



Editorial

Violence at Home

The home is indeed a micro version of society. Power is exercised by some members of the household that lead in many cases to the use of violence against those considered as weaker members. In the present situation the weaker members of the household can be anybody - children, wives, husbands, elderly, or domestic help.

The strong doing violence to the weak is the pattern of violence in society, be it traditional or modern. This is also the pattern of violence in the household whether it is that of the rich or the poor, of the educated or not.

Violence at home also reflects the new phenomenon of educated and unassuming youth turning unexpectedly to violence as in the case of young suicide bombers. In the context of the home, there are now cases of children using violence against their older siblings and parents.

Why would hitherto quiet people turn violent? What makes violence an option with much appeal?

There must be greater attention on how violence at home can be stopped. Regardless of societal pressure against it, behind closed doors violence is always possible. In addition to laws and institutions, would greater public/community-level dialogue on this issue be a step in the right direction?

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.

Violence Against Women: Bangladesh Context

*Salma Kahn**

"He strangles me and takes me into the backyard and tells me, "Now you're going to die." He has one hand on my throat and pulls back the other one to slap me in the face, with his fist in the air, he looks straight in my eyes and says, "You want to die."

Testimony of a 34 year old victim of violence

"Acid might be a cheap commodity one can get easily, but a person's life is not cheap. Punishment of the perpetrator is necessary and acid should not be that easily available."

Munira, 12 year old acid survivor from Tongi

Despite the remarkable success in the health and family planning program in terms of reducing mortality rate for infants or those under 5 years old and countrywide success in immunization and contraceptive prevalence rate, Bangladesh still remains as one of the few countries where female life expectancy at birth is lower than males and more than 14% of pregnant women's deaths are associated with injury and violence. About 70% of women suffer from nutritional deficiency and about 67% of pregnant women do not receive antenatal care as a result of gender discrimination.

Health Ministry sources estimate that iron-deficiency anemia among women alone causes losses in agricultural production to the tune of 5 billion US dollars over a period of 10 years, which is the result of social practices based on lower value placed on a girl's life, discriminatory food distribution, and systematic violence against women. Most women in Bangladesh do not enjoy their reproductive right to make decisions concerning their fertility and sexuality free of coercion and violence. Social insecurity and family pressure lead to early marriage and repeated pregnancy, and often force them to keep unwanted pregnancies or to have unsafe abortions. Health Ministry sources add that near absence of skills and facilities to cope with obstetric emergencies is matched by negative attitude of the family members in terms of low value attached to women's life and survival.

There is also an increasing recognition that HIV/AIDS and other sexually transmitted diseases

are often a consequence of sexual violence and prostitution, are having a devastating effect on women's health (particularly the health of young women and adolescent girls subjected to sexual and gender-based violence), trafficking and other forms of violence which place them at high risk of trauma, disease, and unwanted pregnancy.

Public health policy should provide a comprehensive range of services to high-risk group, including information, health screening and medical care.

Legal interventions and support services

The Penal Code of Bangladesh contains provisions that protect women from various forms of violence, although it does not specifically define 'sexual assault'. However, offences related to rape, kidnapping, abduction of women, acid throwing or attempt to cause death or grievous injury because of dowry are treated as specific crimes of serious nature. The Penal Code prescribes capital punishment for kidnapping, abduction, acid throwing and rape.

The government promulgated a number of laws reflecting the provisions of the Penal Code with some modifications necessary to address the specific crimes, including the following:

- * Dowry Prohibition Act 1980 and its amendment in 1986 make dowry practice an offence punishable by fine and imprisonment.
- * Prevention of Women and Child Repression Act 2000 provides for effective and efficient way of dealing with cases of violence against women such as rape, acid attacks, forced prostitution and trafficking.
- * The Suppression of Immoral Traffic Act 1933 provides for detention of women under 18 years of age if found in a place where prostitution is being carried out.
- * The Family Court Ordinance 1985 provides for the exclusive jurisdiction of the court on matters relating to marriage, dowry, maintenance and guardianship, and custody of children.

*Salma Khan is the Chairperson of NGO Coalition on Beijing Plus Five - a coalition of 626 NGOs and former Chair of UN CEDAW.

* The Cruelty to Women (Deterrent Punishment) Ordinance 1983 amends relevant section of the Penal Code and provides the penalty of life imprisonment for kidnapping, abduction, trafficking in women, cruelty because of dowry, and rape as well as abetment of such offenses.

* Trafficking in Women and Children Act 1993 provides a maximum penalty of up to three years for forced prostitution and its abetment.

* Recently the government enacted a law primarily to restrict import and sale of acid in open market and death penalty for acid attack offences.

* A law has recently been enacted to address the issue of sexual harassment in the workplace.

* Some non-governmental organizations (NGOs) have prepared a guideline to be followed by universities to protect women-students from sexual harassment.

* The government has also signed the SAARC Convention on Preventing and Combating Trafficking in Women and Children.

The government created a permanent Law Commission to review all laws related to protection of women's rights and to provide recommendations wherever required. The Ministry on Women and Children Affairs has undertaken multisectoral projects to eliminate violence against women including setting up One-Stop Crisis Centres (OSCC) in Dhaka and Rajshahi Medical College Hospitals mainly to help acid-throwing and rape victims secure quick Formal Investigation Record (FIR) and other services. In addition, some police stations have Special Cell for Women. At the national, district and *thana* levels, Committees for the Prevention of Violence against Women have been formed. Violence prevention cells also exist in the Department of Women's Affairs and the Jatiyo Mahila Sangastha. Shelter homes for abused and tortured women and for women under safe custody have also been established both by the government and NGOs - though far too inadequate to meet the needs.

