

# Focus

## Asia-Pacific



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### Contents

#### **Human Rights and Housing Design**

*This is a discussion of a corporate policy on human rights of Sekisui House that is being implemented in its business of building houses which are equipped with the latest technologies in ensuring safe and accessible homes for the elderly, persons with disabilities, children and people in general.*

- Sekisui House

Page 2

#### **Drafting the ASEAN Declaration on the Right to Environment**

*This is a brief review of the initiative of the Association of Southeast Asian Nations (ASEAN) in recognizing the human right to environment. The article provides a background discussion of the environmental policy of ASEAN since late 1970s and the subsequent initiative to link this policy to human rights. It also discusses some of the major contents of the draft ASEAN Declaration on the Right to a Safe, Clean, Healthy, and Sustainable Environment and the issues raised by the civil society in Southeast Asia on the draft document.*

- Jefferson R. Plantilla

Page 5

#### **Banning Corporal Punishment in the Bangladeshi Education System**

*This article discusses the impact of a 2011 decision of the Supreme Court of Bangladesh declaring corporal punishment in educational institutions as a basic violation of child rights. This court decision led to the adoption of government guidelines on how to prevent corporal punishment in all educational institutions and of other measures (such as Child Helpline 1098) as well as repeal of relevant laws. The Bangladeshi civil society on the other hand engages in raising public awareness on the issue and empowers people on preventing its occurrence or dealing with incidents of corporal punishment.*

- Mahbuba Akhter and Fahad Bin Siddique, BLAST

Page 12

### Editorial

#### **Making Science and Technology Serve Human Rights**

Human rights are now being considered in many fields of work including science and technology. This situation hopefully arose from lessons learned in the grievous mistakes of using science and technology in order to justify discrimination against sectors of society such as the case of eugenics policy, or suppress freedoms.

With human rights as standard, developments in science and technology consider their impact on people and the environment. Science and technology provide tools and systems that help realize human rights and also tools to detect human rights violations and abuse (positive impact).

Much has been written about the positive and negative impacts of information and communication technology on human rights. The local to global reach of social media caused serious damage to those whose rights were violated as much as supported people in deciding on what to do with local and national issues.

There is a need to promote the use of science and technology in improving the lives of people and realizing their human rights. At the same time, there is a need to prevent the use of science and technology against human rights.

# Human Rights and Housing Design\*

## Sekisui House

Since its founding, Sekisui House has been striving to simultaneously reduce construction time and provide housing with stable quality and performance, and to this end has long produced structural components for housing in factories.

The Great Hanshin-Awaji Earthquake of 1995 caused severe damage, leaving 104,906 houses completely destroyed and 144,274 partially destroyed, according to Japan's Fire and Disaster Management Agency's report in 2006. Although there were 29,592 Sekisui House buildings in the affected area, none suffered either partial or complete destruction. Natural disasters like earthquakes and typhoons are common in Japan, so we must continue to provide housing that provides safety and peace of mind to ensure that people's lives and property are protected. This event cemented once again that this is our mission as a housing manufacturer.

However, many of the Company's houses were damaged, which led to many challenges. To confront these challenges, we created SHEQAS, our original seismic energy absorption system, in 2007. The spread of this technology has helped enhance the seismic resistance of our housing.

### Sekisui House Group Human Rights Policy

In April 2020, we formulated and announced the Sekisui House Group Human Rights Policy (hereafter referred to as the "Human Rights Policy"). It was formulated with the advice of outside experts and approved by the Board of Directors of the Company.

The Human Rights Policy respects international norms, such as the International Bill of Human Rights, the International Labour Organization (ILO) Declaration on Fundamental Principles and Rights at Work, and the Guiding Principles on Business and Human Rights, and supports the Ten Principles of the United Nations Global Compact.

In order to fulfill its social responsibilities, the Company has stated that it will respect the human rights of all stakeholders who may be affected by its business activities, including those in the supply chain.

Based on the Sekisui House Group's Corporate Philosophy and Code of Conduct, the Human Rights Policy complements and clarifies the principle of "Respect of human rights" outlined in our Corporate Code of Conduct.

### Corporate Ethics

The Sekisui House Group Corporate Ethics Guidelines have provisions relevant to human rights. There are provisions on "Respect of Human Rights and Prohibition of Discrimination," "Sexual Harassment," "Harassment Related to Pregnancy, Birth, and Childcare Leave, etc.," "Power Harassment," "Diverse Values," "Protection of Privacy," "Workplace Safety and Health," "Maintenance and Improvement of Employee Health," and "Compliance with Labor Related Act."

But there are also provisions related to "Contributions to Society" such as the following:

As a corporate citizen, based on the pillars of "environmental awareness," "training of the next generation," and "housing culture improvement," and "support of areas and people affected by disasters," strive to contribute and develop society through activities, such as support of culture and art, cooperation with local communities, participation in volunteer activities, contributions to international society, cooperation with and support for NPO/NGOs, educational support activities, and cooperation with regional communities and societies.

### Meter Module for Easier Living

Sekisui House's core product, the Sekisui House Model B steel frame, uses our Universal Frame System to allow the flexible placement of shear walls, enhancing design freedom while maintaining the building's strength, but there has also been one more breakthrough. This was the adoption of metric specifications using 1,000 mm modules.

