



Editorial

Human Rights Challenges

There is almost no more need to define the human rights violations, and their root causes, affecting our societies in the Asia-Pacific. They have long been analyzed, written about, and discussed in workshops and conferences. Taking action to address them is the basic issue.

Years of work on human rights violations indicate that the sought-after solutions require the involvement of individuals and institutions, need interventions at various levels (community, national and also regional), and require the cooperation among governments, and between governments and non-governmental and inter-governmental organizations.

Despite government declarations expressing full commitment to human rights and support for human rights institutions and programs (in some cases), national realities raise serious concern. Weaknesses in the justice delivery systems, non-observance of the rule of law, repressive laws, lack of accountability and transparency in government processes, and inadequate resources allocated for human rights measures hinder the translation of international human rights commitment to reality.

There are people who occupy positions of authority in governments, including members of the security forces, who seem to regard international human rights standards as irrelevant.

As a result, human rights defenders in many countries either suffered or constantly face threats to their personal security without help from governments. Disadvantaged communities suffer even more.

Human rights face serious challenges indeed.

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.

Perils in the Defense of Human Rights

*Hina Jilani**

Human rights defenders are fundamental actors in any effort to implement the overall international human rights framework. Establishing, promoting and sustaining democracy, maintaining international peace and security and providing or advancing a people-oriented agenda for development cannot be accomplished without the contributions that human rights defenders make. Defenders bring to the fore information on the realities of situations to be addressed without which national and international efforts would be ineffective. They are not only a part of the democratic process, but their presence and activity in a State is in itself both an indicator of democratization and a motor for its further development. They contribute to poverty alleviation, humanitarian assistance, post-conflict reconstruction, and to improving individual indicators of development such as access to health care and adult literacy, among many other activities.

In crisis situations, defenders can monitor the overall situation, rapidly investigate allegations of possible violations and report their conclusions, providing a measure of accountability. They can also provide the international community with independent verification of what is actually happening within an emergency situation, informing the process of taking decisions on possible actions. Their presence is known to have calmed situations and, at times, to prevent human rights violations from being committed. Their work can help to bring these situations to an end and ensure a measure of justice for those who suffered violations.

In post-conflict situations, defenders have played a critical role in sustaining peace and strengthening the prospects for promotion and protection of human rights in post-conflict societies. While support for human rights and democracy in structures of the State is slow to emerge, or may even have suffered a reversal in some cases, civil society has demonstrated a strong resolve to resist authoritarianism and oppression. Civil society actors have played a significant role in inducing recognition by the State of the concepts of participatory democracy, transparency and accountability.

This was not easily done and the international community must give due respect to the struggle through which human rights defenders and other civil society

partners have been able to achieve some significant gains. Instead, however, human rights defenders have suffered harm and face grievous threats to their life, liberty, security, independence and credibility. State apparatus, oppressive laws and other tools of repression continue to be used against defenders in attempts to deter them from the valuable work they contribute to the promotion of human rights.

Human rights defenders all over the world, including in Asia, continue to be subjected to assassinations, disappearances, illegal arrest and detention, and torture. In several countries in the region defenders have suffered arrest and detention, unfair trial and denial of due process after false cases were registered against them as a tactic of harassment. Added to these are vilification campaigns and negative propaganda against human rights defenders. In many instances such propaganda is initiated by the intelligence agencies of the State and propagated by unscrupulous use of the media. Such propaganda often precedes acts of violence against defenders and the constituencies they represent. A number of human rights defenders are living in self-imposed exile after having to flee their country to safeguard their lives or liberty. Reprisals and repressive measures have been taken against individuals and groups who have reported human rights abuse to international bodies, including the United Nations human rights mechanisms.

Greater risks are faced by defenders whose work challenges social structures, economic interests, traditional practices and interpretations of religious precepts that may have been used over long periods of time to condone and justify violation of the human rights of members of such groups. Women human rights defenders, in particular, are targeted by various social and private actors, such as religious groups and institutions, community or tribal elders, or even members of their own family. They become particularly vulnerable to prejudice, to exclusion and to public repudiation, not only by State forces but by social actors as well when they are engaged in the defence of women's rights.

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Flaws in the agenda for economic development, pursued by many states of the region, are amply reflected in the growing poverty and social exclusion of large sectors of the population. Serious violations of economic, social and cultural rights have become engraved in actions of the state. Affected populations find that in the current environment of globalization their own governments are either unable or unwilling to redress the difficulties they confront. Exploitation of labor and depletion of the environment are some of the serious forms of violations resulting from the new economic arrangements. Indigenous populations are often particularly affected by such violations.

The situation has worsened owing to the process by which multinational corporations and other non-State agents have acquired an enormous degree of control over the life and liberties of the peoples of this region. States perceive their responsibility to protect the interests of multinationals as an imperative to be pursued even at the cost of the rights and livelihood of local populations. Economic policies and the social consequences of the operation of some multinational entities have led to protests against these entities, through peaceful demonstrations, information campaigns, legal proceedings or other activities by human rights defenders (for example with regard to environmental concerns or labor rights).

These trends could lead to a further increase in violations and a future crisis of human rights in the region. The imperative to find approaches to economic development that secure people's economic interests through means that do not conflict with their economic, social and cultural rights has, therefore, become of critical importance. Attention must be given to ensuring respect for the right to react peacefully to economic, social and cultural rights concerns. New approaches should take into consideration the role and responsibilities of private sector corporations, including multinationals, for respecting human rights standards.