Limitations of government interventions

The most common causes of the failure to protect women's rights are poverty, lack of proper understanding of the rights of women, weak enforcement of the laws, and above all widespread corruption within the justice system itself.

According to a study carried out by the Policy Leadership and Advocacy for Gender Equality (PLAGE) project of the Ministry of Women's Affairs, legal measures and other support services undertaken by the government have not been able to address the issue of violence against women effectively. Due to many lacunae in the investigation and charge sheet procedures, 88% of the offenders were not brought to court. Violence-related issues such as custodial rape, illegal *fatwa* and other kinds of violence at the community level perpetrated by local religious leaders or arbitration bodies continue to be unresolved without any visible government intervention.

Most sources indicate that the mechanisms to enforce and administer the relevant laws are inadequate and ineffective. Unusual delay in court procedures and trial proceedings allow accused persons out on bail to intimidate victims and tamper with evidence.

Corruption in the law enforcing agencies is a critical obstacle to eliminate crime and violence against women. According to a Transparency International survey conducted in Dhaka in 1997, 63% of the 2,500 households questioned reported that they had to bribe court officials. Hiring witnesses was reported by 18.7% of the households.

With the open market economy and globalization, trafficking in women and children has turned into a rapidly growing trade with the involvement of international organized crime groups and require very sophisticated investigation and follow-up mechanisms that Bangladesh lack.

Medical care, short-stay-homes or shelters are far too inadequate and girls and women who suffer from family problems often are left with no option but to fall prey to new exploiters. There are no facilities to treat trauma victims, or to provide occupational therapy, education-cum-vocational training or recreation.

Conclusion

Gender-specific violence against women and girls is now internationally recognized as an impediment to the holistic social, economic, civil, political and cultural advancement of women. The seriousness and endemic nature of the issue has placed it as a priority agenda in all international conferences and workplan

of UN development agencies. The issue of violence against women and girls was reviewed extensively in the Fourth World Conference and was highlighted in the Beijing Declaration and Platform for Action (1995). In the light of the international commitments, the government of Bangladesh has adopted its National Plan of Action for the empowerment of women including elimination of violence against women.

Effective solutions to comprehensively address violence must recognize certain established and underlying dynamics based on the complex social, cultural, religious and economic ideologies that serve to maintain the unequal relationships between men and women.

Although violence is part of every society and has existed since time immemorial in various degrees, some countries like Bangladesh have conditions which are more favorable to a culture of violence that include poverty, avarice and patriarchy. Female subjugation and inequality are related conditions that propagate violence.

To eliminate violence against women in Bangladesh, one needs to challenge the vested 'rights' and 'roles' of men and the social control mechanisms that reinforce the superiority of men and subordination of women. The unequal power relations often result in the dominance exercised through violence. In such countries, feminization of poverty is a key factor that is not just a state of deprivation but also a process of vulnerability, physical weakness, isolation and powerlessness. Consequential unemployment, wage discrimination and structural adjustment policies exacerbate violence against women and children both by increasing its incidence and by making women and children more vulnerable. Greater public awareness to change gender-biased attitude is the most important precondition to enable solutions to materialize. Along with a more gender-sensitive socialization process, legal remedies have to be in place. Training of police, judicial and law enforcement officers on gender sensitivity and domestic violence is crucial. Facilities for the counseling of victims of violence and their families need to be enhanced. The economic empowerment of women needs to be addressed with related training for essential skills. Support services for the victims of violence and their families should be approached on an interdisciplinary basis inclusive of employment

opportunities, housing facility, legal aid and day care facilities.

For further information, please contact: Salma Khan, 'Panshee', House 7, Road 78, Gulshan, Dhaka 1212, Bangladesh, ph (8802) 988-8696; 989-6322; fax (8802) 882-3100; e-mail: humana@gononet.com

Pre-1995 Milestones Relating to

Violence Against Women

1967 - the United Nations General Assembly (UNGA) adopted the Declaration on the Elimination of Discrimination against Women

1975 - UN International Women's Year Conference (Mexico City) - identified violence against women as a major impediment to women's advancement but the issue was considered very much a family matter and recommendations emphasized family counseling to address the issue.

1979 - UNGA adopted the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) which recognizes the rights of women including rights of non-discrimination both in private and public spheres of life.

1980 - Second World Conference on Women in Copenhagen and five years later at Nairobi, domestic violence was recognized as "an intolerable offence to human dignity."

1985 - UNGA passed first resolution on violence against women calling for actions to combat domestic violence.

1992 - the CEDAW Committee adopted General Recommendation No. 19 on Violence Against Women making the Convention applicable to any acts of violence against women perpetrated by family members or by public authorities.

1993 - UNGA adopted the Declaration on the Elimination of Violence against Women further defining this phenomenon and suggesting strategies to address the issue.

1994 - the Commission on Human Rights appointed a Special Rapporteur on Violence against Women to collect the most comprehensive data globally and to recommend measures at the national, regional and international level to eliminate violence against women and its causes.

Amending the Juvenile Law in Japan: -Ignoring the UN Committee on the Rights of the Child Recommendations

*Mitsuaki Sasaki**

Police investigation of under-14 juveniles in conflict with the law, and their detention in juvenile reformation/rehabilitation institutions highlight the move to amend again the 1949 Juvenile Law of Japan. The proposed amendment also allows the Probation Office that supervises the juveniles to apply with the Family Court for permission to send them to juvenile reformation/rehabilitation institutions in case they fail to follow rules. Finally, the proposed amendment introduces the court-appointed attendant system.¹

The draft amendment bill was submitted to the Diet (parliament) in March 2005.

These proposals drastically change the fundamental features of the current law. Investigation of cases involving juveniles under 14 years of age is vested under current law mainly in Child Guidance Centers, and sending them to juvenile reformation/rehabilitation institutions (Juvenile Training Schools) is prohibited.