The Japanese construction industry traditionally built housing using the conventional measurement known as "shaku" in shaku-based modules (approximately 910 mm). By using a meter-based rather than a shaku based module, we were able to create more generously proportioned spaces.

One example of these improved proportions was hallway width, which we were able to expand nearly 10 cm, creating more room for movement with luggage or wheelchairs. In 1981, Sekisui House was involved in the construction of Japan's first model house for people with disabilities, and started researching ways to make housing more accommodating for both people with disabilities and the elderly. The Sekisui House Universal Design (SH-UD) standards were established in 2002 based on the results of ergonomic experiments conducted at the Nattoku Kobo Studio (Home Amenities Experience Studio), part of the Comprehensive Housing R&D Institute, in the 1990s.

Nattoku Kobo Studio is being renovated and will be "reborn" as "JUNOPARK," a large-scale experiential facility specializing in cultivating children's sensibilities, in August 2025. It will be a "living education edutainment facility" that combines "learning" and "entertainment" in daily life.

### Living a Fulfilling Life in the Era of the 100-year Lifespan with "Health," "Connectedness" and "Learning"

Now, in the 21st century, progress has been made in the development of environmental technologies that improve both comfort and environmental considerations. Improvements in insulation performance due to the adoption of next-generation



Meter module

energy-saving specifications are helping prevent indoor heat shock for elderly people. The introductions of the next-generation room environmental control system SMART-ECS and the Airkis high-quality indoor air system, which helps reduce the intake and spread of pollutants and suppresses chemical substances, show more examples of new technology focused on the health of residents.

Furthermore, we have begun promoting the Platform House Concept, which provides services centered on the three themes of "health," "connectedness" and "learning." These efforts include the commercialization of HED-Net, an in-home early detection network for acute illnesses.

Going forward, Sekisui House will continue striving to make residents happy by offering value through housing, such as by promoting health as well as connections with friends and family and by cultivating a variety of experiences and skills.

### Developing products that enable healthy living for children

*Kodomo idokoro* is a lifestyle proposal product developed in line with the principles of smart universal design to provide a variety of living spaces that help children grow and flourish. With a focus on safety, peace of mind and independence, *Kodomo idokoro* aims to create homes that nurture children's vitality. *Kodomo idokoro* is focused not just on the child rearing-oriented perspectives of parents, but also on the perspectives of

children themselves with the aim of promoting their emotional, intellectual, physical and social development at each stage of growth.

### Conclusion

In order to achieve our vision of "Making Home the Happiest Place in the World", we strongly hope to create happiness for all stakeholders through our various businesses. We express our commitment to fulfill our responsibility to respect human rights by practicing "love of humanity", which is a fundamental principle of our Corporate Philosophy.

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\* This is an edited excerpt of the Human Rights Report, July 2024, of the Sekisui House Group ([www.sekisuihouse.co.jp/library/english/company/sustainable/2024/human\\_rights\\_report2024\\_en.pdf](http://www.sekisuihouse.co.jp/library/english/company/sustainable/2024/human_rights_report2024_en.pdf)).

numerous experimental facilities, including a structural testing site where seismic resistance tests on full-sized model houses can be conducted. Here, we verify and evaluate aspects of housing such as earthquake resistance, storm proofing, thermal insulation, soundproofing and air quality. At the same time, we are actively working on the research and development of new construction methods, universal and environmental technologies design. On Juno Park, See [www.sekisuihouse.co.jp/company/topics/topics\\_2025/20250227\\_1/](http://www.sekisuihouse.co.jp/company/topics/topics_2025/20250227_1/), and its website: [www.sekisuihouse.co.jp/junopark/](http://www.sekisuihouse.co.jp/junopark/).

### Endnotes

- 1 See full text of Sekisui House Group Corporate Ethics Guidelines in this link: / [www.sekisuihouse.co.jp/library/english/company/info/philosophy/Sekisui\\_House\\_Group\\_Corporate\\_Ethics\\_Guidelines.pdf](http://www.sekisuihouse.co.jp/library/english/company/info/philosophy/Sekisui_House_Group_Corporate_Ethics_Guidelines.pdf).
- 2 The Comprehensive Housing R&D Institute (Nattoku Kobo Studio) was established at Keihanna Science City (Kizugawa City, Kyoto Prefecture). This city has



# Drafting the ASEAN Declaration on the Right to Environment

Jefferson R. Plantilla

The Association of Southeast Asian Nations (ASEAN) has an environment policy since 1977.<sup>1</sup> It adopted in March 2009 during the 14th ASEAN Summit in Cha-am/Hua Hin, Thailand<sup>2</sup> the ASEAN Socio-Cultural Community (ASCC) Blueprint. It was implemented from 2009 to 2015 and was<sup>3</sup>

shown to be effective in developing and strengthening the coherence of policy frameworks and institutions to advance Human Development, Social Justice and Rights, Social Protection and Welfare, Environmental Sustainability, ASEAN Awareness, and Narrowing the Development Gap. More concretely, the ASCC has helped to heighten commitment in the form of policy and legal frameworks, such as the Declaration on Non-Communicable Diseases in ASEAN and the Declaration on Elimination of Violence Against Women and Elimination of Violence Against Children in ASEAN.