Human rights defenders in Asia are greatly concerned that certain trends in the region are exacerbating conditions that result in human rights violations. An appreciable weakening of the rule of law has been observed in different countries of the region where insufficient, not genuinely representative democracies prevail with little or no space for citizen participation, and without accountability or transparency. At the same time, public institutions are increasingly used to perpetuate and strengthen

the interests of certain sectors. Institutions for policing and prosecution suffer from inefficiency and corruption, and the independence of the judiciaries is severely strained. Internal monitoring systems are either non-existent or have failed to enforce compliance with human rights norms in practices or policies adopted by state institutions. Severe restrictions on the freedom of information, expression and assembly imposed, particularly in the name of security or integrity of the state, in many of the countries in the region have limited the access of human rights defenders to information or sites of violations. These restrictions have serious implications for the performance by defenders of their monitoring, reporting and advocacy functions.

National laws in many countries do not provide a suitable legal framework for the full realization and enjoyment of human rights. Numerous laws exist which are incompatible with international standards and have become tools for giving legitimacy to State actions that violate human rights. Despite constitutional guarantees, rights have become subject to restrictions prescribed by law. It is these restrictions and the use of powers granted under such laws that have been widely used to curb and limit the activities of human rights defenders. The freedom of association is increasingly being infringed in many countries through laws and regulations that impose a wide range of restrictive conditions on the registration, management, operation and financing of non-governmental organizations (NGOs). Such practices and restrictive laws have been applied to selectively deny legal status to NGOs critical of government policies and have forced defenders to continue their work without legal protection, to terminate their activities and, in some cases, even to flee their country.

National security laws have been imposed in the severest forms in many countries of Asia. Sometimes these laws have been imposed following a declaration of martial law or a state of emergency. In some countries such laws are a permanent part of the domestic legal framework, weakening the effects of any guarantees of fundamental rights and adversely affecting the efficacy of the mechanisms for the enforcement of fundamental rights. In areas of conflict or political tension, emergency or special laws are imposed, suspending fundamental freedoms and restricting recourse to civilian courts.

In several countries of the region armed conflict,

struggles for the right of self-determination and movements for democracy form the backdrop for the work of human rights defenders. In the current climate, upholding human rights and fundamental freedoms is being portrayed in a number of countries as a threat to national and international security. Against this stark reality, human rights defenders are finding themselves under siege. Peaceful pro-independence activists are being portrayed as disseminators of propaganda likely to harm the State, as a threat to national security, as attempting to overthrow the Government and as aiding and abetting terrorism. While spuriously equating legitimate and peaceful advocacy of the right to self-determination with terrorism - however defined - is not a new phenomenon, it is certainly assuming a greater resonance and human rights defenders working for the realization of peoples' peaceful quests for self-determination, in particular, are experiencing some of their darkest hours.

The menace of terrorism poses a serious threat to peace and security, and acts of terrorism have frequently targeted human rights defenders advocating the promotion and protection of human rights. Those striving for the rights of minorities or women, advancing the cause of religious tolerance and accommodation of ethnic or racial diversity, or resisting trends of ultra-nationalism have been some of the first victims of forms of extremism that have become the major cause of terrorism. Human rights defenders are in the front line to combat these trends in order to preserve the norms of peace and democracy, as conditions that are fundamental for the promotion, protection and enjoyment of human rights. The struggle of human rights defenders against terrorism precedes the events of 11 September 2001 in New York and has been a visible human rights activity in parts of the world where the roots of terrorism are strongest. Yet it is these defenders who have become the leading voices in pointing out that many anti-terrorism measures are eroding human rights norms, and are insisting that the imperative of security will not be served by violating human rights and can only be achieved within compliance of these standards.

Human rights defenders have detected a direct connection between the severity of human rights violations and the expanding role of the military in some countries of the region. This has allowed the military sector to gain influence and encroach upon political spaces, especially when the military is in

control of governance. It has also had its effects on the capacity of civil societies to develop. Serious forms of abuse have been detected during military operations carried out in response to security concerns or government campaigns against crime. Particular areas are designated as zones of military operation, barring any independent monitoring or observation of State action. Special powers conferred on the military have often expensed with fair judicial procedures or any civilian control over their operations.

Under these conditions human rights standards suffer derogation because of the imposition of a completely separate system of checks and balances and of justice. Accountability and transparency is seriously impaired. Freedom of movement and assembly, and access to information is particularly affected in such situations. Such an environment further contributes to impunity for human rights violations. Evidence of rape, torture, deaths in custody, extra-judicial executions and disappearances is well documented. Most of these violations result directly from the operations and intelligence and surveillance activities carried out by the military, and some because of the criminal activity of individual soldiers.

Even when civilian authority has been established or re-established, military presence still dominates the structures of authority and democratic culture becomes difficult to promote. It has been noted that in some countries national human rights institutions have not been given powers to investigate allegations of excesses committed by members of armed forces. There are also reports of armed forces systematically failing to comply with court orders concerning arbitrary actions that violate human rights. The military's continued lack of accountability is being questioned and there is a greater demand for transparency and public scrutiny of allegations of abuse by the military. This will become possible only if the measures and mechanisms allow comprehensive monitoring of actions and operations of military and security forces in order to prevent human rights violations.

It is now well documented that, with the exception of the police, military and State intelligence agencies by far outnumber others as perpetrators of abuse against human rights defenders. In view of the adverse effects of militarism on human rights activity and the high level of immunity that the military enjoys this trend is seen as a serious threat to the promotion of and protection of human rights in the region.