The Japanese Penal Code sets the age of criminal responsibility (the age when a person is presumed to be able to recognize the significance and effect of crime and punishment) at 14 years or older. Treatment of cases of delinquent children under-14, therefore, is in accordance with educational and welfare perspectives. With the latest draft amendment, cases of under-14 juveniles come under the jurisdiction of the criminal investigation institution (the police) and correctional facility (Juvenile Training Center).

Welfare facilities are meant to work on the problems of children using the family-based approach. But children under supervision and probation (through the Juvenile Training Schools) would have to live within the society under threat of detention.

What sort of society vis-a vis our children are we trying to create through the draft amendment?

The Juvenile Law and the Convention on the Rights of the Child

The Juvenile Law provides the framework and the means that the Japanese society should employ in handling children with problems (juvenile delinquents). It provides educational guidelines for children who slipped into the gaps of social life in school and the home. The law's basic principles are based on educational and welfare perspectives rather than the "criminal" approach. With the Family Court as the major implementing institution, which shows emphasis on judicial means in resolving problems involving children and family, the law subscribes to the view that protection of rights leads to security and development of the society. These principles are closely related to those contained in the Japanese Constitution and the Basic Law on Education (1945).

The investigation-judgment-treatment process under the law allows juvenile delinquents to recognize what they have done as well as what their victims have suffered, and requires them to sincerely reflect on their conduct. Punishment is possible under this scheme. But confronting oneself can be difficult for these juveniles. This juvenile justice process is called "protectionist" not because it simply means protecting the children but because it requires a large number of people including the society as a whole working continuously to prevent recurrence of delinquency.

The law provides the guideline in making the juveniles speak about what happened and find words of apology. In this context, creating opportunities to restart their lives, and finding the time to approach people affected by their action are critical.

More specific and substantive elaboration of these principles is provided by the Convention on the Rights of the Child and the various United Nations rules regarding juvenile justice and prevention of

* Mitsuaki Sasaki is a professor in the Faculty of Law, Kobe Gakuin University, Hyogo, Japan.

delinquency (UN Rules). These principles require the creation of opportunities for juveniles to face the facts in order for them to carefully understand, and overcome, their delinquency. These opportunities can be created through appropriate protection of their dignity and rights, by treating the children as subjects in the process of development, and by approaching them from educational and welfare perspectives.

Previous amendment of the law

Seemingly pressured by public alarm on the increasing number of violence in juvenile cases, the Juvenile Law went through considerable amendment in 2000. A close examination of the situation however does not show increase in the number of murders and aggravated robbery resulting in deaths. What were really needed were appropriate responses to cases particular to juvenile incidents. Instead of tackling the problems of the children, the amendment focused on the seriousness of the results of delinquency and created a new system of transferring cases under the Family Court of children who committed certain delinquencies to ordinary courts that follow criminal procedures. Involvement of prosecutors was introduced for the first time. The amendment brought nothing significant, and instead strengthened the punishment aspect of the law. Those who proposed the amendment argued that it was necessary to instil a sense of adherence to rules by children by placing the responsibility on them. But this argument turned out to be the precursor to the amendment of the Basic Law on Education which emphasizes patriotism and adherence to rules. Meanwhile, the opportunities for children to recognize their own rights remain deficient.

Around the time of the amendment in 2000, efforts to examine the reality of children under the judicial process disappeared. Verification of the scientific grounds for the draft amendment gave way to swift response to public concerns on increasing juvenile violence. The tendency to solve social problems through "deterrence" (threat of strict punishment) has increased. The current draft amendment is trying to achieve the "satisfaction and security" of the society by treating children even if they are under 14 through judicial (criminal) rather than welfare procedures.

The Japanese society is, in fact, seeing the delin-

quency of children as problem arising from the nature of the children themselves, and making them liable for it. Considerations regarding the background of the children's problems, their education, and home environment, etc., have diminished. The society is less prepared to support children who are trying to get back on the right track.

Recommendations of the Committee on the Rights of the Child

Meanwhile, the monitoring body of the United Nations Convention on the Rights of the Child, the Committee on the Rights of the Child (Committee), issued its Concluding Observations on the Japanese government reports of 1998 and 2004. In the first Concluding Observations, the Committee indicated that an alternative method for detaining children should be considered, and called for a review of the *Daiyou Kangoku* (the practice of using police detention cells instead of facilities under the Ministry of Justice in detaining children). The Committee requested that the results of the review be included in the next report. In the examination of the report of 2004, however, the Japanese government gave almost no consideration to the previous Concluding Observations. The succeeding Concluding Observations expressed concern on the lowering of the age of criminal responsibility and lengthening of the detention period under the 2000 amendment. The Committee saw this as going against the requirements under the Convention and the UN Rules. It also pointed out that the juvenile criminal procedures are not "suitable for children." It recommended providing as well as ensuring access to support and legal assistance at all stages of the procedures. The Concluding Observations are not legally binding but, as a party to the Convention, Japan has a moral responsibility to respect them. They should be seen as opportunity to clarify the protection of rights within the Japanese juvenile justice system, and to confirm its principles. One wonders how the government views the Committee's call to reflect the contents of the Concluding Observations in the legislation.

Points of concern from the perspective of the Convention

Children's reaction may sometimes depend on adult behavior. They may simply follow adults or respond to please them. They sometimes have difficulty com-

municating what actually happened that constitute their delinquency. And sometimes, therefore, the resulting information given by them may be wrong. Who, where and how the children are approached become very important.

