



Editorial

National Human Rights Protection System

UN specialized agencies have activities in most countries in the Asia-Pacific that relate to human rights. Projects on improving the delivery of justice, protection of children, developing systems for protecting overseas workers, and legislative reform on non-discrimination of women are examples. These projects have produced significant amount of results that are hardly known around the region.

It is in this context that the UN Secretary-General's promotion of the national human rights protection system by strengthening UN Country Teams (composed of the UN specialized agencies' country offices) finds significance.

A national human rights protection system provides an avenue for greater collaboration among institutions involved in the human rights field - governments, national human rights institutions, local non-governmental organizations, and the country offices of the UN specialized agencies. The local human rights research centers can be considered another category of institutions which should be involved in this system.

The mainstreaming of human rights within the UN system will be helped by the national human rights protection system. The need for training and information on human rights for UN field personnel will increase as their involvement in the system increases.

Finally, the national human rights protection system will challenge all the local institutions involved to perform well and make greater impact on the lives of their own people.

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

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

Regional Cooperation for the Promotion and Protection of Human Rights in the Asia-Pacific Region

Jefferson R. Plantilla

With the objective of putting in place a regional system to promote and protect human rights, governments in the Asia-Pacific have been participating in the annual workshop sponsored by the UN Office of the High Commissioner for Human Rights (OHCHR). The system being referred to, however, is not yet equivalent to a regional human rights mechanism as found in other regions of the world. The governments in the region, for a variety of reasons, do not yet see such mechanism becoming a reality in the near future.

Regional cooperation on four main issues is the main concern of the annual workshop.

The 11th workshop was held in Islamabad on 25-27 February 2003. Representatives of 29 governments, 11 national human rights institutions (plus the Asia-Pacific Forum of National Human Rights Institutions), and 9 non-governmental organizations attended it. Aside from the OHCHR delegation, there were representatives of the United Nations Development Programme (UNDP) and International Labour Organization (ILO). It reviewed, as in the previous workshops, what transpired since the last workshop was held in Beirut (3-6 March 2002) and discussed what should be done next.

A pre-workshop consultation among non-governmental players was held on 24 February 2003. The representatives of national human rights institutions and non-governmental organizations attended the consultation.

Statements from the main organizers

The Honorable Raza Hayat Hiraaj, Pakistan Minister of Law, Justice and Human Rights opened the workshop. In his address to the participants, he stressed the value of learning from the experiences in the region in promoting and protecting human rights. He likewise emphasized, among others, that “any discussion on the Right to Development cannot ignore the inter-connectivity and holistic approach required for addressing all

the rights contained in the Declaration on the Right to Development.” He further explained that an integral part of the right to development is the right to self-determination. He said that:

[W]hen a people’s right to self-determination and freedom are brutally suppressed by foreign occupation, they can be expected to resist. Terrorist attacks must be condemned. But acts of terrorism by individuals or groups cannot be the justification to outlaw the just struggle of a people for self-determination and liberation from colonial or foreign occupation. Nor can it justify state terrorism.

The newly-appointed UN High Commissioner for Human Rights, Mr. Sergio Vieira de Mello, in his opening speech took note of the “profound feelings of insecurity and fear” present all around the world. Elaborating on this issue, he said that:

[T]he security of States and the region flows from the security of the human being. This security, in turn, is guaranteed by the rule of law and respect for human rights, both of which form a unifying force, a force that can serve to chart a path across difficult terrains.

Making sure that there is a clear understanding of the concepts he mentioned, he explained:

What do I mean by the rule of law? Under the rule of law, conflict is resolved and wrongs are righted by applying objective, impartial, democratically established rules. An independent, impartial judiciary is the cornerstone for the rule of law in any democratic society as are checks and balances such as independent national human rights institutions. The rule of law means that those in power are accountable - that there is no impunity for violation of the law and individuals have remedies when their rights under the law have been violated. The rule of law means that everyone is equal before the law, that no person or group is outside the protection of the law or faces discrimination.

The rule of law is a constant; it applies at all times to

all States to all persons. The sophisticated, intertwined body of international human rights, humanitarian and refugee law refined over the last half century guides States in times of peace and war. It sets minimum standards for governance. It protects the internally displaced. It protects civilians in times of conflict. It protects those who cross borders in search of refuge from persecution. Even a state of emergency declared to meet an exceptional threat to the life of the nation should be an extension of the rule of law and not an abrogation of it.

Most importantly, it is human rights – the rights that attach to us all – that infuse the rule of law with values, and ensure that we live with the rule *of* law and not a sterile, dangerous rule *by* law. It is human rights standards that tell us what are the basic rights of all people that must be protected by the law. The long struggle for social justice in this region is inspired by the desire to live in full freedom; it is inspired by the desire to exercise all rights: civil, cultural, economic, political and social.

The High Commissioner went on to emphasize that it is “possible to take appropriate action in response to terrorist acts, or to prevent them, while still respecting human rights... human rights standards already strike a fair balance between freedoms and national security. After all, the standards were drafted by the States themselves, who had keen awareness of their own security concerns.”

He also stressed the importance of the regional workshop and requested a focus of the discussions on the following directions:

- a. ratification of international human rights treaties;
- b. establishment of national human rights protection system;
- c. regional cooperation that encourage governments to measure progress in promoting and protecting human rights;
- d. recognition of the growing and constructive role of national human rights institutions and non-governmental organizations; and
- e. partnership among UN agencies and international institutions.

Workshop discussions

The program of the regional workshop is organized according to the four main issues under the Tehran Framework: a) National Human Rights Plans of Action and national capacity building; b) human rights education; c) National Human Rights Institutions; and d) realization of the right to development and econom-

ic, social and cultural rights. An introductory remark precedes the interventions (mainly sharing of information about national activities) by representatives of governments, non-governmental organizations, and national human rights institutions.