As a response to the deteriorating situation of human rights defenders, the United Nations adopted the Declaration¹ on human rights defenders in 1998. On the one hand this was recognition of the dangers that human rights defenders confront and, on the other, a step taken by the international community to create norms for the protection of human rights activity. The Declaration makes it the primary responsibility of the State not only to guarantee the safety of human rights defenders, but also to ensure that conditions exist in which they can carry out their activities. Respect for human rights necessarily includes recognition of the legitimacy of the work of defenders. States must, therefore, take all possible measures to create an environment conducive to the defense of human rights.

Independence, credibility and transparency are cornerstones of the efforts to promote and protect human rights. Repressive action by the State against human rights activity affects the transparency and openness with which human rights defenders can work. Such circumstances increase the risks for defenders and can undermine the credibility of their work. On their part human rights defenders must also be fully conscious that transparency, objectivity, non-partisanship and accuracy in the communication of information are essential elements of all activities in which they engage. It is only through these qualities that defenders can maintain respect for their work and withstand any attempts to discredit them, or undermine their public image.

Public support for the activities of human rights defenders is in itself an important means of protection for them. This support can be generated and enhanced by increasing public awareness and understanding of their work and the implications and impact of the policies and practices that defenders seek to eliminate or promote. The Declaration can be an effective tool in this regard. The media can play an important role in mobilizing public opinion in support of human rights defenders and in providing information on the Declaration. Human rights organizations should ensure accessibility and prompt action, lobby for support of their protection initiatives and build contact with the media, including reinforcing and institutionalizing networking with journalists.

Creation of coalitions, national and regional networks for communication of information, monitoring groups and support groups is a development that is extremely reassuring. These networks are in themselves mechanisms for the protection of human rights defenders. Taking practical steps to protect persecuted defenders

should be an important part of the responsibilities of coalitions. Urgent action networks are already functioning in the region and should be utilized more widely as a mechanism for the protection of human rights defenders. Regional initiatives to create monitoring groups and evacuation teams to respond immediately in situations where human rights defenders are in grave and imminent danger can strengthen the element of protection.

The Declaration has given the civil society a "role and responsibility in safeguarding democracy, promoting human rights and fundamental freedoms and contributing to the promotion and advancement of democratic societies, institutions and processes". Human rights defenders can only fulfil this responsibility effectively if they have a secure and enabling environment in which to function. Any commitment to the defense of human rights at the national, regional or international level must, therefore, be tested on the basis of the degree of security that human rights defenders have in carrying out their work.

The main regional human rights groups in the region should establish a combined task force for this purpose. Special attention must be paid to the safety of human rights defenders from marginalized segments of society, as they are more vulnerable to risk. For gathering and conveying information, better access must be provided to those working in remote areas. Human rights defenders working with refugees, or those who have to operate from outside for the defense of human rights in their own countries, are especially vulnerable and should be supported by the human rights community at the regional level.

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Endnote

1. The United Nations Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, GA resolution 53/144, 9 December 1998.

13th Workshop on Regional Cooperation for the Promotion and Protection of Human Rights in the Asia-Pacific Region

*Nobuki Fujimoto**

The 13th Workshop on Regional Cooperation for the Promotion and Protection of Human Rights in the Asia-Pacific Region, organized by the Office of United Nations High Commissioner for Human Rights (OHCHR) was held on 30 August to 2 September 2005 in Beijing. It was attended by representatives of 34 governments, the Palestinian National Authority, 17 national human rights institutions (NHRIs), the Asia Pacific Forum of National Human Rights Institutions (APF), 13 international organizations (including the United Nations agencies), 3 regional inter-governmental organizations, 13 non-governmental organizations (NGOs), and 5 resource persons.

The Workshop reviewed the progress achieved since the 12th Workshop (Doha, March 2004) in the four areas for technical cooperation (national human rights action plans, national human rights institutions, human rights education, and right to development and economic, social and cultural rights) under the so-called Tehran Framework.¹ The review included the Inter-sessional Expert Meeting on Human Rights Plans of Action and Human Rights Education in the Asia-Pacific region (Bangkok, October 2004), 9th Annual APF Meeting (Seoul, September 2004), Sub-regional Workshop for Judges and Lawyers on the Justiciability of Economic, Social and Cultural Rights in Southeast Asia (Manila, November 2004), Regional Conference on National Human Rights Institutions in the Arab World (Cairo, March 2005), and the 10th Annual APF Meeting (Ulaanbaatar, August 2005). The Workshop also took stock of the national, sub-regional and regional initiatives within the four areas for technical cooperation.

For the first time, the Workshop focused on a particular theme: human rights and human trafficking. There was also a presentation on possible ways of changing the structure of the Workshop.

Pre-Workshop Consultation Meeting

Prior to the Workshop, OHCHR organized the "Consultation of Non-Governmental Actors, National Institutions, Sub-regional Organizations

and representatives from UN system" on 29 August 2005.

The representatives of NGOs, NHRIs, United Nations (UN) agencies and regional inter-governmental organizations reaffirmed their commitment to the development of a regional arrangement/mechanism and called on governments to establish national human rights institutions in full compliance with the Paris Principles as a necessary step towards strengthening national promotion and protection of human rights. They endorsed many of the suggestions raised by Professor Vitit Muntarbhorn of Chulalongkorn University on the future structure of cooperation on human rights in the region. The meeting recommendations were formally presented in the Workshop.