Considering global developments including the adoption by the United Nations of the Sustainable Development Goals, ASEAN adopted in 2015 the ASCC Blueprint 2025 which

envision an ASEAN Community that engages

and benefits the peoples and is inclusive, sustainable, resilient, and dynamic. The Blueprint guides ASEAN cooperation to include the conservation and sustainable management of biodiversity and natural resources, promotion of environmentally sustainable cities, climate change adaptation and mitigation, as well as promotion of sustainable consumption and production towards circular economy.

Through the leadership of the ASEAN Ministerial Meeting on Environment (AMME), the ASEAN Senior Officials on Environment (ASOEN) together with its thematic working groups and the ASEAN Centre for Biodiversity, continue to identify and implement regional policies, measures and programmes to promote environmental protection and sustainable development. ASOEN also promotes coordination, collaboration and/or partnerships with other ASEAN sectoral bodies, ASEAN Dialogue Partners, international organisations, and relevant stakeholders.

The ASCC Blueprint 2025 aims, among others, to realize

5.2. An inclusive community that promotes high quality of life, equitable access to opportunities for all and promotes and protects human rights of women, children, youths, the elderly/older persons, persons with disabilities, migrant workers, and vulnerable and marginalised groups;

5.3. A sustainable community that promotes social development and environmental protection through effective mechanisms to meet the current and future needs of the peoples.

It further aims to “enhance commitment, participation and social responsibility of ASEAN peoples through an accountable and engaging mechanism for the benefit of all, towards a community of engaged and empowered ASEAN peoples who are provided the platforms to participate in ASEAN processes as well as to enjoy the benefits from the various initiatives.”<sup>4</sup>

The ASCC Blueprint 2025 has a provision on promotion and protection of human rights, which includes as one of its strategic measures the following<sup>5</sup>

Promote regional inter-sectoral mechanisms

towards a holistic and multi-disciplinary approach in enhancing quality care, well-being, gender equality, social justice, human rights and fundamental freedoms, especially the vulnerable groups, in response to all hazards and emerging social and economic risks/threats.

The ASCC Blueprint 2025 has a provision for “ASCC National Focal Points” who help implement the plan at the national level.

### Environment and Human Rights: ASEAN Declaration

The ASEAN Intergovernmental Commission on Human Rights (AICHR) held the Ad Hoc Preparatory Session for the ASEAN Environmental Rights Framework and Interim Working Group Meeting on 22-23 November 2022 in Bangkok attended by representatives of ASEAN Sectoral Bodies and Entities, the ASEAN Secretariat, civil society organizations, United Nations agencies, and academic institutions. The meeting continued the discussions earlier in the year and agreed on the Terms of Reference of the ASEAN Environmental Rights Working Group (AER WG) to be established in the drafting of the regional framework. They agreed on the “engagement and consultation with multi-stakeholders and gender integration throughout the process.”<sup>6</sup>

AICHR established the ASEAN Environmental Rights Working Group (AER Working Group) in 2023.<sup>7</sup> The AER Working Group was tasked to develop a

regional framework on environmental rights for further consideration by ASEAN Sectoral Bodies before eventual adoption by ASEAN leaders. It had been “tasked to develop a draft regional framework on environmental rights that not only restates existing ASEAN commitments and international obligations, but also advances the right to a safe, clean, healthy and sustainable environment.”<sup>8</sup>

A report explains the activities done since 2023:<sup>9</sup>

The AER Working Group has held four meetings to develop the Draft ASEAN declaration on environmental rights. The 1st meeting was held in Bangkok from August 21–22, 2023. The 2nd meeting was held in Bangkok from November 21–22, 2023. The third meeting was held in Manila on February 27-28, 2024. Following the third meeting, and in accordance with the Terms of Reference of the AER Working Group, the Draft ASEAN declaration on environmental rights has been released for stakeholder consultation. The 4th meeting of the AER Working Group, which was held in Jakarta from May 6–8, 2024, resulted in revisions to the consultation draft. The title is now the draft ASEAN declaration on the right to a safe, clean, [healthy] and sustainable environment.

On 8 April 2025, Representatives/Alternate Representatives of AICHR and ASEAN Senior Officials on Environment (ASOEN)<sup>10</sup> National Focal Points (NFPs) had a “joint site visit to the

Centre for Marine and Coastal Studies (CEMACS), Universiti Sains Malaysia (USM) and had dynamic and constructive exchanges, building bridges between the human rights and environmental sectors within ASEAN while sharing knowledge and good practices.” This site visit preceded their Interface Consultation that deliberated on the proposed ASEAN Declaration on the Right to a Safe, Clean, Healthy, and Sustainable Environment.<sup>11</sup>

Their “substantive discussions centred on the content and strategic direction of the proposed Declaration with the aim of strengthening inter-sectoral and inter-pillar coordination and enhancing policy coherence to ensure the proposed Declaration’s alignment with ASEAN’s existing frameworks and commitments, including the ASEAN Human Rights Declaration and Phnom Penh Statement on the Adoption of the ASEAN Human Rights Declaration 2012.”

They also reaffirmed “ASEAN’s commitment to enhancing and advancing policies that will promote environment and climate resilience and awareness, inclusivity and sustainability, and the protection of human rights for present and future generations.”

