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Editorial

Citizenship

Citizenship is usually based on either blood relationship with the "people" in the country or birth in the country. However, there are people with neither blood nor birth tie to the country where they live and work. In an inclusive, human rights-based perspective, such people should be able to obtain that legal status of citizenship provided they have sufficient relationship with the country (in terms of length of stay, or work, or family, or other relationships). They should be treated as equal members of society even though they may belong to a different race, or have different language and culture, or other factors.

But being a citizen does not always mean living as full member of society. One can be treated as "second class" citizen that means being excluded from many areas of societal functions, or being treated as a burden rather than productive member of society, or still being seen as foreigner regardless of such citizenship status.

Citizenship should not only be seen from the viewpoint of privileges that can be availed of, but from the perspective of contribution to societal well-being in whatever capacity possible.

The value of each citizen should be respected in the sense that there should be no second class citizenry.

Biharis: On Becoming Citizens of Bangladesh

Khalid Hussain

In 1947, India was partitioned into two countries - India and Pakistan (consisting of East and West Pakistans) that forced the religious minorities of both countries to leave their ancestors' homes and take shelter in either Pakistan or India to protect and promote their religion, culture, language and economic interests. The Urdu speaking Muslim minority of the Indian states of Bihar, Uttar Pradesh, Orisha and West Bengal migrated to the then East Pakistan.

In 1971, people in East Pakistan fought and won a nine-month war of liberation against West Pakistan. With the defeat of West Pakistan, East Pakistan became an independent state on 16 December 1971 and renamed as Bangladesh.

A section of the Urdu-speaking community played an anti-liberation role by siding with the West Pakistan army. Consequently, at the end of the war, they became victims of harassment and were forced to abandon their homes, businesses, properties and employment. The International Committee of the Red Cross built settlements mostly on public land and buildings to provide shelter, food and medical support to the displaced people. At least one hundred sixteen settlements were established. These Urdu-speaking displaced people had

no documents to support recognition as citizens in any country. Known in Bangladesh as Biharis, they struggled to survive for forty years as stateless people.

Supreme Court Ruling

In 2001, a group of Biharis (consisting of this author and nine other fellow Biharis) petitioned the Supreme Court of Bangladesh to challenge the Election Commission Bangladesh's decision not to register them as voters. Two years later, in 2003, the Supreme Court ruled in their favor by recognizing them as Bangladeshi citizens and thus qualified to be registered as voters. The court clarified that mere residence in Geneva camp, one of the so-called Bihari camps, does not mean allegiance to another country that would disqualify them from being recognized as Bangladeshi citizens. The court recognized that the Urdu-speaking people were brought to Geneva camp, which was established by the International Committee of the Red Cross, "for security reasons due to the situation prevailing immediately after liberation."¹ As the court explained:²

We do not think that only because of the concentration of Urdu speaking people, who were citizens of the [erstwhile]

East Pakistan [in] the so called Geneva camp has attained any special status so as to be excluded from the operation of the laws of the land including the said President Order, the Electoral Rolls Ordinance, 1982 or the Citizenship Act, 1951. So mere residence of the first group of the petitioners at the Geneva Camp cannot be termed as allegiance to another state by conduct.

The Supreme Court cited its previous decisions to stress that one who applied for repatriation to Pakistan, or "even a diehard pro-Pakistani born in this country is entitled to be citizen of Bangladesh if he fulfils the requirements under Article 2 and is not disqualified under clause (1) of Article 2B."³

But a change of government in 2007 led to a new registration of voters; and the issue of whether those with "camp addresses" were Bangladeshi citizens and should be registered as voters came up again. This led to another petition being filed in 2007 in the Supreme Court on behalf of all Urdu speakers with "camp addresses." In 2008, the Supreme Court granted the petition and ordered the Bangladesh Commission on Elections to register the Biharis as voters and to issue their

national identity cards.⁴ The court explained:⁵

In view of above provisions of the Act and President Order No. 149 of 1972, every person who or whose father or grandfather was born in the territories now comprised in Bangladesh and who was a permanent resident of such territories on the 25th day of March, 1971 and continues to be so resident unless disqualified under Article 2 B of PO No. 149 of 1972 shall be citizen of Bangladesh. In the acquisition of such citizenship, the laws have made no discrimination in any way on the ground of ethnicity, language, sex etc.

Members of the Urdu-speaking people wherever they live in Bangladesh if they answer the above qualifications shall become citizen[s] of Bangladesh and in view of the above provisions have already acquired the citizenship of Bangladesh by operation of law and no intervention of the Government is necessary. Such people have accordingly become eligible with the attainment of majority for enlistment as voters under Article 122(2) of the Constitution⁶ and the Election Commission is under constitutional obligation to enroll them in the electoral rolls as voters. No functionary of the Republic can deny such rights of the Urdu-speaking people who want to be enrolled as voters.

The 2008 ruling was a landmark court decision that ended the statelessness of the Biharis, thirty seven years after the founding of Bangladesh as an independent state.

Citizenship recognition, however, exposed the Biharis to the challenges of enjoying their rights as citizens.