Regional Workshop

The Workshop opened with the welcome address of Mr. Tang Jiaxuan, State Councilor of China. Mr. Tang stressed that human rights work in the Asia-Pacific should conform to the principles of equality and mutual respect, and emphasized the necessity of upholding the purposes and principles enshrined in the UN Charter and international human rights instruments. On the other hand, he stated that each country should choose its own way of promoting and protecting human rights based on national conditions. He said that "[T]here is no uniform standard with regard to national action plans, national human rights institutions or human rights education." He explained that the purpose of regional cooperation is to facilitate "emulation, exchanges and cooperation so as to achieve common development and progress." He appreciated the current forms of regional and sub-regional cooperation represented by the League of Arab States, the Association of Southeast Asian Nations (ASEAN), the South Asian Association for Regional Cooperation (SAARC), and the Pacific Islands Forum.

Ms. Louise Arbour, UN High Commissioner for Human Rights, emphasized the importance of

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regional mechanism in ensuring a better respect for human rights. She stressed that its importance lies in the fact that it is designed to "articulate a common approach to a complex problem, an approach that will assist states, from a position of shared regional values, to address shortcomings in their national frameworks so as to allow individuals the means to enjoy their rights in full, and to obtain effective redress when those rights are denied."

While the Workshop is meant to take stock of the activities organized under the Tehran Framework, it is suggested that it should not be a mere reporting exercise. This suggestion was raised by some of the resource persons and representatives of national human rights institutions such as Dr. Purification V. Quisumbing, Chairperson of the Commission on Human Rights of the Philippines.

Presentation of reports however resulted in substantive discussions especially on the Workshop's thematic issue.

Human trafficking

Ms. Sigma Huda, the UN Special Rapporteur on trafficking in persons, especially women and children, reported the overall situation on trafficking in Asia-Pacific with specific country examples. She questioned the effectiveness of the crackdown on trafficking partly because of the involvement of organized crime in many countries and corruption among law enforcement and immigration officials. She believes that human trafficking is a microcosm of many of the complex social issues facing global society, including gender disparities, migrants' rights,

and cultural imperialism. She is convinced that any successful anti-trafficking strategy has to place the human rights of victims at the center by taking into account international best practices such as those embodied in the UN Recommended Principles and Guidelines on Human Rights and Human Trafficking.²

The Special Rapporteur expressed the importance of regional cooperation in the prevention of trafficking and the protection, repatriation and reintegration of trafficked victims.

In connection with regional cooperation, Ms. Melissa Stewart of the UN Inter-Agency Project on Human Trafficking in the Greater Mekong Sub-region (UNIAP) reported that UNIAP brings together 6 governments (Cambodia, China, Laos, Myanmar, Thailand, and Vietnam), 12 UN agencies, 8 international NGOs, and a wide variety of partners in the anti-trafficking community since June 2000. The project aims to reduce the severity and harm associated with human trafficking in the sub-region. UNIAP led to the establishment of a government-led process named Coordinated Mekong Ministerial Initiatives Against Trafficking (COMMIT) in order to forge cooperation and common action to combat human trafficking. They agreed on this initiative in a Memorandum of Understanding (MOU) adopted in October 2004. Consequently, COMMIT adopted a sub-regional plan of action in its meeting in Hanoi in March 2005.

ASEAN Human Rights Mechanism

While there is absence of human rights mechanism

in the entire Asia-Pacific region, the Association of Southeast Asian Nations (ASEAN) made some progress toward establishing a subregional mechanism. Atty. Carlos Medina Jr., Secretary-General of the Working Group for an ASEAN Human Rights Mechanism, reported that the Working Group was formed in reaction to the lack of movement after the 1993 ASEAN declaration favoring the establishment of a regional human rights mechanism.³

The Working Group is an informal coalition of groups and individuals working in human rights institutions, academe, and NGOs in Southeast Asia. Its primary objective is the establishment of an inter-governmental human rights mechanism in Southeast Asia.

Its continuous dialogue for more than 10 years with ASEAN senior officials brought about a significant development for the establishment of the mechanism. ASEAN adopted the Vientiane Action Programme (VAP) in 2004, which enumerates programs on human rights. It contains, among others, the formulation and adoption of a Memorandum of Understanding to establish a network among existing national human rights mechanisms, elaboration of an ASEAN instrument on the protection and promotion of the rights of migrant workers, and establishment of an ASEAN commission on the promotion and protection of the rights of women and children.⁴

In the July 2005 meeting in Vientiane, ASEAN asked the Working Group to help implement the four areas of the VAP, namely, a) establishment of the commission on women and children, b) elaboration of the migrant workers instrument, c) human rights education, and d) networking among existing national human rights mechanisms in the region.

Atty. Medina explained that this development is one step or block in the "step-by-step" or "building block" approach of the Workshop. This approach takes a long time and is difficult, but certainly the only effective way forward.

Future structure

Professor Muntarbhorn examined the past activities of the Workshop and made suggestions on the future structure for regional cooperation on human rights. He cited the need to, among others, expand the space for NGO and national human rights institution par-

ticipation in the Workshop, adopt five-year programming for the Asia-Pacific region with high/ministerial-level workshop, and support the decentralization of OHCHR presence through sub-regional offices in the Pacific, South Asia, West Asia, Northeast Asia, and Southeast Asia. The current, OHCHR Bangkok office will be converted into a sub-regional office for Southeast Asia under this scheme.⁵

Conclusions of the Workshop

On 2 September 2005, the final day of the Workshop, government representatives adopted the Conclusions of the 13th Workshop after many hours of negotiations among themselves. While the issue of human rights and human trafficking was given importance as a special concern (a positive development for the Workshop), little significance is given on suggestions regarding the future structure of the Workshop proposed by Professor Muntarbhorn. The Conclusions simply "take note" and "express appreciation" for the suggestions.