The proposed ASEAN Declaration on the Right to a Safe, Clean, Healthy, and Sustainable Environment is considered to be the “first-ever regional instrument that brings together human rights and the environment in Southeast Asia”.<sup>12</sup>

## Proposed ASEAN Declaration

The proposed ASEAN Declaration (March 2024 version)<sup>13</sup> provides for the right to environment:

2. Every person has the right to a safe, clean, healthy and sustainable environment, which includes clean air, a safe and stable climate, healthy ecosystems and biodiversity, safe and sufficient water and adequate sanitation, healthy and sustainably produced food, and nontoxic environments.

3. Every person has the right to protect the environment, contribute to its protection and improvement, prevent pollution, combat climate change, promote biodiversity and prevent damage to the environment.

The proposed ASEAN Declaration has several major sections and some sections provide the following:<sup>14</sup>

### PUBLIC PARTICIPATION IN ENVIRONMENTAL MATTERS

15. Every person has the right to participate in decision-making in environmental matters. The right to participate should be safe, meaningful, effective and at the earliest possible stage before decisions are taken, and while options are still open to the preparation of decisions on proposed activities, permits and other measures, plans, programmes, budgetary matters, activities, draft laws, regulations, and policies that

may have a significant effect on the environment.

### ACCESS TO JUSTICE AND EFFECTIVE REMEDIES IN ENVIRONMENTAL MATTERS

19. Every person has the right to an affordable, effective and enforceable remedy in environmental matters, to be determined by a court or other competent authorities, for acts violating the rights granted to that person by national laws, as well as international laws applicable in AMS.

### RECOGNITION AND PROTECTION OF THOSE WHO PROMOTE AND DEFEND ENVIRONMENTAL RIGHTS

21. Every person and every group, including national human rights institutions, working to promote and protect the environment and human rights following national laws require further protection from threats and retaliation.

(4) consider establishing a rapid response mechanism or protocol at ASEAN or national levels to address threats, attacks or intimidation against those who promote and strive for environmental rights.

### ENVIRONMENTAL IMPACT ASSESSMENT

27. Recognizing that prior and effective Environmental Impact Assessment (EIA) is an essential tool to promote and protect the right to a safe, clean, healthy and sustainable environment, procedures should be

developed to include relevant components of impact assessment, including health, social, and human rights impact assessment, using international best practices and evidence-based science.

### RESEARCH AND EDUCATION

29. Every person, including children and youth, should have the right to free and comprehensive environmental education, including on environmental rights, relevant to their age and circumstances.

(4) support the exchange of information on environmental rights and promote environmental rights education in ASEAN.

The proposed ASEAN Declaration also emphasizes the need to enact environmental laws and to implement them. Implementing environmental laws “should assist the realization of the right to a safe, clean, healthy, and sustainable environment, with particular reference to the following substantive elements: clean air and reduction in transboundary haze; a safe and stable climate, including climate change mitigation, adaptation and resilience; healthy ecosystems and biodiversity; safe and sufficient water and adequate sanitation; healthy and sustainably produced food; nontoxic environments; land degradation, desertification and drought; and healthy oceans and marine environment and coasts.”

## Dissemination and Recommendations

The drafting of the ASEAN Declaration on the Right to a Safe, Clean, Healthy, and Sustainable Environment attracted the attention of non-governmental organizations in Asia and other regions, as well as United Nations agencies.

Many organizations made the March 2024 version of the draft declaration available online.<sup>15</sup> One environmental NGO translated the March 2024 version of the draft declaration into different Asian languages (Thai, Burmese, Khmer, Indonesian and Vietnamese). The availability of the draft declaration online could have enabled people in Southeast Asia to join the stakeholder consultation on the draft declaration.

The United Nations Environment Programme (UNEP) supported the draft declaration and explained that the right to environment was part of the ASEAN Human Rights Declaration:<sup>16</sup>

“As with any international instrument on environmental rights, UNEP encourages ASEAN to recognize the important role of environmental human rights defenders, including Indigenous Peoples, youth, and women, in upholding the right to a healthy environment.”

Article 28 of the ASEAN Human Rights Declaration.

28. Every person has the right to an adequate standard of living for himself

or herself and his or her family including:

f. The right to a safe, clean and sustainable environment.

Useful information relevant to the right to environment was also made available online.<sup>17</sup> A 2023 document available online explains the right to environment found in laws and jurisprudence in a number of countries in Asia, ASEAN human and environmental rights litigation, and the role of human rights defenders in environmental issues.<sup>18</sup> These materials are helpful in making better understanding of the right to environment being discussed by ASEAN.

Recommendations on what should be included in such declarations were similarly raised.

The Asian Indigenous Peoples Pact recommended the<sup>19</sup>

[E]xplicit use of the term “Indigenous Peoples”

And inclusion of the following:

Right to the lands, territories, and resources of Indigenous Peoples

Right to Free, Prior, and Informed Consent of Indigenous Peoples

Full protection of Indigenous Peoples’ Environmental Human Rights Defenders and Indigenous Women’s Environmental Human Rights Defenders

Right to maintain, control, protect, and develop cultural heritage and knowledge of Indigenous Peoples

As one author states:<sup>20</sup>

In fact, Asean has previously used “indigenous peoples” in its own texts, such as the “Guidelines on Recognition of Customary Tenure in Forested Landscapes” and the “Guidelines on Promoting Responsible Investment in Food, Agriculture and Forestry”. Furthermore, national laws such as the Philippines’ Indigenous Peoples’ Rights Act of 1997 prove that such recognition is not new.