Continuing Discrimination

There was no expectation that the socio-economic status of Biharis would drastically change due to the issuance of their national identity cards and becoming voters. Camp dwellers still faced discrimination in different aspects of their life. They have difficulty getting passport, public service employment, and trade licenses. Their camps are always under threat of eviction. The government has continuously violated their fundamental rights. The Urdu-speaking Bihari community does not yet have state recognition as a linguistic minority of Bangladesh.

Serious obstacles remain for those who want to access additional identity documents or related services. Many Biharis are unaware of the court judgment or the details of the rights they are now entitled to enjoy. Those who want to use their national identity cards to access other documents and services – applying for a passport, seeking a trade license – are often not familiar with the administrative processes or requirements. Or worse, they may feel intimidated to go to a government office to apply for such services; a challenge

especially stark for women, who want to secure a birth certificate for their children but tend not to stray far outside their camp into the larger city. Consequently, many camp dwellers do not even attempt to approach the government.

Camp dwellers who sought government services encountered problems such as corruption, discriminatory requirements, and, in some cases, even denial of request for documents due to their identity or camp address. Government records are critical requirements in enjoying their rights as citizens regarding education, employment, and the opportunity to travel abroad for education or work. The realization of these rights can ultimately overcome poverty.

In one report,⁷ a city government rejected fifty-three applications for birth registration due to varying reasons including lack of proof of residence in an area (many cannot use electricity bills as proof of residence because they have no electricity supply) and internal instructions not to issue birth certificates to “non-Bengalis.” However, other city governments have issued birth certificates to almost all applications by camp dwellers. This shows the lack of enforcement of the 2008 Supreme Court decision by some officials of the government.

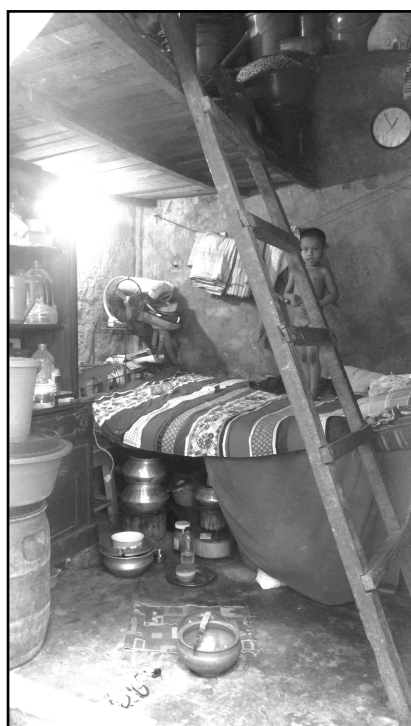
In the case of passport applications, many were rejected on the ground of lack of residential address; “camp address” being considered as improper residential address.

The governmental officials also say that they have written instructions not to issue passports to the Biharis. However, even after obtaining an official document from the Home Ministry indicating that Biharis were qualified to secure passports, some applicants still failed to have their passport applications approved.

Camp Situations

Most Bihari camps are small but with large population. There are still dwellings with eight by six square feet area for eight to ten family members. The camps are flooded during the rainy session. Flooded one-floor dwellings have no place to cook. The one-room dwellings also provide no privacy between parents and other family members.

Lack of access to water and poor sanitation are problems in every camp. Geneva camp, the largest camp among the one hundred sixteen camps, is



located in Dhaka with an area of one hundred twenty-three thousand square feet area. Within this small area around thirty thousand people live in inhuman conditions. Only two hundred toilets serve thousands of people and most of them are dirty and have no doors. Unclean water infects children with water-borne diseases; urinary tract infections affect women and girls. The lack of access to clean water makes it difficult for the people to maintain proper hygiene. There is no government health service in Geneva camp, and residents avail of medical services in a nearby government hospital. Some non-governmental organizations (NGOs) provide medical service like vaccination for children.

Bihari camps outside Dhaka have even worst situation regarding basic facilities; and the Biharis there suffer from extreme poverty. These camps are located in the cities of Narayangong, Mymensing, Bogra, Rangpur, Syedpur, Chittagong, Khulna, Ishuardi and Rajbari. Of the estimated 400,000 Biharis, one hundred fifty thousand Biharis stay in camps in Dhaka.



Education

Poverty and discrimination prevent most Bihari camp dwellers from having access to education, health care and economic opportunities. With large families, and with one or two family members earning money, support for the education of children is very difficult. Many children become workers instead. Without education and suffering from discrimination the future generations face a dark future.

Urdu, as language and culture, is forgotten in Bangladesh. The Bihari children have no opportunity to further learn the Urdu language. For those who are fortunate to get formal education, Bangla is the medium of learning. Most of Urdu-language poets have no opportunity to publish their literature in Bangladesh. It is atrocious for any community to live without its own language and culture.

Discrimination Based on Ethnicity

Bangladesh has many ethnic minorities, aside from the Biharis, such as Chakma, Garo,

Khasia, Khumi, Marma, Murong, Mandi, Santal, Tanchangya, Tippera, Hajong, Rakhain, and Dalit peoples. But the 15th amendment of the Bangladesh Constitution passed by the Bangladesh Parliament on 30 June 2011 might have legally denied their existence. Article 6(2) of the Bangladesh Constitution as amended states:⁸

- (2) The people of Bangladesh shall be known as **Bangalees** as a nation and the citizens of Bangladesh shall be known as Bangladeshies. (*emphasis added*)

This constitutional amendment ignored the identity of distinct ethnic groups of people in Bangladesh.