In the session on national human rights plans of action, the introductory remark of Mr. Vitit Muntarbhorn of the Faculty of Law, Chulalongkorn University, focused on the need for such action plans and the importance of having a participatory process in developing them. Mr. Muntarbhorn stressed that there should be a difference between national plan and government plan. A national plan is one made not only by governments but also by the different sectors of society in an open, democratic process. The reports of the participants from Indonesia, Mongolia, Nepal, the Philippines, and Thailand explain that their national human rights action plans have some or more of the following characteristics:

1. drafting process:
 - a. drafted by multi-sectoral (government and non-governmental) committee or inter-agency task force
 - b. based on country-wide consultation process held prior to final version of the plan.
2. plan provisions
 - a. based on baseline survey/human rights assessment data
 - b. provide flexibility in implementation in view of different social and cultural contexts of the country
 - c. adopt decentralized implementation program
 - d. cover many sectoral issues.

The support provided by the UNDP in either the development of the national human rights action plan or its evaluation is noted. It has provided assistance to Mongolia, Nepal and Philippines in this regard.

Some of the countries (namely, Democratic People’s Republic of Korea, Republic of Korea and India) that do not yet have a national human rights action plan expressed interest in doing so. A couple of other countries however expressed preference for sector-based action plans (such as those made separately for women and children).

For a comprehensive guide on drafting the national human rights action plan, see the Handbook on National Human Rights Plans of Action issued by the OHCHR.¹

In the session on national human rights institutions, Ms. Meg Jones of the OHCHR gave the introductory remarks. She stressed that the national institutions are important partners in promoting the rule of law. They occupy a central position in the national human rights protection system. She also mentioned that the Asia-Pacific Forum of National Human Rights Institutions is a success story. Similar structures for national human rights institutions are now being established in Europe and the Americas.

The representatives of the national human rights institutions spoke about their programs and activities. They highlighted some of the important issues they are working on such as those on law reform (review of the Internal Security Act of Malaysia or the National Security Act of South Korea, proposal for the enactment of anti-discrimination law also in South Korea), investigation of cases (such as the impact of mega-development projects in Thailand), human rights education, and decentralization of operations (especially in the case of India and Indonesia). The representative of the Democratic People's Republic of Korea maintained that while it has no national human rights institution as such, the government created national coordination committees headed by high-level government officials for women and children respectively. He also mentioned that the North Korean government is still considering the establishment of a national human rights institution but prudence and wide-ranging consultation would be needed. He said that a close study of the issue is needed due to the fact that most existing national human rights institutions have no power to enforce their recommendations. He explained that there are no resources in North Korea to communicate with the different parts of the country. He also said that a grievance machinery is already in place.

Additional comments were made on the role of other related institutions (such as ombudspersons, constitutional courts, and human rights courts), the regional offices of the national institutions, and the possibility of expanding of their mandate in view of the new issues (such as effect of anti-terrorism on human rights) that arise.

In the session on human rights education, Mr. Jefferson R. Plantilla of HURIGHTS OSAKA noted the variety of human rights education-related activities that were held during the previous 11 months. He pointed out that these activities reflect some of the concerns covered by the Workshop's 2002-2004 Programme of Action including the need for multicul-

tural understanding of human rights, the need for dissemination of materials, best practices, expertise and other resources, the development of national human rights action plan, use of effective educational methodologies and materials, and continuation of these educational activities. The representative of the government of Palau gave a brief report on the Sub-regional Workshop for Pacific Island States on Human Rights Education and the Administration of Justice held in Nadi, Fiji on 25 - 27 June 2002. The participants in this workshop discussed the need for a separate human rights arrangement for the Pacific.

The representatives of governments, non-governmental organizations and national human rights institutions gave their respective reports/comments on human rights education activities. They generally mentioned the development of programs for government personnel, prison officials, members of the security forces, members of the justice system, students, and the general public. On the content of human rights education programs, two issues came out quite strongly: the need to teach both rights and duties, and the need to use local wisdom/culture/values in understanding human rights. The teaching of the Convention on the Rights of the Child (CRC) and the Convention on the Elimination of Discrimination against Women (CEDAW) was frequently mentioned. Some cited the collaboration between government agencies, and between government agencies, the national human rights institutions and non-governmental organizations, in implementing the programs. They also mentioned various ways of disseminating human rights information such as through seminars and workshops, and printed materials. The representative of the South Korean government reported the use of the internet to disseminate human rights information to government personnel and to the general public. Some government representatives noted the problems such as lack of funds and expertise that affect the implementation of the human rights education programs. Finally, some mentioned the support provided by UN specialized agencies such as the UNDP in developing government programs.

In the session on regional arrangement, Mr. Muntarbhorn explained the current state of efforts toward having a regional human rights mechanism in the Asia-Pacific. Since a regional mechanism is not contemplated in the near future, he cited the possibility of having subregional arrangement such as the ASEAN mechanism proposal. Comments from the participants dealt with the need to cover transborder

issues (such as migrant workers issue) in any regional arrangement, the good experience of the Advisory Council of Jurists (of the Asia-Pacific Forum of National Human Rights Institutions) in advising governments on particular issues, the use of existing human rights declarations in the region (such as the Islamic Declaration of Human Rights), the need for capacity-building prior to actually building up the regional arrangement, and the need to bring on board other regional initiatives which are not called human rights initiatives and yet human rights is integral in their programs.

In the session on economic, social and cultural rights, and the right to development, Mr. Nicholas Howen, representative of the OHCHR in the region, explained the concept of rights-based development. Comments from the participants touched on the adverse impact of globalization on human rights (specifically the right to development) especially for countries with poor economic condition. Several governments stressed the need for international cooperation to complement national efforts. A couple of governments, on the other hand, questioned the meaning of rights-based approach to development and insisted that the provisions of the UN Declaration on the Right to Development would suffice.

