
- b. Peace, security and disarmament;
- c. Facing the challenge of globalization: equity, justice and diversity;
- d. Human rights;
- e. Sustainable development and the environment;
- f. Strengthening and democratizing the UN and international organizations.

Human rights and sustainable development with gender equality perspective will constitute the two main pillars of the Forum since they are essential components of democratic governance.

NGOs and civil society organizations in Asia, regional and national offices/departments of the UN agencies, international organizations and regional inter-governmental bodies, partners in the UN, such as the Department of Economic and Social Affairs (DESA) NGO Section, the Department of Public Information (DPI) NGO Section and the Non-Governmental Liaison Service (NGLS) will be attending the conference.

For more information, please contact: CONGO-GENEVA, Palais des Nations, Room E2-B, 1211 Geneva 20, Switzerland, ph (41-22) 917-1881, fax (41-22) 917-0373, e-mail: congo.gva@congo.org, ACSF 2002, acsf2002@congo.org; www.acsf.net

4. The Diplomacy Training Program, affiliated with the Faculty of Law of the University of New South Wales (Australia), will be holding the 13th Annual Training for Human Rights Defenders from the Asia-Pacific and Indigenous Australia. The training program named "Human Rights and Peoples Diplomacy" will be held on 3-21 February 2003 in Bangkok. Women and men from Asia-Pacific countries and Indigenous Australia, who work for non-governmental and community-based organizations relevant to human rights and peoples diplomacy are invited. Participants affiliated with organizations are encouraged to apply, but individual applicants will also be considered. Priority in selection goes to active human rights defenders in the Asia-Pacific Region, indigenous peoples, peoples at risk, and a gender and geographical balance. The training will be held in cooperation with the Asian Regional Resource Center for Human Rights Education (ARRC) and Forum Asia.

For further information, please contact: Diplomacy Training Program, Faculty of Law, University of New South Wales, Sydney, NSW 2052, Australia, ph (612) 9385-2277, fax (612) 9385-1778, e-mail: admindtp@unsw.edu.au, www.law.unsw.edu.au/centres/dtp

HURIGHTS OSAKA ACTIVITIES

HURIGHTS OSAKA hosted a workshop on "Development Education and Holistic Learning" on 22 August 2002 organized by the Osaka Prefecture Human Rights Education Association.

An international human rights study meeting entitled "Human Rights in South Asia: Focus on Bangladesh" was held on 5 September 2002 with Dr. Iftekhar Chowdhury of the University of Chittagong as speaker. HURIGHTS OSAKA co-organized the meeting with the Buraku Liberation and Human Rights Research Institute.

On 18 September 2002, HURIGHTS OSAKA held a seminar entitled "The Latest Report on Laos - the Experiences of an Overseas Cooperation Volunteer." Ms. Kayoko Namba, former Japanese volunteer in Laos and Ms. Chanthachone Sayaphet, a Laotian staying in Osaka as a technical trainee, gave the presentation.



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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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