Threat of Eviction

The National Housing Society sold in 1993 the land of the Bihari camps in Mirpur Dhaka as plots to people in the nearby area. The National Housing Society is now planning to demolish all structures in the camps.

Not being able to stop the demolition order, the President and the Secretary of Urdu Speaking Youth Rehabilitation Movement (USPYRM) immediately petitioned the Supreme Court in 2001 to stop the demolition of their houses and other properties; the court issued an injunction order to the National Housing Society in the same year. Mirpur Dhaka has thirty-nine Bihari camps with about seventy thousand Bihari residents.

During the 2001 to 2012 period, nine petitions were filed

on behalf of Biharis in different camps (Mirpur, Syedpur, Geneva, Mymensign Patgudam, Adamjee Nagar, and seventy other camps) asking the court not to allow any eviction in the camps before rehabilitation work is done. After a long period of hearings, a bench of the High Court Division of Bangladesh Supreme Court issued a judgment on 29 March 2016 withdrawing all injunction and stay orders and instructing the concerned government authority to take steps for the rehabilitation of those who leave the camps and have national identity card.

Legal Empowerment

Faced with the problem of continuing discrimination despite Bangladeshi citizenship, the Biharis have to be empowered to assert their rights. The Council of Minorities and Namati launched in 2013 a training project for Biharis “focused on domestic and international law, workings of government, eligibility and requirements for various legal identity documents and related services, and skills such as data collection and community education.”⁹ This is the paralegal training project for Biharis in the camps. The trained paralegals returned to their camps and held educational sessions with the camp residents on “legal identity documents, the eligibility requirements and application processes, or laws relevant to citizenship – including the 2008 court judgment.” The aim of the educational sessions was not only to make them become aware of their rights as

Bangladeshi citizens but most importantly to assert their rights. The paralegals assist those who would like to seek government documents and services.

One the first major issues dealt with by the paralegals was the passport application problem. Government officials still clung to the notion that passport applications using camp address would not comply with the legal requirements of the government. They also said that they have written instructions not to issue passports to Biharis. The paralegals did the inquiry with the government officials on this problem. A petition with the Home Ministry asking for information on the issuance of passport to Biharis did not receive a response. But a right to information petition with the Information Commission resulted in the release by the Home Ministry of a six-page document on passport issuance. The Home Ministry released the document before a scheduled hearing of the Information Commission on the petition was held. The document confirmed that camp dwellers with national identity card could get passports. Armed with the Home Ministry document, the paralegals went back to assisting fellow Biharis re-apply for passports with the government office that rejected their applications earlier.

But some passport applications were rejected still on the same ground of camp address despite Home Ministry regulation to the contrary. Biharis filed a petition with the National Human Rights Commission of Bangladesh to protest this situation. The National Human Rights

Commission of Bangladesh issued five letters to the Home Ministry since May 2015, but the Ministry has not sent any answer yet.

The existence of the paralegals was received well by the Bihari community. A report states:¹⁰

Community demand has far exceeded initial expectations for the program. In just the first 14 months, these 10 paralegals mobilized hundreds of camp residents to attempt applications, opened 1475 cases, and assisted over 1370 of those clients to reach the desired resolution. These successes include issuance of birth certificates, commissioner's certificates, passports, trade licenses, and national [identity] cards.

Future of the Biharis in Bangladesh

Intolerant attitudes and social marginalization are major barriers to the integration of the Biharis into the mainstream Bangladeshi society. There has been very little interest among the mainstream human rights organizations, legal aid bodies, or women's and children's organizations on the "Bihari" issue. Voices need to be raised and the wider society needs to be informed to be able to create sufficient pressure to force the government to address the issues facing the Biharis.

The negative role in the 1971 war of liberation of the Bihari-Urdu speaking linguistic minority community is a major cause of non-acceptance by the

government as well as society of its place in the country.

While their legal status as Bangladeshi citizens had been settled, the Biharis still face discrimination by the authorities in the government. They have been living in the camps for forty years and thus there is now a need for rehabilitation. They need to have permanent settlement areas to end of their suffering from camp life.

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Endnotes

- 1 *Abid Khan and others v. Government of Bangladesh and others*, Writ Petition No. 3831 of 2001, Bangladesh: Supreme Court, 5 March 2003, available at: www.refworld.org/docid/4a54bbcf0.html.
- 2 *Ibid.*
- 3 Article 2B as quoted by the court: "2B(1) Notwithstanding anything contained in Article 2 or in any other law for the time being in force, a person shall not, except as provided in clause (2), qualify himself to be a citizen of Bangladesh if he (i) owes, affirms or acknowledges, expressly or by conduct, allegiance to a foreign state, or (ii) is notified

under the proviso to Article 2A. Provided that a citizen of Bangladesh shall not, merely by reason of being a citizen or acquiring citizen specified in or under clause (2), cease to be a citizen of Bangladesh..." This is from "Bangladesh Citizenship (Temporary Provisions) Order, 1972 (P.O. No. 149 of 1972) hereinafter referred to as the said President's Order." *Ibid.*