The Workshop proved that the step-by-step approach is really needed to establish a human rights mechanism in the Asia-Pacific region.

For further information, please contact HURIGHTS OSAKA.

Endnotes

1. The Tehran Framework was adopted in the 6th Workshop held in 1998 in Tehran.
2. E/2002/68/Add. 1, ECOSOC, C20 May 2000
3. This is the Joint Communiqué of the Twenty-Sixth ASEAN Ministerial Meeting, Singapore, 23-24 July 1993, in www.aseansec.org/3666.htm
4. For further information see ASEAN Adopts Declaration Against Trafficking in Persons in www.aseanhrmech.org/WGPages/activities_04Trafficking.htm
5. Professor Muntarbhorn, as commissioned by the OHCHR, presented a paper on this issue entitled "In search of the rights track : Evolving a Regional Framework for the Promotion and Protection of Human Rights in the Asia-Pacific Region."

The Asia Pacific Forum of National Human Rights Institutions: 10th Annual Meeting

*Moeko Nozawa**

The Asia Pacific Forum of National Human Rights Institutions (APF) celebrated its 10th anniversary this year, and held its annual meeting from 24-26 August 2005 in Ulaanbaatar. The National Human Rights Commission of Mongolia hosted the meeting.

The APF started with 4 member-institutions (Australia, New Zealand, India, and Indonesia) in 1996 and grew to 17 member-institutions in 2005 (cf. Table 1). In the 2005 meeting, the Afghanistan Independent Human Rights Commission was accepted as the latest full member, while the National Human Rights Committee of Qatar was accepted as an associate member. The Office of the *Provedor* (Ombudsman) for Human Rights and Justice of Timor-Leste was accepted as a candidate-member. Aside from the representatives of APF member-institutions, representatives from 6 governments, 35 NGOs, UN agencies and others joined the 2005 meeting as observers.

Discussions

The meeting focused mainly on the following themes: "NHRIs and Human Rights Education", "NHRIs and Internally Displaced Persons", and "NHRIs and the prevention of torture and other forms of ill-treatment". On human rights education, the APF encouraged member-institutions to establish effective partnership with educational authorities, and emphasized that "Education for All" should be included in the full realization of the right to education. On the issue of Internally Displaced Persons (IDPs), the APF called on all member-institutions "to take effective steps to protect and to promote the rights of IDPs in line with UN Guiding Principles on IDPs." Based on the Advisory Council of Jurists' (APF's legal advisory body)¹ interim report on torture, the APF called on member-institutions to recommend to their governments to sign and ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol. The discussions at the 10th APF are summarized in the 2005 Concluding Statement.²

APF 10 Years After

Since the Asia-Pacific region does not have a mecha-

nism to protect and promote human rights, the APF functions in a way as an alternative regional human rights mechanism. Since its establishment, the APF has been promoting cooperation and joint activities among NHRIs on such areas as capacity-building. The Human Rights Investigation Techniques Training Program is an example. It is designed for APF member-institutions' staff with responsibility for managing and conducting investigation of serious human rights abuses. This and other programs are effective measures that support NHRIs which lack human and financial resources. The Staff Exchange and Placement Program contributes not in the development of skills of staffs but in further developing regional cooperation in the field of human rights. These mutual aid and regional cooperation activities of the APF are very valuable indeed.

In light of questions on some NHRIs about their performance or fitness, the APF should set up a system for periodic review of the performance and adherence of NHRIs to the Paris Principles.³

On the other hand, since there are many countries without NHRIs or not working toward their establishment (like Japan and Bangladesh), the APF should encourage and support these countries to establish NHRIs.

Partnership with NGOs

Needless to say, collaborative effort with the civil society including NGOs is indispensable for the protection and promotion of human rights. The NHRIs/APF should reaffirm the spirit of "The Kandy Program of Action: Cooperation Between National Institutions and Non Governmental Organizations".⁴ This program of action has "reaffirmed faith in the crucial importance of cooperation between NHRIs and NGOs and recognized that they should work together on the basis of their common commitment to the universality and indivisibility of human rights..." It may be asked though: how many NGOs have had collaborative work with their NHRIs so far? As far as the APF is concerned, not a few NGOs see it as the

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only regional framework in the field of human rights, and are ready to contribute to its work in protecting and promoting human rights. Reality, however, shows that there were few opportunities for NGOs to present their views in the APF meetings.⁵ It is essential that the NHRIs/APF have close relations with the civil society including NGOs in order to contribute to the further development of human rights in the region. It would be essential for the NHRIs/APF to revisit the importance of multiparty cooperation for the promotion and protection of human rights while commemorating its 10th anniversary.

For further information, please contact HURIGHTS OSAKA.