Mr. Akhtar Ahsan, Joint Secretary of the Pakistan Ministry of Law, Justice and Human Rights, and Chair of the Workshop, facilitated the adoption of the Conclusions of the Workshop.² The last portion of the Conclusions states the following:

Participants in the Islamabad Workshop thus:

65. Recognize the close relationship between and the mutually supporting nature of the four pillars of the Framework for Cooperation in the Asia-Pacific region and call on member States of the region to take concrete steps, as appropriate, at the national level in connection with the implementation of the Tehran Framework;

66. While noting that the Tehran Framework for Cooperation in the Asia-Pacific region is mainly a Governmental process, acknowledge the importance of participation by national institutions, non-governmental and intergovernmental organisations, and the private sector; the initiative of holding a consultation of non-governmental actors prior to the official opening of the workshop; and their reports to the plenary, and call on the OHCHR to establish partnerships with these actors in the implementation of the Tehran Framework;

67. Note that the implementation of the activities envisaged under the Framework for Cooperation in the Asia-Pacific region, including the programme of action for 2002-2004 adopted in Beirut, is the responsibility of all States in the region and agree to strengthen joint efforts, including through cooperation with the OHCHR and the various United Nations Country Teams, within the Asia-Pacific region towards the implementation of these conclusions;

68. Express their appreciation for the efforts made by the OHCHR to implement the 2002-2004 Programme of Action for the Framework for Cooperation in Asia-Pacific region and encourages the OHCHR to continue implementing the activities under the Framework;

69. Call on United Nations agencies, global and regional financial institutions and bilateral donor agencies to examine how they could support the implementation of the activities, including in poverty reduction strategies under this Framework, including through financial and technical support and the provision of human resources;

70. Welcome OHCHR Regional Representatives' role in advising Asia-Pacific Governments, at their request, on the implementation of their activities under the Framework;

71. Request the OHCHR to present, for the consideration of the next Asia-Pacific workshop, a paper containing concrete ideas in connection with further strengthening regional and sub-regional endeavours;

72. Agree to disseminate widely the results of this annual Workshop, as appropriate, among relevant Government ministries and institutions, national human rights institutions, non-governmental organisations and academic institutions and other partners at national, sub-regional and regional levels;

73. Call upon the OHCHR to report at the next annual Workshop, on progress achieved in the implementation of the Framework for Cooperation for the promotion and protection of human rights in the Asia-Pacific region;

74. While welcoming contributions already made to the OHCHR by Member States of the Asia-Pacific region, invite all of them to consider contributing for the first time or increasing their contributions, particularly with respect to activities in the area of technical cooperation and the strengthening of national capacities and infrastructures in the field of human rights as outlined in the 2003 Annual Appeal;

75. Invite all States in the Asia-Pacific region to host inter-sessional sub-regional workshops within the Framework for Cooperation and welcome the offer made by the Government of Qatar to host the upcoming sub-regional workshop on human rights education in schools for the six members of the Gulf Cooperation Council (GCC) and in cooperation with the GCC;

76. Welcome the offer of the Government of the Republic of Palau to host an annual or an inter-sessional workshop within the Framework for Cooperation in the Asia-Pacific region.

Gaps and recommendations

Several issues and suggestions that were raised formally and informally during the workshop were not incorporated in the Conclusions. They bear significantly on the expectations about the regional workshop. It is worth repeating them for the consideration of the governments in adopting the Conclusions and program of action in the next workshops.

First, it is suggested that there should be a good system of reporting on the progress made at the national and regional levels in-between the annual regional workshops. Not all governments present a report on what had transpired in their respective countries on activities related to the Tehran Framework. The government reports (coming from about one-third of the total number of governments represented in the workshop) presented during the sessions are not put on record. There is a high probability that activities reported in the previous workshops are being mentioned again. Or, their reports are not adequately covering the activities undertaken. Thus the suggestion to have a table of accomplishments would help participants understand much more the progress of the national activities and facilitate the discussions on what needs are there that should be addressed through regional cooperation.

Second, it is suggested that there be preparatory process for the annual regional workshop. The non-governmental players (national human rights institutions and non-governmental organizations) lament the lack of dissemination of information about the workshop (especially the draft Conclusions) months before it is held. This restricts them from consulting people and organizations in their respective countries about the workshop agenda, and from engaging governments in a dialogue to discuss concrete measures relating to the agenda. Prior national consultation on the agenda of the regional workshop is

likely to help in the discussions on what steps to take next under the framework of national and regional cooperation.

Third, it is suggested that other institutions in the region be engaged in the follow-up activities of the workshop. The academic institutions, constituting a separate category, can be such other institutions. The Indonesian and Pakistani representatives mentioned the establishment of human rights research centers based in universities. They lauded the important role that these centers would play in the field of human rights. It is thus suggested they should be given more prominent role at the regional-level activities. One area relates to the work being done by the Advisory Council of Jurists established by the Asia-Pacific Forum of National Human Rights Institutions. The Council can establish a working relationship with these centers in developing advisory opinions on specific human rights issues. These centers are also functioning as resource centers, and therefore can provide human rights information at both national and regional levels.

A related suggestion is on a follow-up mechanism for the realization of the right to development. Such mechanism can assess the human rights instruments that relate to the right to development and provide support to countries on their development programs.

Fourth, the issue of anti-terrorism measures vis-a-vis human rights raised by the UN High Commissioner Sergio Vieira de Mello at the opening ceremonies and by Mr. Muntarbhorn in one of the sessions deserves serious consideration. There is a need to determine how national security can be maintained in the context of counter-terrorism without impinging on basic human rights. Due process and the rule of law, as universally understood, should guide any counter-terrorism measures to avoid violating human rights. The same issue was raised by then UN High Commissioner Mary Robinson and some participants, during the 10th regional workshop held in Beirut last year. It also did not make it in the Beirut Conclusions.

Jefferson R. Plantilla is a staff member of HURIGHTS OSAKA.

Endnotes

1. The Handbook on National Human Rights Plans of Action is available on-line at: http://www.unhchr.ch/html/menu2/plan_action.htm
2. The Conclusions of the Workshop is available at: <http://www.unhchr.ch/html/menu6/islamabad.htm>

Opening Statement by Sergio Vieira de Mello

UN High Commissioner for Human Rights

We live in a time when many around the world have profound feelings of insecurity and fear. There is a sense that no one is safe. This insecurity has been heightened by acts of terrorism that have affected us all.