Taking the characteristics of children into consideration, police investigation of children as proposed by the draft amendment is structurally inappropriate. It should be noted that the police at present has already greatly increased its discretionary powers regarding juvenile delinquency since it investigates cases of juveniles who already have criminal responsibility under current law.

The society must carefully study and discuss these issues, including the increase on the "dependence on the use of force."

The draft amendment does not explain what limitations do the current "Protective Institutions"² under the Child Welfare Law have, or how Juvenile Training Schools are better suited.

It is questionable whether the draft amendment will encourage people working in Child Guidance Centers, Family Courts, Juvenile Training Schools, and other institutions involved with juveniles in conflict with the law to be more involved with children. It is more likely to rob people and organizations, who support children in difficult situations using welfare and educational approach, of their enthusiasm and interest.

Discussions on the protection of the rights of children are enriched by more public debate. The draft amendment, which ignores the UN Committee's recommendations, should therefore be discussed once more with special focus on these questions: for whose benefit and for what purpose such amendment should be made. This has to be done to halt the trend of people starting to be in despair at ever younger age.

For further information, please contact: Mitsuaki Sasaki, Faculty of Law, Kobe Gakuin University, 518 Arise, Ikawadani-cho, Nishi-ku, Kobe 651-2180 Japan; ph (8178) 974/1551/(main); fax (8178) 976/3702; e-mail:sasaki@law.kobegakuin.ac.jp

Endnotes

1. A system of providing government-funded attendants (lawyers) to juveniles under 18, who have committed crimes and are detained to face trials in the family court. These attendants assist the juveniles during the trial, as well as consult with them, their families and other relevant people.
2. Protective institutions are those established to protect children without guardians, abused children, and others in need of protection, excluding infants.

Excerpts from the United Nations Standard

Minimum Rules for the Administration of Juvenile Justice ("The Beijing Rules")

Adopted by General Assembly resolution 40/33 of 29 November 1985

Part one

GENERAL PRINCIPLES

5. Aims of juvenile justice

5. 1 The juvenile justice system shall emphasize the well-being of the juvenile and shall ensure that any reaction to juvenile offenders shall always be in proportion to the circumstances of both the offenders and the offence.

Part two

INVESTIGATION AND PROSECUTION

11. Diversion

11.1 Consideration shall be given, wherever appropriate, to dealing with juvenile offenders without resorting to formal trial by the competent authority, referred to in rule 14.1 below.

11.2 The police, the prosecution or other agencies dealing with juvenile cases shall be empowered to dispose of such cases, at their discretion, without recourse to formal hearings, in accordance with the criteria laid down for that purpose in the respective legal system and also in accordance with the principles contained in these Rules.

11.3 Any diversion involving referral to appropriate community or other services shall require the consent of the juvenile, or her or his parents or guardian, provided that such decision to refer a case shall be subject to review by a competent authority, upon application.

11.4 In order to facilitate the discretionary disposition of juvenile cases, efforts shall be made to provide for community programmes, such as temporary supervision and guidance, restitution, and compensation of victims.

South Asian Convention against Trafficking

The South Asian Association for Regional Cooperation (SAARC) adopted on 5 January 2002 the Convention on Preventing and Combating Trafficking in Women and Children for Prostitution. But the SAARC member states have failed to ratify it so far.

The issue of trafficking figured in the SAARC discussions in the 1997 SAARC Summit in Male, Maldives. The then heads of government expressed concern on the trafficking of women and children within and between countries. They pledged to coordinate their efforts and take effective measures to address this problem.

After the signing of the Convention in 2002, SAARC heads of government "expressed their collective resolve to treat the trafficking in women and children for commercial sexual exploitation as a criminal offence of a serious nature." While the heads of government declared in the 12th Summit in Islamabad in 2004 that member-states should "move towards an early ratification" of the Convention, the call has not yet been heeded.

The Convention defines trafficking as "the moving, selling or buying of women and children for prostitution within and outside a country for monetary or other considerations with or without the consent of the person subjected to trafficking."

It provides that "State Parties to the Convention, in their respective territories, shall provide for punishment of any person who keeps, maintains or manages or knowingly finances or takes part in the financing of a place used for the purpose of trafficking and knowingly lets or rents a building or other place or any part thereof for the purpose of trafficking." (Article III)

In trying offences under the Convention, "judicial authorities in Member States shall ensure that the confidentiality of the child and women victims is maintained and that they are provided appropriate counselling and legal assistance." (Article V)

Cooperation among member-states shall cover the following:

a. "mutual legal assistance in respect of investigations, inquiries, trials or other proceedings in the requesting State in respect of offences under the Convention," (Article VI [1])

b. treatment of the offences referred to in the Convention as "extraditable offences in any extradition treaty" which has been or may be concluded, between any of the Parties to the Convention. (Article VII [2])

c. exchange, "on a regular basis, information in respect of agencies, institutions and individuals who are involved in trafficking in the region and also identify methods and routes used by the traffickers through land, water or air. The information so furnished shall include information of the offenders, their fingerprints, photographs, methods of operation, police records and records of conviction." (Article VIII [5])

Prevention and rehabilitation measures are also provided for in the Convention.

The Convention provides that State parties "...shall promote awareness, inter-alia, through the use of the media, of the problem of trafficking in Women and Children and its underlying causes including the projection of negative images of women." (Article VIII [8])

The Convention has a whole article on care, treatment, rehabilitation and repatriation of the victims. Article IX provides the following:

1. The State Parties to the Convention shall work out modalities for repatriation of the victims to the country of origin.

2. Pending the completion of arrangements for the repatriation of victims of cross-border trafficking, the State Parties to the Convention shall make suitable provisions for their care and maintenance. The provision of legal advice and health care facilities shall also be made available to such victims.