There was also a recommendation to give more importance to those who work to protect people affected by destruction of the environment due to business and development activities:<sup>21</sup>

More importantly, while the draft acknowledges and protects “those who promote and defend environmental rights”, it has drawn criticism from legal experts for not adopting the UN-defined term “environmental human rights defenders (EHRDs)”.

Another recommendation focused on corporate accountability:<sup>22</sup>

The World Benchmarking Alliance (WBA) has devised recommendations to enhance the current draft, incorporating emerging international standards related to corporate accountability, reporting, and just transition planning. These recommendations are informed by the climate and energy benchmarks and WBA’s institutional efforts.



## Civil Society Proposals

Human rights and environmental groups in Southeast Asia argue for a “comprehensive and inclusive environmental rights declaration, enhanced transparency and accountability, and inclusion of civil society, experts, and representatives of marginalized groups in the process of developing the ASEAN declaration and the regional action plan.”

In their “ASEAN Civil Society Statement on the ASEAN Declaration on the Right to a Safe, Clean, Healthy, and Sustainable Environment,” adopted on 5 April 2025 in Kuala Lumpur, they proposed more specific provisions on the following matters:<sup>23</sup>

- i. Recognize and protect EHRDs [environmental human rights defenders]. ASEAN Member States (AMS) urgently need to protect these groups who defend and promote environmental rights from threats, attacks, intimidation, criminalization, and/or lawsuits against them;
- ii. Recognize and protect indigenous peoples. Ensure that this internationally recognized term is in the text, including reference to indigenous peoples’ [...] right of free, prior, and informed consent (FPIC).
- iii. Enforce the procedural elements of environmental rights. This includes strengthening procedural elements of the right of access to information, public participation, access to justice and effective

remedies, protection of EHRDs and providing a safe and enabling environment to access these rights.

- iv. Strengthen the substantive aspects of environmental rights. Incorporating safeguards on the substantive issues of clean air and transboundary haze, pollution control and a non-toxic environment, climate change mitigation, adaptation, and resilience, healthy ecosystems and biodiversity, land degradation, desertification, and drought, water, oceans and marine environment, coastal zones.

- v. Ensure corporate accountability for environmental rights violations. Integrate business and human rights considerations in the regional framework to hold corporate entities accountable for environmental harm and ensure applicability of safeguards for environmental rights at every step of the supply chain.

- vi. Promote Environmental Impact Assessment (EIA). Enhance the role of environmental assessments, including Environmental Impact Assessment (EIA), Transboundary EIA, Environmental Health Impact Assessment (EHIA), and Strategic Environmental Assessment (SEA), as a robust framework and legal document that is transparent, accessible, and understandable for everyone.

- vii. Recognize and commit to protecting vulnerable groups: AMS should recognise and commit to strengthening the link between environmental rights, human rights, and protection for vulnerable and marginalized groups, including but not limited to women, children, the elderly, indigenous peoples, local communities, persons with disabilities, gender and sexually diverse communities, etc.

- viii. Emphasize a human rights approach in the implementation of environmental rights: AMS should integrate human rights approaches to achieve a comprehensive implementation of environmental rights.

- ix. Promote transboundary, cross-pillar and multi-stakeholder cooperation.

Around thirty representatives from civil society organizations (CSOs) across Southeast Asia convened in a forum in Kuala Lumpur on 4-5 April 2025 and adopted this statement.

## Implications of the Process of Drafting of the Declaration

The activities that occurred since the process of drafting an ASEAN right to environment started have significant meaning.

The interest shown by the civil society in Asia and beyond, the UN agencies, and other institutions was high. This is reflected in the robust expressions of recommendations on what such

a declaration of right to environment should contain.

The decision of AICHR to listen to stakeholders is crucial. It facilitated the transmission to AICHR of recommendations from the people who advocate the recognition of the right to environment in Southeast Asia.

Thus the drafting the declaration turned out to be a vibrant process that involved not only ASEAN officials but stakeholders, the members of the civil society and other institutions.

But despite this vibrant process, the stakeholders, the members of the civil society and other institutions also expressed fear about the possibility that the proposed declaration might not state the issues in clear and direct language and not use internationally recognized terminologies or names of people affected by environmental problems and people involved in protecting the environment (specifically “indigenous peoples” and “environmental human rights defenders”). Thus the final stage in the drafting process is most critical.

At the stage of deciding on the provisions of the declaration (which no longer involves the stakeholders, the members of the civil society and other institutions), will the AER Working Group/AICHR satisfy the stakeholders?

### Concluding Statement

The Chairman’s Statement in the 46th ASEAN Summit held in Kuala Lumpur on 25-27 May 2025, states in part:<sup>24</sup>

27. We encouraged the ASEAN Intergovernmental Commission on Human Rights (AICHR)’s efforts to advance human rights cooperation, build common approaches to address challenges, report on recent developments, and ensure impactful and balanced discharge of its mandates. We looked forward to the adoption of the ASEAN Declaration on the Right to a Safe, Clean, Healthy and Sustainable Environment.