It may sometimes feel as if we no longer have any stable points of reference to chart our way through the uncertainties of the world. But I am firmly convinced that a comprehensive strategy for security can and must be guided by upholding the rule of law and respecting human rights.

The security of States and the region flows from the security of the human being. This security, in turn, is guaranteed by the rule of law and respect for human rights, both of which form a unifying force, a force that can serve to chart a path across difficult terrains.

What do I mean by the rule of law? Under the rule of law, conflict is resolved and wrongs are righted by applying objective, impartial, democratically established rules. An independent, impartial judiciary is the cornerstone for the rule of law in any democratic society as are checks and balances such as independent national human rights institutions. The rule of law means that those in power are accountable - that there is no impunity for violation of the law and individuals have remedies when their rights under the law have been violated. The rule of law means that everyone is equal before the law, that no person or group is outside the protection of the law or faces discrimination.

The rule of law is a constant; it applies at all times to all States to all persons. The sophisticated, intertwined body of international human rights, humanitarian and refugee law refined over the last half century guides States in times of peace and war. It sets minimum standards for governance. It protects the internally displaced. It protects civilians in times of conflict. It protects those who cross borders in search of refuge from persecution. Even a state of emergency

declared to meet an exceptional threat to the life of the nation should be an extension of the rule of law and not an abrogation of it.

Most importantly, it is human rights - the rights that attach to us all - that infuse the rule of law with values, and ensure that we live with the rule of law and not a sterile, dangerous rule by law. It is human rights standards that tell us what are the basic rights of all people that must be protected by the law. The long struggle for social justice in this region is inspired by the desire to live in full freedom; it is inspired by the desire to exercise all rights: civil, cultural, economic, political and social.

The rule of law: bringing security to the lives of people

I believe there are a number of important ways in which the rule of law and respect for human rights can help to bring security to the lives of people and therefore to the lives of nations. Here, I would like to focus on six specific areas, which I feel deserve particular attention.

1. Combating terrorism without violating human rights

First, I firmly believe that it is possible to take appropriate action in response to terrorist acts, or to prevent them, while still respecting human rights. No cause can ever justify a terrorist act. Indeed, terrorism seeks to destroy human rights and States have the duty to protect those within their territory from such acts. However, as the Secretary-General said at last year's session of the Commission on Human Rights "... we cannot achieve security by sacrificing human rights. To try to do so would land the terrorists a victory beyond their dreams."

In fact, human rights standards already strike a fair balance between freedoms and national security. After all, the standards were drafted by States themselves, who had a keen awareness of their own security concerns.

Exceptional measures by States to tackle terrorism must therefore be compatible with the rule of law. This legal framework provides that such measures must be of a short duration, be absolutely necessary, proportionate and not discriminate against people because of their identity. Accordingly, you will understand that

I have been concerned to note in Asia-Pacific, as in other regions, that a number of States have adopted anti-terror laws that are vaguely and widely-worded, that may suspend rights without proper justification and which erode fair trial and other hard-fought-for civil rights.

As you know, some rights can, of course, never be suspended, no matter what the circumstances, no matter how grave the provocation. I have been appalled at the resurgence of debate in certain parts of the world as to whether resort to torture may be justified to tackle terrorism. It may not. The right to be free from torture was recognized a long time ago by all States. There can be no going back, no matter, I repeat, how grave the provocation. A commitment to freedom from torture is fundamental to our world civilization.

2. Tackling underlying grievances, injustices and human rights violations

Secondly, human rights violations create a ripe environment for conflict, terrorism and war. Force alone does not stop terrorism nor end armed conflict. The resort to violence - which often ends up with the oppressed becoming the oppressor - is often a response to a sense of complete hopelessness because of long-standing injustices that have not been remedied through democratic channels.

Poverty and marginalization are common challenges for States in Asia-Pacific. For the poor the overwhelming reality of their lives is the indignity of being denied almost all their rights - to food, water, health, education, housing, personal security, political participation, governance, justice and equality. It is often marginalized groups who suffer the worst - minority, ethnic and indigenous groups, migrant domestic workers, women, children, lower castes, slum dwellers, people living with disabilities, people living with HIV/AIDS.

A human rights approach to development and poverty eradication seeks to understand the long-term political, economic, social and cultural reasons for the marginalization of groups. It seeks to give them a voice and a way of claiming their rights. This approach will not only help to avoid conflict - it is essential if States are to achieve the targets they set themselves in the

Millennium Development Goals.

A priority for my Office is elaborating what a human rights approach to development means in practice. Last year we commissioned a group of experts, including the well-known Bangladeshi economist Siddiq Osmani, to produce Draft Guidelines on a human rights approach to poverty reduction strategies. I encourage you to test these draft Guidelines. They are an excellent tool in formulating, implementing and monitoring poverty reduction strategies, especially in regard to economic, social and cultural rights.

The logical conclusion of applying the rule of law and human rights to poverty eradication is development. I congratulate States in Asia-Pacific for having championed the right to development. The significance of this right is reflected in it being one of the four pillars of cooperation under the Teheran Framework. You will recall that in Beirut last year, Asia-Pacific States reaffirmed that the right to development means the enjoyment of all rights - civil, cultural, economic, political and social - and that good governance and popular participation in the development process is essential.

The right to development also puts a spotlight on the inequalities of the international economic and trading system. Globalization and trade liberalization have brought wealth to many, but the gap between rich and poor - rich and poor countries and rich and poor people within countries - is increasing. The right to development says that international action, including by wealthier States, to remedy the inequalities is an obligation and not charity.

3. Building human rights into post-conflict peace-building

Third, where conflict does erupt, human rights should be the foundation upon which a sustainable peace is built.

During my tenure as High Commissioner, I intend to do my best to ensure that human rights are truly at the center of peace agreements, be that in Asia-Pacific or in other regions. The UN's peace-building role includes assisting the reconciliation process, ensuring a credible process of accountability for serious human rights crimes committed during the conflict, and helping to build systems of accountability that help

to prevent conflict [from] re-emerging.

In Afghanistan, my Office is working with the Government, civil society and our colleagues in the United Nations Assistance Mission for Afghanistan to build a strong post-conflict human rights culture in the area of women's rights, human rights education and transitional justice through support to the newly-established Afghan National Human Rights Commission.