3. The State Parties to the Convention shall establish protective homes or shelters for rehabilitation of victims of trafficking. Suitable provisions shall also be made for granting legal advice, counselling, job training and health care facilities for the victims.

4. The State Parties to the Convention may also authorise the recognised non-governmental organisations to establish such protective homes or shelters for providing suitable care and maintenance for the victims of trafficking.

5. The State Parties to the Convention shall encourage recognised non-governmental organisations in efforts aimed at prevention, intervention and rehabilitation, including through the establishment of such protective homes or shelters for providing suitable care and maintenance for the victims of trafficking.

The Convention is complemented by the SAARC Social Charter, which is "in effect encompassing a broad range of targets to be achieved across the region in the areas of poverty alleviation, population stabilization, empowerment of women, youth mobilization, human resources development, promotion of health and nutrition, protection of children etc."¹ This document was adopted during the 2004 Summit in Islamabad.

One provision of the Social Charter explicitly supports the Convention:

5. States Parties re-affirm their commitment to effectively implement the SAARC Convention on Combating the Trafficking of Women and Children for Prostitution and to combat and suppress all forms of traffic in women and exploitation of women, including through the cooperation of appropriate sections of the civil society. (Article V)

But this provision, as well as the rest of the provisions of the Social Charter will not be operative unless the Convention itself has been ratified and implemented.

Criticism

The Convention is being criticized on a number of points. By and large, there is a unanimous view among anti-trafficking groups that the Convention should not be limited to trafficking for prostitution purposes. They suggest the inclusion in the Convention of trafficking for other reasons including exploitative labor.

While the Convention was still being formulated, groups involved in anti-trafficking work had proposed amendments to the draft convention. One forum on trafficking declared in 1998 that the draft

Convention needs to broaden the scope and notion of trafficking. Trafficking takes place for a range of ultimate purposes, not only for the purpose of prostitution. It is crucial to recognise that the main motive of the trafficker is profit through trade, however that profit [may

accrue] - whether from sale to brothels to adoption homes, for camel jockeying, forced marriage, begging, bonded and forced labour, organ trade etc. The use to which the trafficked persons are put depends on the exploitative global trading, and the demand and supply trends as dictated by the market economy.²

The forum further stressed that

The Convention must recognise that due to hard social, cultural, religious, political and economic pressures, women are forced to migrate in search of options for livelihood. Any move to combat trafficking must not interfere with women's right to mobility. The Convention must not become an instrument to restrict or control the voluntary movement of women from one country to another. Issues of trafficking and migration must be separated. A distinction between the two can only be made if the elements and motives of trafficking are defined clearly.

The United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, which entered into force in September 2003, provides an example of how the Convention's coverage can be broadened. The UN Protocol links trafficking to exploitation which "shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs."

Whether or not SAARC would agree to amend the signed Convention is uncertain. But the criticisms on the Convention are worth considering.³

Endnotes

1. See SAARC website, www.saarc-sec.org/main.php?t=2.8.4

2. Memorandum to the Honourable Members of the Standing Committee of the 10th SAARC Summit, SAARC People's Forum : Combating Trafficking in Women and Children and Ensuring Food Security, Colombo, Sri Lanka, July 25-26, 1998, www.hsph.harvard.edu/Organizations/healthnet/SAsia/repro2/SAARC.htm

3. See also Save the Children Nepal (www.savethechildren.net/nepal/key_issues/traffsaarc.html); and www.fwld.org.np/csaarc.html

Workshop on Southeast Asian Human Rights Lesson Plans

On 5-7 April 2005, HURIGHTS OSAKA in collaboration with the Philippine Department (Ministry) of Education and with the support of the Bangkok Office of UNESCO and the Office of the United Nations High Commissioner for Human Rights held the Southeast Asia Orientation-cum-Training Workshop on Human Rights Lesson Plans in Manila.

The workshop was attended by 20 participants consisting of teacher trainers, education researchers, and education officials from 8 Southeast Asian countries (Cambodia, East Timor, Indonesia, Laos, Malaysia, the Philippines, Thailand and Vietnam).

Lesson plans for Southeast Asian schools

The workshop is a follow-up to the 2001 Southeast Asian Writeshop on Human Rights Lesson Plans that was also held in Manila. Participants from 6 Southeast Asian countries produced human rights lesson plans, and tested some of them inside school classrooms (primary and secondary levels) in Manila.¹

Subsequently, in 2002, a Regional Review Team composed of educators from the 6 Southeast Asian countries reviewed, selected and revised the lesson plans in preparation to their publication. After 2 meetings in Bangkok and several months of exchanges via e-mail, the lesson plans were finalized in mid-2003. In November of the same year, *Human Rights Lesson Plans for Southeast Asian Schools* was published in Bangkok.²

During the whole year of 2004 till the first quarter of 2005, the publication was translated into Bahasa Indonesia, Khmer and Vietnamese languages with the support from UNESCO. Printed copies of the translations were distributed to educational institutes and schools in the 3 countries. In addition, the publication was translated into Chinese language, while the lesson plans were translated into Japanese and Farsi languages. The National Human Rights Commission of Thailand will be translating the whole publication into Thai language soon. There may be more translations of the publication into other languages in Southeast Asia.

Launching ceremonies

The launching of the publication and its translated versions preceded the actual orientation-cum-training workshop.

Mr. Jose Luis Martin Gascon, Undersecretary of the Department of Education, in his welcome remarks, noted that while the Philippines may have already produced its own set of human rights teaching exemplars, the work is not finished yet. The government has to promote human rights education on top of many problems facing the Philippine school system. The government cannot as yet reach thousands of school teachers since the production of the human rights teaching exemplars require a big amount of funds. Thus it is necessary to maximize whatever materials are available for human rights education.