Endnotes

1. For further information about the Advisory Council of Jurists visit: www.asiapacificforum.net/jurists/index.html.
2. The Concluding Statement will be uploaded in the APF website (www.asiapacificforum.net) soon.
3. "Principles relating to the status of national institutions". Full members of the APF must comply with the minimum standards set out in the 'Paris Principles'. See www.nhri.net/pdf/ParisPrinciples.english.pdf.
4. For the full text of this document, see www.asiapacificforum.net/training/workshops/ngos/concluding.htm
5. See *Human Rights Features*, 126/05 (08 September, 2005), "APF 2005: NGOs walk out over lack of space--- How credible can a network of NHRIs be without NGO participation?", in www.hrdc.net/sahrdc/hrfeatures/HRF126.htm

Table 1. List of APF Members and date of their membership

APF Annual Meeting	NHRIs Accepted as Members
1st Regional Workshop Darwin, Australia 8 - 10 July 1996	Australia India Indonesia New Zealand
2nd Regional Workshop New Delhi, India 10 - 12 September 1997	Philippines Sri Lanka
3rd Annual Meeting Jakarta, Indonesia 7 - 9 September 1998	
4th Annual Meeting Manila, Philippines 6 - 8 September 1999	Fiji
5th Annual Meeting Rotorua, New Zealand 7 - 9 August 2000	Nepal
6th Annual Meeting Colombo, Sri Lanka 24-27 September 2001	Mongolia
7th Annual Meeting New Delhi, India 11 - 13 November 2002	Malaysia Korea Thailand
8th Annual Meeting Kathmandu, Nepal 16-18 February 2003	Afghanistan Palestine
9th Annual Meeting Seoul, South Korea 13 September 2004	
10th Annual Meeting Ulaanbaatar, Mongolia 24-26 August 2005	Jordan Qatar Timor-Leste

Combating Racism, Racial Discrimination, Xenophobia and Related Intolerance

*Jefferson R. Plantilla**

The Office of the United Nations High Commissioner for Human Rights (OHCHR) organized the Experts Seminar on "Combating racism, racial discrimination, xenophobia and related intolerance: role of education" on 19-21 September 2005 in Bangkok. The Seminar focused on South and Southeast Asian countries.

Opening session

Mr. Dzidek Kedzia of the OHCHR explained that the Seminar is part of the regional approach taken by his office regarding the implementation of the 2001 Durban Declaration and Programme of Action (DDPA). The Seminar was the first sub-regional activity in Asia. He cited the High Commissioner (Louise Arbour) who stated that the DDPA is important as a "functional common agenda to counter discrimination in all of its manifestations." He also cited the recommendation of the Group of Eminent Experts about awareness-raising and access to education as crucial in the struggle against discrimination, and education as a "tool to assist victims of discrimination in overcoming their disempowered situation." He mentioned the recently adopted World Programme for Human Rights Education of the United Nations (UN) which supports the campaign against discrimination. He likewise mentioned the statement of heads of governments in the recent World Summit held at the UN headquarters in New York which expressed support for "tolerance, respect, dialogue and cooperation among different cultures, civilizations and peoples." Finally, he stressed that the OHCHR plan of action recognizes the continuing discrimination in various forms around the world that should be addressed.

The Vice Minister of Education of Thailand, Mr. Piyabutr Cholvijarn, in his opening remarks emphasized the Thai monarchy's recognition of human rights and the continuing effort of the Thai Government to ensure that education reaches all children, especially the ones who are disadvantaged.

Plenary presentations

Mr. Pierre Sob, Acting Coordinator of the Anti-Discrimination Unit of the OHCHR, explained the mechanisms that implement the DDPA. While stressing the important role of education in eradicat-

ing discrimination and exclusion, he also emphasized the challenges facing the field of education on this issue. Mr. Darryl Macer of UNESCO introduced the International Coalition of Cities against Racism project as an initiative launched by UNESCO in 2004 to establish a network of cities interested in sharing experiences in order to improve their policies and strategies to counter racism, racial discrimination, xenophobia and related intolerance for a greater urban social inclusion. He added that for Asia-Pacific, the Bangkok Municipal Authority (BMA) has accepted to play the role of the Lead City for the region.

Resource persons discussed the World Programme for Human Rights Education, the concept of right to education and its relation to quality education, national experiences on human rights education in schools, informal education on human rights relating to discrimination in South and Southeast Asia, and the role of the media.

Challenges and good practices

The participants considered the challenges facing the full implementation of DDPA in Asia-Pacific as enormous. They range from poverty, to hierarchical social structures; from national policies aimed at building homogenized society, to tensions arising from different religious beliefs; from impunity for perpetrators of discrimination, to government denial of the existence of discrimination, and also include problems within school systems.

The participants discussed good practices in South and Southeast Asia that address the problem of discrimination and exclusion. Cited as good practices are measures and initiatives that support access to, as well as quality, education for children disadvantaged by different social, economic, ethnic backgrounds including those belonging to indigenous communities, girls, children of different nationalities, and those with disabilities. They recognized the importance attached to the creation of indigenous schools, the food-for-education program, and a sub-regional project on human rights education.¹ In addition, the participants also cited as good practices the training of migrant workers, the involvement of members of

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minority community in judicial academies, the establishment of institutions devoted to the socially-excluded, special programs of national human rights institutions to increase public awareness on discrimination, awareness-raising programs on the rights of women and children, intercultural dialogue between different communities, and networking, advocacy and lobbying and the building of solidarity to combat discrimination.