In Sri Lanka, a newly-appointed senior human rights adviser will work with the UN country team to help provide human rights capacity-building needed to underpin a permanent peace.

In the Solomon Islands, we are maintaining an office supporting the human rights aspects of the peace-building process in that country.

As part of a broad United Nations effort, my Office is also engaged in Nepal, where well-targeted human rights measures could play a crucial role in building confidence between the parties and could help turn the welcome cease-fire into a stable peace process. Tackling underlying social justice and human rights grievances in Nepal would also help transform a political process into a sustainable peace.

And in Timor-Leste - whom we warmly welcome for the first time as a Member State of the Asia-Pacific Framework - the United Nations established a Serious Crimes Unit and Serious Crimes Judicial Panel to investigate and prosecute serious crimes. The United Nations, and in particular, my Office, continues to support the work of the Commission on Reception, Truth and Reconciliation.

4. Tackling racism and religious and other intolerance

Fourth, I have been increasingly concerned about what appears to be growing racism, xenophobia and intolerance, exacerbated by the events following 11 September 2001. The rise of the phenomenon of vilifying Islam is particularly disturbing, as are practices such as racial profiling. I have been concerned in Asia-Pacific about attacks on religious and ethnic minorities that fuel increasingly bitter relations between different communities and pit one group against another.

I urge all Governments to be active in tackling manifestations of intolerance. The rule of law imposes a heavy responsibility on States to protect the rights of minority and of indigenous groups, to ensure there is no impunity for violent attacks. Human rights law is also clear in prohibiting advocacy of national, racial or religious hatred that incites people to violence or other hostility.

More positively, I believe we need to reaffirm our common humanity and the dignity of all human beings. There is a need to reaffirm the universality of human rights in the face of new attempts to breakdown and divide the world afresh. Perhaps this is needed more now than at any time in living memory. In Asia-Pacific we should celebrate the richness and diversity that thousands of different ethnic, religious, linguistic and national groups bring to the economic, political and cultural life of this region.

This is the message from the Declaration and Programme of Action adopted at the Durban World Conference Against Racism. My Office is playing a leading role in encouraging States to implement this agenda for tolerance - an agenda to which this group of States renewed its commitment at the Beirut annual workshop last year. The commitment of Asia-Pacific States to work on the pillar of human rights education under the Asia-Pacific framework will be a key vehicle in the long term to build links between communities, to break down discrimination, to end the idea of "us" and "them."

5. Reinvigorating democratic governance and build institutions

Fifth, I believe that a reinvigoration of democratic governance is the most effective way of ensuring that the conflicts and tensions natural in any society are resolved peacefully and do not escalate into violent conflict. I welcome the repeated reaffirmation in the Teheran Framework of the vital role of democratic governance. When I say democracy I mean the continuum of democracy in an interconnected world, from the local community, to the nation, to the system of international relations.

While there is no single model of democracy,

and imperfect as the ship of democracy may be, no other vessel has proved as sea-worthy in bringing us safely to the shores of human dignity. I felt this strongly as I watched the cheering crowds in Dili last May 2002 usher in the newest democratic state, Timor-Leste, to our family of United Nations.

Beyond free and fair elections to ensure that government is based on the will of the people, democracy is a rich, holistic concept that brings together values, processes and institutions. Without democracy, there can be no rule of law.

Democracy is about participatory politics, not just for the majority, but for the marginalized, the excluded. Democracy is about ensuring accountability of those who govern. It is about denying impunity and tackling the cancer of corruption.

Democracy is about ensuring that citizens have a real and not illusory access to justice to right wrongs. My Office therefore puts considerable emphasis on working with States to help build the institutions that guarantee accountability: the courts, prosecutors, lawyers, police, and the prison system. Democracy is about exercising the human rights guarantees that underpin the system and give it content, from the right to freedom of expression, assembly, association and information to the demand that democracies take reasonable steps to provide their people with basic education, health care, food and shelter.

Democracy is about a protected space for civil society to act as a watchdog, a source of constructive recommendations, and a voice for the underdog.

I am concerned that in the new insecurity of our world there is a tendency to clamp down on dissent and to gradually reduce the space for peaceful expression of views and defense of human rights. Today, your voice may be suppressed; tomorrow it will be mine. My Office is firmly committed to defending this essential right.

6. Building an effective system of international criminal justice

Sixth, international criminal justice is an

essential part of a rule of law and human rights approach to international security. Two weeks ago the General Assembly elected the 18 judges of the new International Criminal Court. This is a landmark in the creation of an interlocking system that will bring to justice those responsible for crimes considered so heinous by the international community, such as crimes against humanity and war crimes, that they should be subject to international jurisdiction. I urge States to sign and ratify the Rome Statute of the International Criminal Court, and thereby join this crucial mechanism aimed at preserving security and guaranteeing justice in the international system.

Rights of women

The rights of women deserve considerable specific and energetic focus and I have made this one of my major priorities. I am conscious that two of the highest caliber experts appointed by the Commission on Human Rights are from our host country, Pakistan. Asma Jahangir, the Special Rapporteur on extrajudicial executions and Ms. Hina Jilani, the Special Representative of the Secretary-General on human rights defenders, represent the very best of Asian civil society.

Running through all these elements of a human rights approach to insecurity, terrorism and conflict, is the essential role that women play as peacemakers, as breadwinners, as sources of creative ideas. We all know well that it is indeed generally women who, as heads of household, have to pick up the pieces after conflict, and lead their family into a brighter, more optimistic future. Yet, while a disproportionate part of the world's poor, displaced and exiled are women, they remain underrepresented in public and political life. Women suffer routine violence in the home and marginalization as foreign migrant domestic workers. The Special Rapporteur on violence against women, Radhika Coomaraswamy from Sri Lanka, has played a huge role in drawing attention to the responsibility of States for violence that takes place in the private sphere, including domestic violence and honor killings, two issues that have darkened the skies of this region for too long.