- 4 *Md. Sadaqat Khan (Fakku) and Others v. Chief Election Commissioner, Bangladesh Election Commission*, Writ Petition No. 10129 of 2007, Bangladesh: Supreme Court, 18 May 2008, available at: www.refworld.org/docid/4a7c0c352.html.
- 5 *Ibid.*
- 6 See The Constitution of the People's Republic of Bangladesh, http://bdlaws.minlaw.gov.bd/sections_detail.php?id=367§ions_id=24681
- 7 Council of Minorities and Namati, *Realizing Citizenship Rights: Paralegals in the Urdu-Speaking Community in Bangladesh*, <https://namati.org/resources/realizing-citizenship-rights-paralegals-in-the-urdu-speaking-community-in-bangladesh/>.
- 8 The Constitution of the People's Republic of Bangladesh, see http://bdlaws.minlaw.gov.bd/sections_detail.php?id=367§ions_id=24554.
- 9 Council of Minorities and Namati, *ibid.*
- 10 *Ibid.*

Protecting Refugees and Country of Origin Information

Jefferson R. Plantilla

Recognition of refugee status requires proof of existence of persecution in the country of origin. How far can government refugee agencies access information from country of origin of applicants for refugee status that would entitle them to protection, including permission to stay safe, in the country fled to?

Proving Persecution

In accordance with international refugee law, States establish refugee status determination (RSD) procedures to determine the validity of claims for protection as refugees. The United Nations High Commission for Refugees (UNHCR) has explained that¹

The States must determine whether claims are well-founded, that is, sufficiently established on the facts or on the available evidence. The individual applicant's testimony is the primary consideration in reaching a decision, but [it] "cannot [...] be considered in the abstract, and must be viewed in the context of the relevant background situation."

The so-called "country of origin information" or COI is meant to provide such "context of the relevant background situation." There are several important aspects of "reliable, complete and up-to-date" COI in national

RSD procedures, such as the following:²

1. It is "decisive in determining who is in need of international protection and should be accorded asylum and protection;"
2. It is also decisive in formulating "solution strategies, including plans for voluntary repatriation;"
3. It is "essential in the determination of whether and when to invoke the cessation of refugee status and concerning repatriation decisions;"
4. It is also essential in developing "preventive approaches aimed at removing or reducing the reasons for flight;"
5. It "facilitates the identification of those who do not require international protection;"
6. It "can assist in the development, in other fora, of an effective international response to general migration questions;"
7. Finally, it "plays a critical role in academic research and scholarship."

Compiling COI in Practice

The compilation of COI is not an easy task for people who hardly know the countries, much less the concrete situation of particular areas within the

countries, of applicants for refugee status. In some countries, the compilation of COI is done by a government agency established for that specific purpose.

COI is drawn from various sources including information from the United Nations (such as online documents available in RefWorld), human rights organizations, and government-supported institutions.

To ensure reliable COI, there are quality standards that have been used such as the following:³

- a. Relevance - it is "based on questions rooted in legal concepts of refugee and human rights law or on questions derived from an applicant's statements;"
- b. Reliability and balance - as "each source has its own perspective and focus, different sources and different types of sources should be consulted to achieve the most comprehensive and balanced picture possible;"
- c. Accuracy and currency – "Only information that is correct and valid at the time a decision is made should be used. Accuracy and currency can be achieved by cross-checking and corroborating information;"

d. Transparency and traceability – “To ensure transparency, COI should be fully referenced to enable readers to independently verify and assess the information. Every piece of information should be traceable to its source. Information should be clearly presented and its meaning must not be distorted.”

There are also principles for researching and using COI:⁴

- a. Neutrality and impartiality - COI research should be conducted in a neutral manner with regard to the outcome;
- b. Equality of arms regarding access to information - COI should be equally available to all decision-making bodies and to legal advisors of applicants in procedures for persons seeking international protection. Applicants must have access to the information a decision is based on, so that they may comment on it;
- c. Using public information - To support fair procedures, publicly available information should be used. Public information is open to review and scrutiny by the applicant, experts and the public at large;
- d. Data protection - The personal data of a claimant and information that potentially may make the claimant identifiable must be protected and should never - directly or

indirectly - be shared with the alleged persecutor.

However, there are limits on the use of the COI, as listed by a practitioner:⁵

- a. COI cannot compensate for a poor interview.
- b. COI cannot replace a thorough legal analysis of the case.
- c. COI can usually not tell you details about the life of an applicant, especially not whether he/she tells you the truth.
- d. COI cannot replace the assessment of the individual risk of the applicant!
COI has supplementary character ... it can only supplement, not replace, a credible statement of facts by the applicant!

Nevertheless, a government official deciding on the application for refugee status would have a better chance of making a fair judgment by considering the context of the application through COI.

Use of COI in Asia-Pacific

Government-supported agencies for COI research do not seem to exist in many countries in Asia-Pacific with high-volume of refugee status applicants. New Zealand, on the other hand, has an office that research on COI.