The ASEAN Declaration on the Right to a Safe, Clean, Healthy, and Sustainable Environment is still to be adopted by ASEAN. Will it be able to incorporate the many recommendations coming from the different institutions including the civil society in Asia?

The attention received by the drafting of the declaration since 2022 shows the importance of issues involved in the right to environment.

Once adopted, the declaration will become a crucial addition to ASEAN’s recognition of human rights. It is a declaration, however, not a legally binding agreement that civil society in Southeast Asia is clamoring for (as a reflection of the demand from people affected or working on environmental issues).

Hopefully, in line with the ASEAN Way, after an ASEAN Declaration on the Right to a Safe, Clean, Healthy, and Sustainable Environment has been adopted, there will be a new round of discussions on how to effectively implement the declaration at both national and subregional levels. This also

includes adopting a legally binding agreement with detailed provisions on environment and human rights.

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*For more information, please contact HURIGHTS OSAKA.*

### Endnotes

- 1 Environment, ASEAN, <https://asean.org/our-communities/asean-socio-cultural-community/environment/>.
- 2 Socio-Cultural Community, The Ministry of Foreign Affairs, Kingdom of Cambodia, [www.mfaic.gov.kh/Page/2021-04-01-Socio-Cultural-Community](http://www.mfaic.gov.kh/Page/2021-04-01-Socio-Cultural-Community).
- 3 ASEAN Socio-Cultural Community Blueprint 2025, ASEAN Secretariat, March 2016, page 1, [www.asean.org/wp-content/uploads/2012/05/8.-March-2016-ASC-C-Blueprint-2025.pdf](http://www.asean.org/wp-content/uploads/2012/05/8.-March-2016-ASC-C-Blueprint-2025.pdf).
- 4 ASEAN Socio-Cultural Community Blueprint 2025, *ibid.*, page 4.
- 5 B.3. Promotion and Protection of Human Rights, ASEAN Socio-Cultural Community (ASCC) Blueprint 2025, [www.asean.org/wp-content/uploads/2012/05/8.-March-2016-ASCC-Blueprint-2025.pdf](http://www.asean.org/wp-content/uploads/2012/05/8.-March-2016-ASCC-Blueprint-2025.pdf).
- 6 ASEAN begins preparation for regional environmental rights framework, ASEAN, 2 December 2022, <https://asean.org/asean-begins-preparation-for-regional-environmental-rights-framework/>.
- 7 See Creating an environmental rights framework for ASEAN, Asian Research Institute for Environmental Law, <http://www.environmental-rights.net/>.
- 8 Support for the ASEAN Declaration on Environmental Rights

- and submission of comments to the public consultation, Conservation-Litigation.org, [www.conservation-litigation.org/news/support-for-the-asean-declaration-on-environmental-rights-and-submission-of-comments-to-the-public-consultation](http://www.conservation-litigation.org/news/support-for-the-asean-declaration-on-environmental-rights-and-submission-of-comments-to-the-public-consultation).
  - 9 See Creating an environmental rights framework for ASEAN, op. cit.
  - 10 For more information, see Major Sectoral Bodies/committees, <https://asean.org/major-sectoral-bodies-committees/>.
  - 11 Joint Press Release – AICHR-ASOEN Interface Consultation on the Proposed ASEAN Declaration on the Right to a Safe, Clean, Healthy, and Sustainable Environment, <https://aichr.org/news/joint-press-release-aichr-asoen-interface-consultation-on-the-proposed-asean-declaration-on-the-right-to-a-safe-clean-healthy-and-sustainable-environment/>.
  - 12 The ASEAN Declaration on Environmental Rights: whose rights and what rights?, Minh Tran and Dayton Kim, SEI-Asia, [www.sei.org/perspectives/asean-declaration-environmental-rights/](http://www.sei.org/perspectives/asean-declaration-environmental-rights/).
  - 13 Draft ASEAN declaration on environmental rights, Draft as of 7 March 2024, [https://unescap.org/sites/default/d8files/event-documents/AER%20WG\\_3M\\_3\\_Add1%20Draft%20ASEAN%20declaration%20on%20environmental%20rights.pdf](https://unescap.org/sites/default/d8files/event-documents/AER%20WG_3M_3_Add1%20Draft%20ASEAN%20declaration%20on%20environmental%20rights.pdf).
  - 14 The proposed ASEAN Declaration (March 2024) has the following general sections:
    1. General provisions
    2. Enabling environment for the exercise of environmental rights
    3. Access to information in environmental matters
    4. Public participation in environmental matters
    5. Access to justice and effective remedies in environmental matters
  6. Recognition and protection of those who promote and defend
  7. Environmental rights
  8. Environmental impact assessment
  9. Research and education
  10. Promotion of transboundary, cross pillar and multi-stakeholder
  11. Cooperation.
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# Banning Corporal Punishment in the Bangladeshi Education System

Mahbuba Akhter and Fahad Bin Siddique, BLAST

On 18 July 2010, two human rights and legal aid organizations in Bangladesh, Bangladesh Legal Aid and Services Trust (BLAST) and Ain-o-Shalish Kendra (ASK), filed a writ petition in the public interest challenging the systematic failure of the state to take action to investigate serious allegations of corporal punishment in primary and secondary educational institutions and *madrasas*, to take necessary action against those responsible, and to prevent further incidents.