Prof. Yoshio Kawashima, Director of HURIGHTS OSAKA, in his message, expressed the hope that the publication will be used at least as teacher training material. He also expressed the hope that it will continue to be translated into other languages.

Ms. Alexandra Cuyegkeng of the Friedrich Naumann Foundation (Manila office), which funded the editing and printing of the lesson plans, stressed the continuing interest and support of the foundation in human rights education.

Prof. Chiam Heng Keng, Commissioner of the Malaysian Human Rights Commission, in representation of the Regional Review Team, related the hard work entailed in the review and revision of the lesson plans to prepare them for publication. She noted that the long hours of work in Bangkok paid off with the publication of lesson plans that reflect the different contexts in Southeast Asia and the application of human rights. She also noted that the publication is not at all perfect but it is worth being used.

Finally, Dr. Fe Hidalgo, Undersecretary of the Philippine Department of Education expressed the urgency of human rights education considering the problems faced by children.

A symbolic turn over of the publication and its translations was done by members of the Regional



photo provided by Ms. Chin Yahan, participant from Cambodia

Review Team to participants from the Cambodia, Indonesia, Philippines, and Vietnam.

The launching ceremonies were fittingly ended with a dance performance by high school students. The student-dancers portrayed the plight of migrant workers - the risks and sufferings they endure in foreign lands in order to support their families. The dance performance captured the message of one lesson plan on migrant workers in the publication.

Orientation Workshop

The Southeast Asian workshop was held for the

- a. Orientation on the *Human Rights Lesson Plans for Southeast Asian Schools*; and
- b. Training on the use of the ideas in the publication for teacher training.

To achieve these purposes, the workshop program consisted of the following major components:

- a. Discussion on basic human rights principles
- b. Discussion on components of the publication, namely, human rights curricular framework and the human rights lesson plans
- c. Discussion on the use of the publication as a teacher training material in the different countries represented.

The publication blends the different national situations in Southeast Asia and offers model human

rights lesson plans. Due to this feature, the publication may be appropriate as a teacher training material. This does not preclude the actual use of the lesson plans in the classroom, however, especially in countries where the lesson plans have local language version.

During the workshop, the resource persons pointed out a number of important issues in support of human rights education, as well as discussed the different components of the publication. The international support for human rights education consisting of human rights instruments, declarations and programs was presented. It was pointed out for example that the ASEAN Inter-Parliamentary Organization (AIPO), during its 14th AIPO General Assembly in Kuala Lumpur in September 1993 expressed support for human rights education through its "Kuala Lumpur Declaration on Human Rights".

Dr. Sirilus Belen of Indonesia referred to the 2003 version of *ABC Teaching Human Rights* publication of the United Nations to discuss human rights issues. Dr. Suthin Nophaket of Thailand presented the basic principles of human rights contained in the Universal Declaration of Human Rights (UDHR). Prof. Chiam Heng Keng of Malaysia discussed the Convention on the Rights of the Child (CRC) using materials from the Malaysian Human Rights Commission. UDHR and CRC are the main human

rights documents used in the publication.

Other resource persons discussed the integration approach in teaching human rights (Dr. Nguyen Thanh Hoan of Vietnam), the human rights curricular framework (Ms. Chin Yahan of Cambodia), the lesson plans format (Ms. Nerissa Losaria of the Philippines), and the human rights content of the lesson plans (Prof. Chiam). Prof. Chiam facilitated an exercise of checking the human rights involved in each lesson plan to emphasize the need to discuss specific rights (especially the rights contained in the CRC).

Sharing of experiences constituted a high point of the workshop. Participants appreciated the experience of Thailand in developing a program on human rights education that involves various government agencies, non-governmental organizations, and the academe. This is coordinated through the National Human Rights Commission of Thailand. They also learned about the experience of implementing a human rights education program and the difficulties involved, through the report from the Philippines.

The participants shared what they see as opportunities for human rights education. From Thailand, a nationwide program on the rights of the child was presented as an avenue for further human rights education work. The "LabSchool Project" is meant for the schools in disadvantaged communities in all provinces in Thailand. In Malaysia, the existing civic education program can be used for human rights education. Likewise the moral education program in Indonesia is fit for human rights education though it may have to be reoriented towards the rights perspective.

Training participants

Laos and East Timor were represented for the first time since HURIGHTS OSAKA started activities in Southeast Asia in 1998. Officials from the Ministry of Education of the 2 countries participated in the workshop. The representatives from Laos expressed interest in developing a human rights education in schools program. They said that Laos is new to this kind of program, although there are projects on the rights of the child and women in the country. The two representatives of the Ministry of Education of East Timor, who came one day late due to visa and transportation problems, were more of observers due

to their unfamiliarity with the topic. But they nevertheless presented the teacher training system in East Timor.

Several country delegations informally expressed interest in undertaking activities in their respective countries, not only on teacher training but also the use of the publication in the classroom.

Subregional workshops

The Southeast Asian workshop is the first of two subregional workshops being organized by HURIGHTS OSAKA in 2005. A South Asian workshop will be held in New Delhi, India in late 2005. This workshop will focus on school curriculum development and will have participants from Bangladesh, India, Nepal, Pakistan, and Sri Lanka. The results of the research project of HURIGHTS OSAKA involving 4 countries (India, Sri Lanka, Philippines and Japan) will be presented in this workshop as inputs. This research project focuses on education policy and human rights awareness of high school students.

For further information, please contact HURIGHTS OSAKA.