New Zealand’s compliance with its obligations under the 1951 Convention Relating to the Status of Refugees, the 1984 Convention against Torture and Other Cruel, Inhuman or

Degrading Treatment or Punishment, and the 1966 International Covenant on Civil and Political Rights is facilitated by the Immigration Act 2009. The Refugee Status Branch (under the Immigration New Zealand) and the Immigration and Protection Tribunal decide on the application for recognition of refugee status using this law.

The Country Research Branch of New Zealand is a⁶

research unit within Immigration New Zealand (INZ) (part of the Ministry for Business Innovation and Employment) that provides COI research to INZ decision-makers, particularly in the protection and risk areas. CRB also provides a research service to members of the Immigration and Protection Tribunal (IPT).

Under the New Zealand system,

Country of Origin Information (COI) research is used by decision makers and legal advisers to aid in the answering of questions about the political, social, cultural, economic and human rights situations in countries of origin. The Country Research Branch is responsible for the provision of COI to Immigration New Zealand and the Immigration Protection Tribunal within the Ministry of Justice.

To the government official deciding on the application for recognition of refugee status, the COI is meant “to inform, not to determine, the outcome.” Such officer must be “vigilant in ensuring that the COI is relevant

and reliable,” and share it with the claimant and provide a meaningful opportunity to respond.”⁷

The Country Research Branch produces⁸

- a. Monthly e-bulletin which provides an “update on our current research statistics as well as links to events, news and reports relating to the work of our team. Whilst primarily targeting internal customer groups we also circulate this publicly and welcome new subscribers at any time.”
- b. Country Information Packs about the “political, social, cultural, economic and human rights situations in countries of interest. These provide useful preliminary background information for decision makers and advocates in asylum claims (refugee and protection officers, the Immigration and Protection Tribunal, lawyers, licenced immigration advisors and asylum seekers). They are also made available to other government agencies.”

Making the COI more easily and widely accessible increases the frequency of its use by all parties concerned – government officials who decide on refugee status application and the applicants themselves.

Protection as the Goal

Country of Origin Information (COI) is used in procedures for persons seeking international protection.⁹

In the first conference of the Asian Network on Refugees and International Protection (ANRIP) with the theme “Refugees and Other International Protection in Asia: Some Essentials and Comparatives” (28 - 29 January 2016, Tagaytay city), the participants (consisting of immigration officials, academics, and non-governmental organization workers) discussed the crucial link between COI and the protection of people fleeing persecution. The conference participants reviewed the experiences of the Austrian Centre for Country of Origin and Asylum Research and Documentation (ACCORD) and the Country Research Branch of the Ministry of Justice in New Zealand in supporting the processing of refugee status applications. The discussions among the conference participants revealed the need for greater understanding and use of COI in the Asian region. Indeed, pursuing “future collaboration and cooperation in order to enhance and improve COI in Asia”¹⁰ is important to enable more governments to protect persecuted people reaching their borders.

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Endnotes

1 UN High Commissioner for Refugees (UNHCR), *Country of Origin Information: Towards Enhanced*

International Cooperation, February 2004, available at: www.refworld.org/docid/403b2522a.html [accessed 10 March 2016]

2 Ibid.

3 These standards are from a training manual entitled *Researching Country of Origin Information* published by the Austrian Centre for Country of Origin and Asylum Research and Documentation (ACCORD) in 2013, pages 31-34.

4 Ibid., pages 36-38.

5 Andrea Jakober, “COI Quality Control,” powerpoint presentation at the ANRIP Conference, Tagaytay city, 29 January 2016.

6 Guide to online Country of Origin (COI) online sources, www.immigration.govt.nz/NR/rdonlyres/4522B068-5071-4A8E-B6D9-85E44F983BE5/0/guidecoisourcesonline.pdf.

7 Martin Treadwell, “Country of Origin Information in the Hands of the Decision-Maker,” powerpoint presentation at the ANRIP Conference, Tagaytay city, 28-29 January 2016.

8 For examples of Country Research Branch Bulletin and Country Information Packs, visit Country of Origin Information (COI) Research, www.immigration.govt.nz/migrant/general/generalinformation/refugee-protection/COIresearch/default.htm.

9 *Researching Country of Origin Information*, op. cit., page 6.

10 Hiroshi Miyauchi, *The Aims and Purposes of ANRIP and the Conference*, presented at the ANRIP conference.

The East Asia Human Rights Education Workshop

Amnesty International Hong Kong

The *United Nations Declaration on Human Rights Education and Training* reads in its Article 2 that human rights education encompasses learning about human rights "knowledge, skills and understanding and developing attitudes and behaviours" as well as "empowering persons to enjoy and exercise their rights and to respect and uphold the rights of others." However, how do we put these words into practice? What are the strategies to implement human rights education both in local and sub-regional contexts? To explore the answers to these questions, Amnesty International Hong Kong held in November 2015 the East Asia Human Rights Education Workshop.

Grassroots Heritage Building as Workshop Venue

The workshop took place in Hong Kong from 17 to 20 November 2015. The venue was the YHA Mei Ho House Youth Hostel, a renovated former public housing block built in 1954 that is now recognized as a local heritage. It is located in Sham Shui Po, the poorest district in Hong Kong with predominantly grassroots residents.