Recommendations

The participants called on Governments in cooperation with the OHCHR, UNESCO, other inter-governmental organizations and civil society to take actions such as

- * Adopting clear policies against racism and to promote social cohesion between different communities;
- * Reviewing with all sections of society the way history is written and taught to ensure more pluralistic analysis responsive to cultural diversity;
- * Ratifying the International Convention on the Elimination of all Forms of Racial Discrimination and other human rights treaties; popularization of these treaties and the Durban Declaration and Programme of Action, and facilitation of their translation into local languages;
- * Engaging in a systematic way in the implementation of these treaties and the Durban Declaration and Programme of Action, particularly those provisions that address education in general and human rights education in particular;
- * Disseminating and implementing the World Programme for Human Rights Education that supports the understanding of human rights education in schools as a complex process which includes:
 - a. Educational policies, legislation and strategies that reflect human rights principles, as well as appropriate organizational measures to implement those policies, with the involvement of all stakeholders;
 - b. Teaching and learning processes and tools - including the content and objectives of the curriculum, teaching practices and methodologies as well as materials, including textbooks - that are based on and incorporate human rights principles;
 - c. Learning environments in which human rights are respected and upheld. All members of the school system (students, teachers, staff and administrators and parents) should practice human rights and children should be able to participate fully in school life;
 - d. A teaching profession and school leadership which have the necessary knowledge, understand-

ing, skills and competencies to facilitate the learning and practice of human rights in schools, as well as with appropriate working conditions and status.

- * Developing in a participatory process national strategies to implement the World Programme for Human Rights Education.

The participants suggested the inclusion of the objective of eliminating discrimination and exclusion in the school curriculums and processes. They urged training based on core human rights instruments, for teachers, other professionals, youth, business leaders, and other professions and segments of society supported by incentives for effective participation. They also urged

- * Promoting child-friendly education, schools and environments that are inclusive to eradicate biases against affected group;
- * Providing effective response to children with special needs;
- * Promoting the concept of bringing education to communities and maintaining the use of local wisdom;
- * Promoting quota systems for disadvantaged communities in schools and academic and training institutions, in public and private sector;
- * Placing emphasis on not only access to education but also quality of education geared to prevention and elimination of discrimination;
- * Promoting multiculturalism in education, including the use of multilingual publications;
- * Improving access not only to primary but also other levels of education as a life long process; region-wide adoption of the policy of free and compulsory education.

They likewise supported the inclusion of the human rights component into the curriculums for training of judges and other legal professionals.

On non-formal education, the participants reaffirmed the need to overcome discrimination and exclusion through awareness-raising initiatives, involving the civil society and through cross-cultural cooperation. There is need to nurture human-rights-sensitive mindset through community-oriented activities addressing the entire society from a young age; and to strengthen the role of the family in the promotion of tolerance and mutual respect.

The participants urged support for community-oriented initiatives through

- * Fostering of alternative media, including indigenous media, that is accessible and sensitive to

human rights and that can act as a bridge for inter-ethnic dialogue;

* Using, recognizing or setting up community radio stations and other media to promote tolerance and respect for others.

There is a need to promote access to information technology and overcome the information divide within societies and at the international level. There is also a need for forums for discussion of the plight of socially excluded, including Dalit and Buraku, in meetings and seminars in this region and beyond.

Since the Seminar discussed experiences in the region, the participants urged the development of research, documentation and information-sharing to promote and popularize good practices on human rights education, particularly with regard to countering racism, xenophobia and related intolerance, as well as to address malpractices. Related to this is the need for strengthening networking among all stakeholders of human rights education and awareness-raising programs related to discrimination; coordination between institutions involved in countering racial discrimination and xenophobia, and human rights education at the national level. Additionally, they urged

* Strengthening civil society by opening democratic space for cooperation on human rights education;

* Mobilizing more resources to help Governments and NGOs implement the DDPA, including its translation into national and other languages;

* Promoting cross-cultural dialogue within countries and across borders and understanding that discrimination goes beyond racism.

As a follow-up, the participants requested OHCHR to undertake a review of the implementation of the recommendations adopted two years later.

Some comments

The Seminar provided an opportunity for the agenda of the 2001 Durban conference on combating racism and discrimination to be discussed again in the context of South and Southeast Asia. This time a plan of action (DDPA) as well as good practices were available for discussion. This is certainly an improvement over the discussions in the years prior to the Durban conference. Now the issue is how to ensure the implementation of an international plan of action agreed upon by Governments.

In this context, it is regrettable that most South and Southeast Asian governments failed to send representatives to the Seminar. They were not able to share

with the Seminar participants their effort to implement the DDPA, or learn from the experiences of other countries in this regard. The Seminar agenda is very specific to education, and thus the representation of the Ministries of Education (MOEs) and other relevant government agencies is much needed. It is thus appropriate to give credit to the MOEs of Afghanistan, Cambodia, Laos, and Maldives for sending representatives to the Seminar.

It is also notable that the Seminar linked the implementation of DDPA to a number of other UN initiatives such as the World Programme for Human Rights Education, the UNESCO project on coalition of cities against discrimination, and the general statement of Government leaders on global issues (2005 World Summit). It is important to remind Governments that the different UN initiatives are all linked to human rights and thus they can also be linked at the operations level. Available (even though limited) resources (financial, logistical and human) at the national level can be pooled or reprogrammed to obtain a decent implementation of international commitments. Good practices, many of which are yet to be recognized, can be found in the different countries. Such good practices are waiting to be replicated and even improved for better use.

The need for national, regional and international initiatives to converge is long overdue. This is necessary to avoid wasting opportunities, time, money and other resources.

Finally, from a human rights perspective, domestic issues are matters of international concern. Thus the debate on caste discrimination and its relation to DDPA is best settled by getting international support to stop the inhumane treatment of Dalits. Working on the problem will eventually render the debate moot and simply academic.