Endnotes

1. Visit www.hurights.or.jp/asia-pacific/no_25/06writeshop.htm for the report on the writeshop
2. The pdf file of Human Rights Lesson Plans for Southeast Asian Schools (English) is available at the following webpages:
 - a. UNESCO Asia and Pacific Regional Bureau for Education Asia and Pacific Programme of Education for All (APPEAL)
www.unescobkk.org/index.php?id=1817
 - b. Friedrich-Naumann-Foundation Southeast and East Asia Office
www.fnfasia.org/news/regionalnews/humanrights_lesson_plan.htm
 - c. Amnesty International Australia website
www.amnesty.org.au/resources/for_teachers#general

Events

Events to be Held

The 7th International Congress on AIDS in Asia and the Pacific (ICAAP) will be held in Kobe from 1-5 July 2005. The main theme of this Congress is "Bridging Science and Community" which emphasizes the point that without the active ownership of the communities at the local level, effective and decentralized response to HIV/AIDS will not be possible. There are major issues still remaining to be addressed even with the advent of highly active antiretroviral therapy (HAART) such as accessibility and affordability of HAART, and improvement of quality of life. Discrimination and prejudice against people living with HIV/AIDS (PLWHA), lesbians, gays, bisexuals and transgenders (LGBT), drug users and sex workers still prevail, and knowledge / information for prevention of transmitting or acquiring HIV is more necessary than ever. A number of sessions will deal with issues on discrimination against PLWHA, human rights implications of HIV/AIDS policies and programs, and other related violations of human rights.

For further information, please contact: Tadamitsu Kishimoto, Chair, 7th ICAAP Local Organizing Committee; e-mail: info_icaap7@secretariat.ne.jp; www.icaap7.jp

The Diplomacy Training Program (DTP) will hold the Migrant Workers Training Course on 15-20 August 2005 in Dhaka. The training course will utilize the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Family (ICRMW) and other relevant standards. It is designed for human rights defenders currently working on the rights of migrant workers, and trade unionists. The course will provide participants background knowledge about key aspects of the ICRMW and its monitoring and reporting regime. Additionally, participants will develop practical skills in advocacy, lobbying and working with the media to help advance the rights of migrant workers.

For further information, please contact: Diplomacy Training Program, Faculty of Law, University of New South Wales, Sydney 2052, Australia; ph (612) 9385-2277/2807; fax (612) 9385-1778; e-mail: actiondtp@unsw.edu.au; www.dtp.unsw.edu.au

The Southeast Asia Coalition to Stop the Use of Child Soldiers (SEACSUCS) is holding the "Advocacy Workshop on the Issue of Children Involved in Armed Conflict" in Bangkok on 19-21 August 2005. This workshop aims to orient participants from civil society and the media on related international human rights standards, as well as on on-going initiatives in the region to prevent the recruitment, demobilize, rehabilitate and reintegrate child soldiers. There will also be practical sessions aimed at harnessing the skills of participants in the conduct of advocacy, research and lobby work.

For further information, please contact: The Southeast Asia Coalition to Stop the Use of Child Soldiers (SEACSUCS), 641/8 Vara Place Ladprao Soi 5, Ladyao, Jatujak, Bangkok, Thailand 10900; ph (662) 9387746; 5138745; 5138754; fax (662) 9384756; e-mail: seacoordinatorchildsoldiers@yahoo.com

The Office of the United Nations High Commissioner for Human Rights is organizing the 13th Workshop of the Framework on Regional Cooperation for the Promotion and Protection of Human Rights in the Asia-Pacific Region in Beijing on 30 August to 2 September 2005. The workshop will have "Human Rights and Human Trafficking" as theme, and a) review the progress achieved since the 12th Doha Workshop, in the four areas identified in the Framework for Technical Cooperation; and b) review the current regional and sub-regional human rights initiatives in the Asia-Pacific region. A one-day consultation with NGOs and national human rights institutions will be held on 29 August 2005.

For further information, please contact: Ms. Yanine Poc, Coordinator, Asia-Pacific Region Unit, Office of the UN High Commissioner for Human Rights; ph (4122) 917 9337; fax (4122) 917 90 18; e-mail: ypoc@ohchr.org; www.ohchr.org

The Conference of Lawyers of Asia and the Pacific (COLAP) will hold its fourth conference on 2-3 September 2005 in Seoul. The conference entitled "Peace, Human Rights and Co-existence in Asia and the Pacific" will provide a valuable opportunity to not only raise and increase awareness of peace and securi-

ty, but also build and intensify networks of lawyers, professionals and activists in the region. A session on human rights will be held covering the following issues: Right to Shelter, Welfare, and Sustainable Development and Cooperation in Asia and the Pacific; Protection of Migrant Workers; Violation of State Sovereignty by UN Member States and Solidarity in Asia and the Pacific; Restructuring the Legal/Judicial System and the Role of Lawyers; Cooperation of Criminal Law Procedures in Asia and the Pacific; Globalization, International Finance System, Foreign Debt Exemption; Establishing a Regional Economic Cooperation System; Natural Disasters, Regional Cooperation, and Aid Systems; and Official Development Assistance (ODA) to Developing Countries.

For further information, please contact: Korean Organizing Committee for COLAP4, 5F, Jangsaeng Building, 1543-12, Seocho-dong, Seocho-gu, Seoul, Republic of Korea; ph (8219) 263-5406; (8211) 9711-9872; fax (822) 588-4410; e-mail: adm@colap4.org; www.colap4.org

The 2005 Asia-Pacific Teacher-Training Workshop on Education for International Understanding will be held on 19-29 September 2005 in Chiangmai. This year's training workshop is jointly organized by the Asia-Pacific Centre of Education for International Understanding (APCEIU) and the Asia-Pacific Programme of Educational Innovation for Development (APEID) of UNESCO Asia and Pacific Regional Bureau for Education in Bangkok. This training workshop is designed for teacher educators and trainers. It aims to deepen their knowledge and strengthen their skills to enable them to integrate themes and issues concerning peace, human rights, democracy, and Education for Sustainable Development into the school curriculum.