The Asia-Pacific Framework for Cooperation

The Asia-Pacific framework was inspired by a desire to build common human rights foundations in this region and to find ways to work together across borders and sub-regions. I would encourage you in five directions:

First, international human rights treaties and standards provide a common road map to tackle together the challenges you face. I am encouraged that since 2001 there have been twenty signatures and seventeen ratifications of core human rights treaties and their protocols, by States in Asia-Pacific. You are building common foundations. It is time that all core human rights treaties were ratified by all States in Asia-Pacific. I also encourage States to consider lifting reservations made when they ratified some treaties. My Office stands ready to provide technical assistance to help States that are considering ratifying human rights treaties or withdrawing reservations. I also hope that Asia-Pacific will be the driving force behind the proposed international convention on the rights of people living with disabilities, an initiative that the People's Republic of China has already taken a welcome and positive lead.

Secondly, the Secretary-General, in his second set of reform proposals launched last September, put particular emphasis on the UN helping States to establish national human rights protection systems. Progress at the national level will be the ultimate measure of success of cooperation under the four pillars of this framework. I am committed to stepping up my Office's technical assistance to Asia-Pacific States, through our field presence in individual countries, my Regional Representatives in Bangkok and Beirut and through my teams in Geneva.

Thirdly, this framework is about cooperating together to bring about incremental progress and change. I encourage you to measure that progress; every year to take stock of what concretely has been achieved since the previous year in the protection and promotion of human rights. Ask not just what activities have been undertaken, but what lasting changes have happened and what will be the impact on the lives of people in this region?

Fourthly, I welcome the growing and construc-

tive role national human rights institutions and non-governmental organizations (NGOs) are playing in this Asia-Pacific process. I am pleased to see both are well represented here today. Many of the national human rights institutions present here have been supported by my Office over the years. As independent and professional institutions they are essential in building national systems for the protection of human rights and the rule of law. They are a bridge between government and civil society. I warmly welcome the NGOs. Asia is rich in experienced and committed NGOs, many of whom have world standing. My Office seeks to work closely with NGOs, drawing on their expertise and views and seeing them as implementing partners in our common goals.

Finally, the human rights work of my Office is characterized by its partnerships with other UN agencies and with international financial institutions. No one agency "owns" human rights. It is the mission of the entire UN system. The main thrust of the Secretary-General's reform process has been to integrate human rights approaches into all agencies, especially in the field. My Office is a catalyst for this process. Increasingly other agencies are developing capacity and enthusiasm in bringing a rights-based approach to their work and my Office is stepping up its level of human rights support for UN country teams around the world.

In short, I encourage you to deliberate over the next three days about how your four pillars of cooperation will, in reality, help to build the rule of law and human rights. This is nothing less than a reflection of the pledges already made in the Millennium Declaration and the very specific Millennium Development Goals. In doing so I believe you will be building security for all. Remember the wisdom of those who drafted the Universal Declaration of Human Rights: " It is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law."

Thank you.

Asia Youth Network for Human Development

As a follow-up to the United Nations World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance (WCAR), and the regional training workshop of the Asia Youth Network for Human Development, national activities were held during the September 2002 to February 2003 period.

Following is a short description of the activities.

<p>“Human Rights Workshop for Youth” International Caucasus Foundation on Minority Issues (ICFMI) (October 2002, Baku City, Azerbaijan Republic)</p>	<p>Exchange and dissemination of information on good practices to combat racism, coordination of advocacy efforts and promotion of human rights as a tool for combating racism.</p>
<p>“Human Rights and Environmental Training” Ethnic Cooperation for Human Rights and the Environment (ECHRE) (September 2002, Refugee Camp along the Thai/Burma border)</p>	<p>Training of refugee youth and migrant workers on human rights, environmental protection and participation in decision-making processes that effect their lives.</p>
<p>“Strengthening Youth Capacity on Leadership Management and Human Rights Development” Youth for Peace (February 2003, Phnom Penh, Kingdom of Cambodia)</p>	<p>Training on leadership and management, conflict resolution, and human rights education methodology.</p>
<p>“Human Rights and Poverty Alleviation and Development Workshop” Young Friends of the Fiji Museum (January 2003, Suva, Fiji)</p>	<p>Study on how to address human rights and development issues in the Pacific Islands and Fiji.</p>
<p>“The Road to Harmony – Human Rights and Youth in Action” Asian Students Association (ASA) and the Malaysian Youth and Student Democratic Movement (DEMA) (January 2003, Hong Kong)</p>	<p>Human rights awareness-raising for the youth in Hong Kong focusing on discrimination, the need for anti-discrimination legislation, and its subsequent enforcement.</p>
<p>“Indonesian Youth Workshop on Human Rights” Center for Indonesian Medical Students Activities (CIMSA) (February 2003, Jakarta, Indonesia)</p>	<p>Network-building among Indonesian youth on human rights.</p>
<p>“Human Rights, Internet and the Youth” The Organization for Defense of Victims of Violence (ODVV) (November 2002, Tehran, Iran)</p>	<p>Study on the use of the internet to seek information about the UN and human rights issues, fundraising, leadership, networking and training modules.</p>
<p>“Enhancing Human Rights Awareness” The Women’s Organisation to Combat Illiteracy (WOCI) (February 2003, Amman, Jordan)</p>	<p>Study of human rights instruments especially the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), legal literacy, empowerment and active participation of youth, women’s and children’s health and educational opportunities, and development of skills of youth service providers in facilitating human rights awareness in their local communities.</p>
<p>“National Human Rights Education Workshop” Asia/Pacific Cultural Centre for UNESCO (ACCU) (November 2002, Tokyo, Japan)</p>	<p>Training on empowerment and education of Japanese youth, dialogue, and leadership skills that promote peace.</p>
<p>“Youth Human Rights Workshop” Sarangbang Group for Human Rights (January 2003, Seoul, South Korea)</p>	<p>Study session on the concept of human rights using case studies of minorities in Korean society and mock trial.</p>