The writ followed reports in the national press of fourteen separate incidents occurring between March to July 2010 concerning allegations of serious violence, including caning, beating and chaining of boys and girls by teachers, culminating in the suicide of a ten-year-old boy following a reported beating in school.

On 13 January 2011, the Supreme Court of Bangladesh delivered its judgment<sup>1</sup> stating unequivocally that corporal punishment in educational institutions is a basic violation of children's rights, in particular of their fundamental rights guaranteed under Articles 27, 31, 32 and 35(5) of the Constitution of Bangladesh. The Court also found violations of the state's international

obligations under the Convention on the Rights of the Child (CRC).

The Supreme Court directed the government to take steps to repeal laws related to corporal punishment:

We are of the view that laws which allow corporal punishment, including whipping under the Penal Code, Code of Criminal Procedure, Railways Act, Cantonment Pure Food Act, Whipping Act, Suppression of Immoral Traffic Act, Children Rules, 1976 and any other law which provides for whipping or caning of children and any other persons, should be repealed immediately by appropriate legislation as being cruel and degrading punishment contrary to the fundamental rights guaranteed by the Constitution.

It further directed the Government to consider amending the Children Act, 1974 so as to make corporal punishment upon children "within the home and workplace" by "parents and employers" a punishable offense.

## Subsequent Developments

In compliance with the Court's directives, the Ministry of

Education acted promptly and issued the "Guidelines for the prohibition of corporal and mental punishment of students in educational institutions, 2011."<sup>2</sup> These guidelines are applicable to all educational institutions, including Government and Non-governmental primary schools, Secondary Schools, Higher Secondary Schools and Colleges, Vocational education institutions, *Madrasas* (till *Aleem*<sup>3</sup>).

The Guidelines define the nature of prohibited corporal punishment, both physical and psychological, and penalize any conduct by teachers and others in conflict with the Guidelines.

The Guidelines defined "psychological punishment" as making "any comment to any student in the classroom such as any obscene comment regarding parents, family, caste, race, religion, etc., making any indecent gesture or any behaviour that may create an untoward reaction in the mind of the student."<sup>4</sup>

Within two years, in June 2013, a new Children Act was passed in Bangladesh that repealed the Children Act, 1974 with the aim of bringing the country in line with provisions of international instruments such as the CRC, as well as decisions of the



Bangladesh Supreme Court.<sup>5</sup> The Act imposes specific obligations to protect children from abuse. Section 70 states that “any person having the custody, charge or care of any child who abuses, neglects, forsakes, abandons them as unprotected, uses them for personal service or exposes them in an obscene way and thereby causes unnecessary suffering or injury by which the child’s sight or hearing is damaged or injury to any limb or organ or causes mental derailment shall be deemed to have committed an offence under this Act.”

The offence is punishable by imprisonment for up to five years, a fine of up to one *lakh taka* or both. While Section 70 addresses assaults, ill-treatment, neglect, and other forms of cruelty against children, it is inadequate in terms of explicitly protecting children from physical or humiliating punishment (PHP). This section should clearly prohibit physical, cruel, psychological and humiliating punishment, and recognize such acts as punishable offences.<sup>6</sup> It should be also including a list of actions (which constitute PHP), such as hitting a child with hands or objects, throwing a duster or chalk at students, and pulling hair.

### Government Response

In recent years, important steps have been taken to end corporal punishment against children. Both Government and civil society have played active roles in creating a better environment for children at educational institutions. The National

Children Policy, 2011 was a key milestone, which clearly states that all forms of physical and psychological punishment in educational institutions must be prohibited. It also promotes a child-friendly way of teaching so that children do not suffer any kinds of harm (Clause no. 6.5.6.). This policy further calls for actions to protect children from all kinds of violence, abuse, and exploitation, and encourages public awareness programs to stop such practices (Clause no. 6.7.1.).

As mandated by the National Action Plan for the Prevention of Violence Against Women and Children 2013-2025,<sup>7</sup> the Ministry of Primary and Mass Education and Ministry of Education started to create awareness activities in schools to inform both teachers and students about the negative impacts of violence against women and children in accordance with the National Children Policy.

Another major step was the introduction of the Child Helpline Number 1098 (1098 Helpline). It is a toll-free hotline number service where any child or concerned person can call to seek help in cases of violence, abuse, child labour, trafficking, or child marriage.<sup>8</sup> This helpline number is operated by the Department of Social Services under the Ministry of Social Welfare, with support from UNICEF. It began as a pilot project in 2010 in Dhaka and was launched across the country in 2016.<sup>9</sup> Now this helpline operates 24/7, providing emergency support, counselling, legal advice, and

referrals for health, education and shelter.

In addition, the Ministry of Women and Children Affairs, in partnership with UNICEF, launched the National Multimedia Campaign on the Prevention of Violence Against Children and Child Marriage. This campaign aims to build stronger systems and improve institutional capacity at both national and local levels to protect children.<sup>10</sup> Through community engagement, the campaign is raising awareness and promoting positive discipline approaches.