The workshop was attended by staff from Amnesty International sections in East Asia including Hong Kong, India, Mongolia, Nepal, Taiwan, Thailand and the

Philippines. There were also several experienced academics and educators in attendance, including Mr. Leung Yan Wing, PhD, Adjunct Associate Professor of the Department of Education Policy and Leadership at The Hong Kong Institute of Education; Professor Mei-ying Tang, Professor of the Department of Education at the University of Taipei in Taiwan; Mr. Jefferson R. Plantilla, Chief Researcher of the Asia-Pacific Human Rights Information Center (HURIGHTS OSAKA) in Japan and Mr. Cheung Yui Fai, the Vice-Principal of Po Leung Kuk Lee Shing Pik College, a Hong Kong secondary school, and Director of Education Research Department of the Hong Kong Professional Teachers' Union.

Proceedings

The workshop lasted for four days. While the first three days were designated for experience

sharing in different sectors, the last day was an opportunity for discussion within various Amnesty International sections.

Day 1: Human Rights Education in Formal Education

Staff from Amnesty International Mongolia and Taiwan shared their experiences in teaching human rights. The guest speaker, Cheung Yui Fai, a senior teacher in a high school in Hong Kong, shared his experience on human rights education through formal education including the Liberal Studies and Integrated Humanities subjects and through informal education including through the Students' Unions, talks and workshops by civil society groups. The participants during the open forum discussed the methodologies involved in teaching human rights and the strategies of integrating human rights education into formal education.



In the second session "Institution: Curriculum and Policy," Professors Leung Yan Wing and Mei Yang Tang discussed human rights education in the school curriculum and educational policy in Hong Kong and Taiwan in light of recent social movements. The open forum discussion dealt with the linkage between formal and informal education, human rights education and daily experiences, networking with youth and school communities and the role of government in human rights education.

Day 2: Community Human Rights Education

"Community Human Rights Education" was the theme for Day 2. In the first session, the staff from Amnesty International Hong Kong, Mongolia, Nepal and Thailand shared their experiences in working on educational programs with social activists and civil society groups. The discussions during the open forum touched on the need for local relevance and evaluation of impact and outcome of educational programs.

In the second session, staff from Amnesty International Hong Kong, Nepal and the Philippines shared their experiences on public education. The participants discussed the issues of the position of different Amnesty International sections in local movements and their relation with local civil society.

Staff from Amnesty International Thailand and the Philippines also shared their educational

experiences on online/offline education and the media. Staff from Amnesty International India also gave a brief account of strategies and development of a human rights education program in her country.

Apart from the plenary discussion, participants learned about local culture and forced evictions in the context of urban renewal through a walking tour in Sham Shui Po. The guides were local activists involved in housing rights who shared their knowledge candidly with the tour participants.

Day 3: Regional Relevance

"Regional Relevance" was the main theme for Day 3. Mr. Plantilla from HURIGHTS OSAKA gave a presentation on "Comparative Study of Human Rights Education in the Region." He briefly gave an overview of human rights education programs, projects, networks, resources and new areas of interests in the sub-region. Surprisingly, he had collaborated with various Amnesty International sections in East Asia years ago but these links had been lost. He thus stressed the importance of reviewing what had been done and building on previous work.

Consolidation

To consolidate the discussions in the earlier sessions, participants discussed challenges concerning human rights education. Various issues were addressed including localization, connection to daily experience, connecting people, the role of human rights education in life, school,

society and the government, reviewing human rights education strategies and objectives and outcomes of future human rights education program in each country section. Some common features of human rights education in East Asia were highlighted as follows - integration of human rights education into school systems, youth activism and relevant campaigns.

Concluding Remarks

This workshop created an opportunity for Amnesty International educators to share local educational experiences and to receive comments from several academics and educators in East Asia. It formed the basis for potential collaboration among different Amnesty International sections and facilitated discussion of Amnesty International's strategic goals. Yet it was largely focused on the context of Amnesty International and not yet able to connect to the educational experience of other prominent civil society groups in the region.

Last but not least, the workshop reminded us of the importance of reviewing what has been done on human rights education by civil society in the sub-region in the past. It is of paramount importance to learn from the past in order to sketch the future.

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A Facilitator's Training Manual on Business and Human Rights

HURIGHTS OSAKA

Interest on the issue of “business and human rights” has been rising in recent years among governments, national human rights institutions, academics, consultancy firms and non-governmental organizations in Asia. Some four hundred representatives of many of these institutions are expected to gather for the first ever United Nations Asian regional workshop on this issue on 19-20 April 2016 in Doha.¹

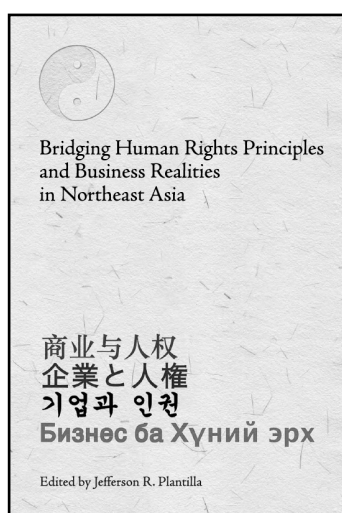
Alongside the development of guiding principles on business and human rights by the United Nations, many other initiatives have been launched that focus on specific areas of this issue. They constitute the international frameworks for companies on respecting and protecting human rights.