<p>“National Youth Workshop on Human Rights Education” Mongolian Youth Development Centre (MYDC) (December 2002, Ulaanbaatar, Mongolia)</p>	<p>Training on practical skills in addressing human rights issues and implementation of innovative and realistic actions to achieve youth leadership in community development. Network of Mongolian youth established.</p>
<p>“Break the Color Line: Human Rights Workshop” Malaysian Youth and Students Democratic Movement (DEMA) (October 2002, New Era College, Kuala Lumpur, Malaysia)</p>	<p>Training on how to educate the youth on diversity that recognizes diversity in political and cultural traditions of the democratic formations, racism and its underlying economic, political and social effects, and resolution drafting.</p>
<p>“National Human Rights Education Training Workshop” International Youth Coordination Council of Nepal (IYCC-N) (November 2002, Kathmandu, Nepal)</p>	<p>Training of trainers on human rights education methodology.</p>
<p>“Rangatahi LEADS (Youth for Leadership, Exchange, Activism, Decentralisation and Self Determination)” The Foundation for Independent Analysis and Training (FIAT) (October 2002-February 2003, Waitangi, Aotearoa, New Zealand)</p>	<p>This workshop coincided with the Treaty of Waitangi celebration and the annual youth forum which took place at Waitangi, Aotearoa. A youth network (Rangatahi LEADS) was established and the Draft Declaration of Maori Rights adopted.</p>
<p>“Human Development Rights Education and Tolerance Youth Workshop” Diya (November 2002, Islamabad, Pakistan)</p>	<p>Study session on the psychological barriers hindering the youth from developing their ability to express themselves, empowerment, inter-faith dialogue, and self-discovery through interpersonal developmental skills.</p>
<p>“Strengthening Youth Leadership for a Sustainable Human Rights Advocacy” Human Rights Youth Action Network (HRYAN) (October 2002, Manila, Philippines)</p>	<p>Study session on three main themes: human rights trends and developments, conceptualizing human rights, and strengthening youth leadership in human rights advocacy.</p>
<p>“National Youth Human Rights Workshop” Asia Regional Resource Center for Human Rights Education (ARRC) (November 2002, Lamphun, Thailand)</p>	<p>Study session on the youth situation in Lamphun, sharing of knowledge of human rights education to the youth of Lamphun, and participation of youth in envisioning the protection and promotion of their human rights.</p>
<p>“National Human Rights Workshop” Office of Tibet (February 2003, Dharamsala, India)</p>	<p>Study session on Tibetan human rights violations, education, Tibetan freedom struggle and Tibetan youth in exile.</p>
<p>“Yemenite Global Network of Volunteers for Development” Yemenite Global Network (YGN) (August-September 2002, Sanaa, Yemen)</p>	<p>Training on necessary skills for Yemeni volunteers to form self-directed work teams that can plan and execute human development projects in the region, provide education on participation of volunteers including listening, problem-solving, creative thinking, leadership, communication and brainstorming skills.</p>
<p><Activity to be held></p>	
<p>“Australian Human Rights Education Workshop” The Australian Institute of Racism, Murdoch University (June-August 2003, Murdoch, Australia)</p>	<p>Training of trainers workshop.</p>
<p>“National Youth Workshop on Human Rights Education” Indian Committee of Youth Organisations (ICYO) (March 2003, Delhi, India)</p>	<p>Study session on the elimination of racism in Indian societies, human rights principles and recommendations from participants on plan of action for Indian youth.</p>

Final reports of the national workshops will be available on request after April 2003.

For a copy of the progress report of the regional Bangkok Workshop, please write to Tashi Wangdu on sca-coordinator@aynhd.org or Ryan Silverio on secretariat@aynhd.org.

Trafficking, Migration, and Gender Insecurity

Kinhide Mushakoji

The recent Asian Social Forum (ASF) was a gathering of representatives of social and mass movements in Asia who hold different worldviews, religions and ideologies but united by a common concern about neoliberal globalization and the War against Terrorism. ASF, held on 2-7 January 2003 in Hyderabad (India), was the Asian regional version of the World Social Forum of Porto Alegre, which was organized to gather all the social forces opposing the World Economic Forum (the so-called Davos Forum). Around 60,000 Asian activists and intellectuals participated in the ASF's main program as well as in the seminars and workshops on myriad of subjects.

The International Movement Against All Forms of Discrimination and Racism (IMADR) organized a seminar on "Women and Poverty: Trafficking, Migration and Gender Insecurity" on 4 January 2003 at the Birla Science Museum of Hyderabad. This seminar discussed the importance of exchanging information and developing an all-Asian strategy to combat trafficking in women and children in the different sub-regions of Asia. It was an occasion for some 80 activists and researchers from South, Southeast and Northeast Asia to share their experience with their sisters and brothers from other parts of Asia, and compare the effects of the global economy on the exploitative structures and root causes of trafficking and undocumented migration. Reports presented in the seminar discussed the effects of the Asian financial crisis and of the War on Terrorism on the insecurity of women in Asia. Immigration and security policies of governments were criticized for their concern on the law and order of the state that ignore the rights and dignity of the victims of trafficking and smuggling. The discussions confirmed that trafficking is a most serious case of human insecurity caused by multiple discrimination experienced by minority women and children.

The seminar opened with Prof. Kinhide Mushakoji of IMADR explaining its objective, followed by reports from Southeast and Northeast Asia, and ended with comments from South Asia.

Ms. Aida Santos of International Stop Rape Contest (Philippines) gave the first report. She discussed the

negative effects of the neo-liberal global market. She said that poverty caused by the neo-liberal global market has a female face, especially in the service industries. Women from poorer, developing countries are exploited in the sex market of rich countries. She also presented evidences on the negative effects of military base prostitution. She concluded that an integrated approach to trafficking and exploitative migration is indispensable, covering issues of globalization and militarization.

Ms. Cho Young-Sook of Korea Women's Associations United presented the second report. She reported on the close ties between sex trade and militarization in Korea. She said that these ties begun during the Japanese colonial rule (1910-1945) and continued through the United States military bases, which are there to protect but not to practice democracy. The operation of the Rest and Recreation Facilities of the United States military bases is the cause of gender exploitation and violence against Korean and non-Korean trafficked women, whose number increase as an effect of globalization.