In recent years, the government has also implemented key policy tools, such as the Bullying and Ragging Prevention Policy 2023. This policy outlines preventive and corrective steps to ensure students’ learning environments safe, respectful, and free of harassment. In order to ensure that such punishments are abolished, the Ministry of Education also issued an office order to strictly enforce and adhere to the “Guidelines for the prohibition of corporal and mental punishment of students in educational institutions 2011” requirements.<sup>11</sup>

### Civil Society Initiatives

Civil society organizations in Bangladesh have also taken many important initiatives. BLAST has worked for years to increase awareness of the issue across the country through public discussions, consultations, and media coverage. It has organized a number of roundtables and stakeholder meetings in

partnership with prominent media houses and civil society organizations. Teachers, journalists, researchers, community leaders, lawmakers, and legal professionals have attended these meetings, which have taken place in Dhaka and other areas. BLAST has used educational articles and radio shows to promote awareness of the detrimental impacts of punishment and the importance of positive discipline approaches.

In 2017, a coalition called “Coalition Towards Ending Physical and Humiliating Punishment Against Children (PHP Coalition)” was formed. This Coalition includes thirty organizations working together to end all forms of corporal punishment, whether at home, in school or in public places.<sup>12</sup> BLAST is working as a secretariat of this coalition. The PHP Coalition works to increase awareness among teachers, parents, lawyers and community leaders through radio program, seminar and awareness sessions. The PHP Coalition has outlined seven key demands, including amending the Children Act, 2013 and the Child Day-care Centre Act, 2021, incorporating PHP provisions in the proposed Education Act, revising teacher training curricula, and establishing a dedicated cell within the Ministry of Women and Children Affairs to investigate and act on complaints of PHP against children.<sup>13</sup>

BLAST and the PHP Coalition filed a proposal to the Ministry of Social Welfare in 2020 to amend the Children Act, 2013, with the objective of promptly

addressing physical and demeaning child punishment in all contexts. The proposal was created after evaluating research from various bodies such as the National Human Rights Commission (NHRC) and the Bangladesh Law Commission, as well as collaborating with other legal and child rights experts.

Save the Children Bangladesh has also been at the forefront of this movement. Through training programs, workshops and community sessions, it helps parents, teachers and caregivers learn how to guide and discipline children without causing harm. It works closely with schools, communities and government bodies to develop child protection policies and push for legal reforms that clearly ban corporal punishment in homes and schools.<sup>14</sup> Its approach encourages open dialogue, sharing of knowledge, and behaviour change at all levels of society. The British Council has also assisted *madrasa* instructors in understanding their role in promoting child protection in their communities and institutions by hosting safeguarding workshops for them.<sup>15</sup>

### Concluding Remarks

The prior discussion demonstrates that both the government and civil society organizations in Bangladesh have taken significant steps to end corporal punishment of children, particularly in schools. The 2011 government guidelines, the Children Act, 2013, and different awareness campaigns have all helped to

promote awareness and limit the use of physical and psychological punishment in educational institutions. Initiatives such as the Child Helpline 1098, national policies, training programs, and public campaigns have all contributed significantly to child protection.

However, some legal gaps still exist. For example, corporal punishment is not explicitly prohibited by the Children Act, 2013. The PHP Coalition's demands which include revising laws, improving teacher training, and establishing special complaint procedures, should be taken seriously by the Government. At the same time, issues such as student bullying and harassment are becoming more common and require attention. As a result, it is essential to continue raising awareness and fostering strong societal support in order to put an end to such destructive practices. It is time for everyone including government, schools, parents, communities, and civil society to collaborate so that every child in Bangladesh can grow up in a safe, respected and supportive environment.

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## Endnotes

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  - To throw any duster/chalk or any other material on any student
  - To punch or pinch
  - To bite any part of the body
  - To pull or cut hair
  - To insert a pencil between two fingers and to bend under pressure
  - To push or shove by the shoulder
  - To pull by the ears or make someone sit up and down
  - To make anyone stand or kneel by putting their head under a table/chair or anything else
  - To make anyone stand or lie down in or to stand facing the sun
  - To make any student do any act which is prohibited by the Labour Act.

See full text of the Guidelines on pages 39-41 in *Ending Corporal Punishment*, BLAST and Save the Children, 2011, in this link: <https://blast.org.bd/content/publications/cp-booklet-english.pdf>.
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- 10 1098 Helpline, Department of Social Services, <https://dss.gov.bd/site/page/bb38e6c2-e1b6-4798-82d5-9e261a7ea89b/%E0%A7%A7%E0%A7%A6%E0%A7%AF%E0%A7%AE-%E0%A6%B6%E0%A6%BF%E0%A6%B6%E0%A7%81-%E0%A6%B8%E0%A6%B9%E0%A6%BE%E0%A7%9F%E0%A6%A4%E0%A6%BE%E0%A7%9F-%E0%A6%AB%E0%A7%8B%E0%A6%A8>.
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# HURIGHTS OSAKA Calendar

HURIGHTS OSAKA has started preparing the final volume of *Human Rights Education in Asia-Pacific*, volume 15. This volume features articles dwelling on educational programs of local governments, non-governmental organizations and a corporation, regional programs of different institutions in Asia-Pacific, and research reports on human rights education. In this volume, the articles come from the different countries in Asia.

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**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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