In Southeast Asia, several inter-governmental and non-governmental initiatives have been launched that range from research to advocacy activities. In Northeast Asia, national initiatives have been undertaken in South Korea and Mongolia by their non-governmental organizations and National Human Rights Commissions; in Japan a number of consultancy firms (local and international) have been actively working on this issue with Japanese companies under the corporate social responsibility framework.

Many Northeast Asian companies have also become members of the United Nations Global Compact.

Business, Human Rights and Northeast Asia

The Northeast Asian members of the Asian Consortium for Human Rights-based Access to Justice (HRBA2J-Asia) followed up its research on Northeast Asian companies (published in 2014 as *Bridging Human Rights Principles and Business Realities in Northeast Asia*) with the development of a training manual on business and human rights.



The training manual draws much of its content from the research publication on Northeast Asian companies. Many of the cases discussed in the reports from China, Japan,

Korea and Mongolia have been transformed into materials for workshop activities such as case studies. Other sections of the research publication have been cited as reference materials for the training modules.

Materials from the International Labour Organization (ILO), United Nations Development Programme and other United Nations agencies have been used as sources of definitions of terms and concepts related to business and human rights, the guiding principles on business and human rights, and the mechanisms for accessing remedies.

As additional sources, materials produced by research institutions and non-governmental organizations also provided concrete examples of grievance resolution through different forms of mechanisms. Much of the examples emphasize the role of the affected people (workers and members of communities) in order to illustrate how human rights-based approach to access to justice can be employed in practice.

Review of Draft Training Manual

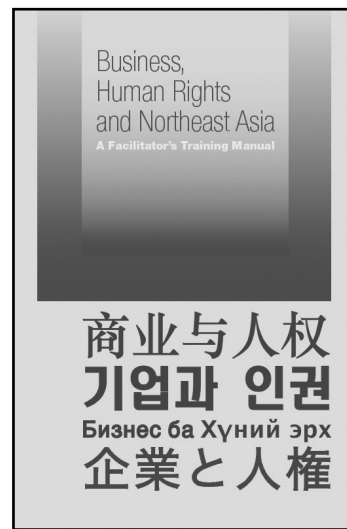
The draft of the training manual was reviewed in a meeting held

in the Commission on Human Rights of the Philippines (CHRP) on 30 January 2016. People who were involved in education work on the business and human rights issue participated in the review of the draft training manual. The review meeting was organized through the secretariat of the HRBA2J-Asia and with the support of the CHRP. The review raised a number of significant suggestions on the content of the draft training manual. The idea of putting the section on the definition of concept and terms related to business and human rights at the beginning instead of having it as the last section of the training manual was one of the suggestions raised. There were also suggestions on adding more instructions in the training modules to enable the facilitators using the training manual have a better grasp of the learning process being employed. The review meeting likewise affirmed the importance of having annexes in the training modules that the trainees/participants, facilitators and resource persons can all refer to during the training. These annexes cover concrete cases as materials for the group discussion, brief explanation on different components of the business and human rights principles, the grievance mechanisms, and short description of experiences on using these grievance mechanisms.

Training Manual

The training manual was completed in March 2016 with the title *Business, Human Rights*

and Northeast Asia - A Facilitator's Training Manual.² This training manual focuses on facilitating learning on human rights principles, companies and their relations to access to remedy, the third pillar of the United Nations Guiding Principles on Business and Human Rights.³



The “access to remedy” emphasis of the training manual logically defined its content. Most of the modules of the training manual are on different forms of mechanisms that facilitate access to remedy. The training manual has the following training modules:

- Context of the Northeast Asian Subregion
 - Human Rights Issues and Business;
- Context of the Northeast Asian Subregion
 - National Development Policies and Business;
- Implementing United Nations Initiatives - UN “Protect, Respect and Remedy” Framework, UN Global Compact;
- Enforcing Labor Standards;

- Using International Corporate Standards and Frameworks;
- Principles of Human Rights-based Approach to Access to Justice;
- Corporate Mechanisms and Access to Justice;
- Administrative and Judicial Mechanisms and the UN Framework; and
- Resorting to Mechanisms of International Institutions.

To help facilitators and resource persons use the training manual effectively, there is a section on definition of concepts and terms related to the business and human rights issue; while each training manual has annexes and reference texts that provide relevant information, concrete cases and discussion on concepts involved. The training modules employ adult participatory learning methods that value the input of the trainees/participants in the whole learning process.

Need for Training Manual

Due the significantly high level of interest on the business and human rights issue at the international level, a number of materials (books, reports, training manuals) have been produced by different institutions. And yet there remains the question: how many of the communities adversely affected by business operations have been informed about the new international framework on business and human rights that may provide opportunities for them to address their own problems?

The training manual is designed to respond to this question with its core message of making remedies to grievances accessible to those involved in (workers) or affected by (surrounding communities) business operations. Additionally, the training manual stresses the importance of learning from existing access to justice experiences in Northeast Asia that demonstrate how this third pillar of the United Nations Guiding Principles on Business and Human Rights could be within the reach of the affected people. This training manual is thus a contextualized learning material on international human rights standards.