Ms. Seiko Hanochi of IMADR/Center for International and Security Studies, York University gave the third report. She stressed the neo-colonial racist nature of the exploitation of women trafficked from poorer regions of developing countries. She discussed the case of Kabuki-cho, Tokyo's sex district, to describe the state of insecurity of women from the Philippines, Thailand, Colombia, Korea and China who were trafficked by the yakuza and mafia. She explained that a xenophobic control by the Japanese police and immigration authorities results in further insecurity.

The three presentations from Southeast and Northeast Asia stressed the fact that trafficking of women from the poorer regions of developing countries into rich countries causes the acute insecurity of the women. Poverty, racism against minorities, and gender inequality result in multiple discrimination against trafficked women. The combined effects of economic globalization and militarization then exacerbate this condition.

The three reports were followed by comments from

South Asian participants. The comments validated the reports and added other perspectives on the causes of trafficking and exploitative migration.

Ms. Renu Radjbandari of the Women's Rehabilitation Center (Nepal) stressed that poverty in Nepal is caused by a North/South polarization within her country. Poverty and gender/caste discrimination in turn caused migration. She said that domestic and international trafficking structurally built the feminization of migration. The government's border protection system is unable to stop transnational traffickers, and government efforts to rehabilitate trafficking survivors are insufficient to guarantee their rights. She argued that an integrated effort to overcome poverty and gender discrimination is indispensable. Like in Southeast and Northeast Asia, Ms. Renu mentioned that military base prostitution has a long history in Nepal - involving the Gurka Regiment Barracks.

Ms. Burnad Fathima Netasan of the Tamil Nadu Dalit Women's Movement (India), on the other hand, gave a powerful presentation on an aspect of trafficking that is especially serious in South Asia - the trafficking of Dalit women. She pointed out that there are situations of poverty where the women could not survive without selling their body. This reality was caused by an exclusionary ideology claiming Hindu supremacy and denying fundamental rights to the Dalits, especially the Dalit women. This situation requires everyone to be more concerned of both the international and the domestic/local trafficking. Ms. Fathima's comments were followed by a moving testimony of a "matama" survivor, who was forced into prostitution as a Dalit woman sacrificed to the "matama" deity.

Ms. Nimalka Fernando of IMADR Asia office (Sri Lanka) gave the last comments. She pointed out that exploitative migration (different from but closely related to trafficking) is a source of serious gender insecurity. It was originally caused by the neoliberal economy that forced unskilled women to seek jobs as domestic workers in the Gulf countries. Some of these women became victims of trade in human organs. She further said that internal armed conflicts exacerbated this situation, causing displacement especially of women.

Ms. Fernando then chaired the general discussion. The participants agreed that the common structural causes of trafficking require a common strategy in both Southeast and Northeast Asia. The historically specific aspects of trafficking, however, require specific measures for each situation. Some participants expressed astonishment about the seriousness of the reported cases of trafficking they had not been aware of. All

participants agreed that the gender insecurity built into the present neoliberal global economy and militarization must be combated by a common effort of everyone, whether in the poor or rich countries. They agreed that raising the awareness of the masculine customers who exploit women is a necessity.

The participants criticized the service industries that tolerate the abusive exploitation of women by the sex industries. They strongly suggested that an effective education program on the structures and mechanisms of the global trafficking economy; and the support provided by multinational corporations, the States and the transnational criminal organizations is a necessity to be able to tackle the root causes of trafficking and exploitative migration. They also pointed out that alternative means to earn a living should be developed for women and children in the poor communities from where the criminal labor recruiters obtain the workforce for the sex industries. They assert that the rich receiving countries have a moral obligation to the exploited women and children to develop special economic cooperation projects to eliminate gender insecurity caused by their (rich countries') sex industries.

Among other outcomes of the seminar, IMADR hopes that new channels for experience-sharing and joint struggle would be established between South, Southeast and Northeast Asia. A common platform to combat the globalization of trafficking and exploitative migration would be discussed by more and more activists and intellectuals once they get to know better the plight of the victims of trafficking and exploitative migration. They would eventually share the concerns of the seminar participants. Their dialogue should include concrete demands on governments and the business sector to take legal and economic measures indispensable in combating these most violent forms of gender exploitation of the poverty of minorities. IMADR wishes to expand this network to include Africa, and welcomes any suggestions about the means to develop such a South/South network against trafficking and exploitative migration in Asia and Africa.

Prof. Kinhide Mushakoji is a member of the Board of Trustees of IMADR.

For further information, please contact: International Movement Against All Forms of Discrimination and Racism (IMADR), 3-5-11, Roppongi, Minato-ku, Tokyo106-0032, Japan; ph (81)3-3586-7447; fax (81)3-3586-7462; e-mail: imadris@imadr.org; web-site: www.imadr.org

HURIGHTS OSAKA ACTIVITIES

HURIGHTS OSAKA held a seminar on the Decade of Education for Sustainable Development on 7 March 2003 with Mr. Ryo Mori, Director of ECO Communication Center (ECOM) as a resource person. A workshop to develop teaching materials on education for sustainable development was held by Mr. Mori on the next day (8 March 2003).

HURIGHTS OSAKA and the Buraku Liberation and Human Rights Research Institute (BLHRI) held a study session on 19 March 2003 on international instruments on minority rights. Prof. Dong-hoon Kim of Ryukoku University and former director of HURIGHTS OSAKA gave a presentation on this subject.

On 25 March 2003, HURIGHTS OSAKA held a meeting with Prof. Kazuteru Okiura as a lecturer. He presented the links between the caste system in India and *buraku* (descent-based) discrimination in Japan.



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



HURIGHTS OSAKA

HURIGHTS OSAKA

(Asia-Pacific Human Rights Information Center)
1-2-1-1500, Benten, Minato-ku, Osaka 552-0007 Japan

Phone: (816) 6577-3578 Fax: (816) 6577-3583

E-mail: webmail@hurights.or.jp

Web site: <http://www.hurights.or.jp>