For further information, please contact: Molly N.N. Lee, Ph.D., APEID Coordinator, Programme Specialist in Higher and Distance Education, Bangkok, Asia and Pacific Regional Bureau for Education, 920 Sukhumvit Road, Prakanong, Bangkok 10110; ph (662) 391 0577 ext 212; fax (662) 391 0866; e-mail: m.lee@unesco-bkk.org

The Office of the High Commissioner for Human Rights (OHCHR) is organizing a regional seminar

entitled "Combating racism, racial discrimination, xenophobia and related intolerance: role of education and awareness-raising" on 19-21 September 2005 in Bangkok. The seminar is a follow-up to the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance (WCAR). The seminar will provide a forum for exchange of information and discussion on the development and implementation of anti-discrimination policies as they relate to the role of education and awareness-raising in combating discrimination by, inter alia, forging multiculturalism and assisting victims to overcome exclusion in order to contribute to society and achieve human, social and economic development in more inclusive societies.

For further information, please contact: Sandra Aragon-Parriaux, NGO liaison officer, Anti-Discrimination Unit, OHCHR, Geneva; ph (4122) 917-9393; fax (4122) 917-9050; e-mail: saragon@ohchr.org

The Asian Center for the Progress of Peoples-Hotline Asia is holding the workshop entitled "Mobilizing Solidarity for Social Justice Advocacy" on 10-13 October 2005 in Bangkok. The workshop aims to stimulate awareness and understanding of existing human rights mechanisms, explore related communication and networking skills to enhance the participants' actions related to their social justice activities and concerns at the local and national level, and identify effective actions which are appropriate to the local situation. Basic human rights standards and redress mechanisms, effective social advocacy, networking, monitoring and communication for the purpose of identifying and channeling appropriate information for solidarity and support will be discussed in the workshop. The workshop is designed for staff of Justice and Peace Commissions and Human Rights NGOs in Asia in charge of advocacy and/or education/animation, and staff/individuals recommended by Church-based and JPW networks, e.g., Caritas, regional NGOs, religious JPIC, Pax Romana.

For further information, please contact: Asian Center for the Progress of Peoples, 52 Princess Margaret Road, 1/F, Kowloon, Hong Kong; ph (852) 2712 3989/2714 5123; fax (852) 2712 0152; e-mail: hotline@acpp.org; www.acpp.org

HURIGHTS OSAKA Award 2005

The Asia-Pacific Human Rights Information Center (HURIGHTS OSAKA) is now accepting entries for the "HURIGHTS OSAKA Award 2005". Entries from the Asia-Pacific region are welcomed. The deadline for submission of entries is 20 August 2005.

Three outstanding entries will be selected for the Award. Each awardee will receive an award certificate and 200,000 Japanese Yen in a ceremony in Osaka in September 2005.

Entries

Entries must be original and creative materials and programs for teaching and learning international human rights standards. They may deal with rights of children, women, people with disabilities, minorities, etc.; right to development, sustainable development, or human security. There is no specification on type of materials and programs or their form. They may be training manuals, lesson plans, workbooks, etc. They may be in the form of printed (or published) material, CD, powerpoint, calendars, other audio-visuals, etc.

In selecting the awardees for the Award 2004, importance was placed on the level of teaching/learning function of the entries. Activity reports and translations of United Nations and other documents may be valuable material in themselves, but will have lower priority for the purpose of this Award. The teaching/learning materials can be for school education (primary, secondary or tertiary) as well as for adult, home or community education. Another important factor will be the integration of two aspects; raising the children's and adults' sensitivity regarding human rights, and understanding human rights issues in the contemporary world.

The material may also be in any language. However, for materials or programs in languages other than Japanese or English please attach a description/commentary in English.

The materials/programs must have been produced from January 2003, regardless of whether they have been published or marketed. Materials/programs received for the 2004 Award cannot be resubmitted for the 2005 Award.

Applicants

Any individual, group or organization from the Asia-Pacific region (including Japan) may apply till 20 August 2005.

To submit entries, please send the materials/programs with completed application form. The application form is available in HURIGHTS OSAKA website (www.hurights.or.jp/event/award2005_e.html).

Please send entries to:

HURIGHTS OSAKA Award 2005 for Human Rights Education
Asia-Pacific Human Rights Information Center
1-2-1-1500 Bentencho, Minato-ku Osaka 552-0007
Japan

Selection of award winners

A Selection Jury is composed of the following:

1. Jung Kang-Ja - Senior Commissioner, the National Human Rights Commission of Korea
2. Sachio Hata (Chair) - Professor, School of Policy, Kwansei Gakuin University; General Manager, InterMedium Institute Graduate School
3. Ritsue Hata - Editor, Osaka Office, Mainichi Shimbun
4. Khanittha Matsuo - Program Staff, FM CO-COLO; Lecturer, Kyoto Seika University
5. Yolanda Alfaro Tsuda - Associate Professor, Department of English, Kobe College
6. Kinhide Mushakoji - Chairperson, Asia-Pacific Human Rights Information Center; President, International Movement against All Forms of Discrimination and Racism (IMADR)
6. Yoshio Kawashima - Director, Asia-Pacific Human Rights Information Center; President, Senri Kinran College.

The award winners will be announced in September 2005. Award winners will be directly notified.

For more information contact:

Minoru Maegawa, Asia-Pacific Human Rights Information Center

tel: 81-6-6577-3578, fax: 81-6-6577-3583, e-mail: webmail@hurights.or.jp

HURIGHTS OSAKA ACTIVITIES



PRINTED MATTER

AIR MAIL

May be opened for inspection by the postal service.

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



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>