It is meant to be used by members of civil society organizations whose work relate in one way or another to issues arising from company operations.

Although the training manual is contextualized in Northeast

Asia and targets the members of civil society organizations it is nevertheless adaptable in at least two senses:

- a. The context of issues can be changed from that of Northeast Asia to that of another subregion in Asia. Corresponding information on experiences and practices can be changed to those of a different subregional context without affecting the contents of the training manual on concepts, principles and standards related to business and human rights;
- b. The focus of the training manual can also be shifted to managers of business enterprises. In this sense, other relevant experiences and practices can be used to suit these types of trainees/participants.

For further information, please contact HURIGHTS OSAKA.

Endnotes

- 1 *Bridging Human Rights Principles and Business Realities in Northeast Asia* (HURIGHTS OSAKA/SIRD, 2014).
- 2 HURIGHTS OSAKA's work in the business and human rights issue started with a suggestion by a member of its Board of Councilors (Mr Kenzo Tomonaga) in 2010 for the development of an Asia-Pacific training manual on business and human rights.
- 3 *Guiding Principles on Business and Human Rights for implementing the UN "Protect, Respect and Remedy" Framework*. Full text of the document available at www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf, page 1.



Participants in the training manual review meeting

Human Rights Events in the Asia-Pacific

The Civil Society Innovations Initiative (CSII) - East Asia is organizing the CSII East Asia Consultation Meeting in Bangkok on 2 - 3 April 2016. The Bangkok consultation is a follow-up to the two previous meetings - East Asia and the Pacific consultation on CSII Co-design workshop (Bali, 12-14 Aug. 2015) and Global consultation on CSII (New York, 24-26 September 2015) to operationalize the CSII ideas in terms of concrete innovative actions on the ground in the East Asian context. Three organizations in East Asia, namely the South East Asian Committee for Advocacy (SEACA), Asian Forum for Human Rights & Development (FORUM-ASIA) and Asia Democracy Network (ADN) were selected as focal points for the follow-up actions after the Bali co-design workshop.

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- Betty Yolanda, Director, Asian Forum for Human Rights & Development (FORUM-ASIA) : betty@forum-asia.org
- Consuelo Katrina A. Lopa, Regional Coordinator, South East Asian Committee for Advocacy (SEACA): clopa.seaca@gmail.com.

The UN Working Group on Business and Human Rights is convening its first Asia Regional Forum on Business and Human Rights on 19-20 April 2016 in Doha, Qatar. The forum will discuss salient issues and identify areas at the national level where accelerated action is needed by States and companies to prevent and address business-related human rights harm. It will also discuss the national and regional application of global business and human rights issues, such as national action plans, corporate human rights due diligence, and the role of the State as an economic actor.

For further information visit the website of the Office of the United Nations High Commissioner for Human Rights (OHCHR): www.ohchr.org/2016AsiaRegionalForum. And send enquiries at regionalforum@ohchr.org.

The Diplomacy Training Program (DTP) is organizing the regional capacity building program on Human Rights, Indigenous Peoples, the Private Sector and Development in Indonesia from 1-10 June 2016. This program will build the knowledge and skills of human rights defenders and community advocates to promote and protect their human rights in the context of rapid economic development and the impact of the private sector on the lands

and livelihoods of Indigenous peoples and others.

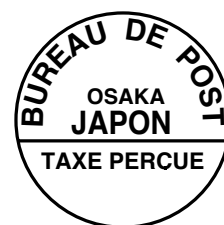
For further information, please contact: Diplomacy Training Program (DTP), c/o Faculty of Law, University of NSW Sydney, NSW 2052 Australia; ph (612) 9385-2277; fax (612) 9385-1778; e-mail: dtp@unsw.edu.au; www.dtp.unsw.edu.au.

BABSEACLE will start its four-week summer program on 4 July 2016. The program, though designed for law and legal studies-related students, graduates and professional workers who are willing and able to make a significant commitment to participating in BABSEACLE activities, is open to non-law students as well. The application process is competitive with a strong focus on placing interns who are committed, hardworking and uphold the values of BABSEACLE.

For further information, please contact: Bridges Across Borders Southeast Asia Community Legal Education Initiative, 8 Soi 6, Tanon Suandok,, T. Suthep A. Muang, Chiang Mai, Chiang Mai 50200 Thailand; ph +66 52006367; e-mail: ldonnison@babseacle.org; www.babseacle.org/international-internship-clinic/.

HURIGHTS OSAKA Calendar

HURIGHTS OSAKA has published a training manual on business and human rights. The training manual, entitled *Business, Human Rights and Northeast Asia – A Facilitator's Training Manual*, is contextualized in Northeast Asia and covers a wide range of topics from the human rights issues arising from companies operations to international standards and frameworks to grievance mechanisms at various levels (local, national and international). The whole training manual, with 158 pages, will be uploaded onto the website of HURIGHTS OSAKA.



PRINTED MATTER

AIR MAIL

May be opened for inspection by the postal service.

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.

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.

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