For further information, please contact HURIGHTS OSAKA.

Endnote

1. This is the Southeast Asian initiative on human rights education in schools which comprised of workshops and the development of human rights lesson plans (with English, Khmer, Vietnamese and Bahasa Indonesia versions). See Workshop on Southeast Asian Human Rights Lesson Plans, www.hurights.or.jp/asia-pacific/040/05.htm, for the latest activity held.

Dialogue Among Citizens: Japan and Korea

*Park Koonae**

HURIGHTS OSAKA co-organized a study tour to South Korea (mainly in Seoul) with Osaka-based Korea NGO Center from 11-16 August 2005 to celebrate the 60th anniversary of Korea's independence from Japan (which also coincides with the 60th anniversary of Japan's defeat in World War II) and to deepen a desirable relationship between the Japanese and Koreans including Koreans residing in Japan.

There were 22 participants from Japan consisting of university students, lawyers, university professors, high school teachers, NGO activists, and ordinary citizens. A big number of Japanese visit South Korea nowadays. But exchanges among the citizens of the 2 countries in the area of human rights have not been very active except for some strong solidarity activities in Japan in the 1980s that supported Korean movements against the Korean military dictatorship. On the other hand, in recent years, disagreements relating to the Dokdo/Takeshima Island issue and the interpretation of historical events between Korea and Japan suddenly became serious. In this context, building friendship and reconciliation through dialogues at the citizens' level becomes even more important.

The main program of the study tour was the open forum entitled "Citizens' Forum for Promoting Exchange and Collaboration in the Civil Society in Korea and Japan", co-hosted by HURIGHTS OSAKA, the Korea NGO Center, and the Peace Center of the People's Solidarity for Participatory Democracy (PSPD). The forum, attended by more than 60 participants including the study tour participants, opened with remarks from Prof. Hatsuse Ryuhei, Chairperson of the Advisory Committee of HURIGHTS OSAKA, and Prof. Park SoonSun, Director of the Peace Center of PSPD. The first part of the forum focused on "Militarization in Northeast Asia and the relationship between Korea and Japan." Prof. Lee Gyongjoo, a member of the Peace Center and teaching in Inha University, and Mr. Chung Kapsu, Chairperson of the Planning Committee of One Korea Festival gave presentations. For the second part of the forum, focusing on the "Clarification of the history between Korea and Japan and the common understanding of history", Mr. Masao Niwa, a Japanese lawyer from Osaka, and Ms. Kang Hyejon,

a member of Solidarity for Peace and History Education in Asia, gave presentations. There was limited time to raise questions and express ideas and opinions. But it was surely a frank face-to-face discussion at the citizens' level. Some Japanese participants were surprised to know that Korean participants know Japan's modern history and political situation so much, and learned how the war-renouncing provision in the Japanese Constitution (Article 9) is appraised in Korea.

The study tour group visited the *House of Sharing* where former Korean comfort women (those forced to become sex-slaves during WWII) are residing. The group learned about their harsh experience and their appeals to the Japanese government and society. The group also participated in the Liberation Day celebration on 15 August 2005 where a North Korean delegation jointly celebrated with members of the South Korean civil society and delegations of Korean organizations from abroad (including one group from Japan) at Jangchoong Gymnasium in Seoul.

Participants from Japan learned much about citizens' struggle for freedom and democracy by visiting Korean historical museums and understanding the Korean civil movements. It is often said that Korea is a distant country even though it is near. Not a few participants felt that the Korean Peninsula has been moving more powerfully toward making peace and unification than expected in Japan. We should provide the space for more positive meetings, sharing of ideas and seeking ways of resolving conflict among Asian friends, instead of avoiding listening to their different opinions.

For further information please contact HURIGHTS OSAKA.

*Park Koonae is a staff member of HURIGHTS OSAKA.

HURIGHTS OSAKA Award 2005

Three entries from Pakistan, Malaysia and Japan won the HURIGHTS OSAKA Award 2005 for International Human Rights Education Materials. The award-winning materials are among the 60 entries sent by 37 organizations. This year's entries include supplementary reading materials, comic books, worksheets, videos, CDs, DVDs, short movies, powerpoint presentations, website contents, programs for performances, and comprehensive training programs.

The following are the winning materials: (in alphabetical order)

1. *Gender and Human Rights* (Asia-Japan Women's Resource Center: Japan)
2. *Kaleidoscope Primers - School text for teaching gender equality, human rights and peace* (Simorgh Women's Resource & Publication Centre: Pakistan)
3. *OK Tak OK* (Women's Centre for Change: Malaysia)

Gender and Human Rights

This a workshop teaching material consisting of a workbook (Gender and Human Rights) and a user manual. The workbook, developed by feminist activists from all over Japan, is meant for use by women and men of all ages and backgrounds. It is currently being used in various places by women's groups, government offices, and schools. It is in Japanese language.

Kaleidoscope Primers -School texts for teaching gender equality, human rights and peace

Kaleidoscope Primers consist of 12 teaching materials for primary schools (Grades 1 to 6) and teachers' guides. They cover the issues of gender, human rights in general, and peace. They attempt to retrieve the culture of tolerance based on the recognition of life's richness and diversity, and also introduce the children to their own rights as individuals and as members of the human community. They address issues of right to life, safety, food, health, education, etc., and actively involve children in developing their learning and thinking processes. They use the participatory method, with discussions and group work with the children, as well as data identification and logic. A Teacher's Guide accompanies each primer, which should inspire teachers to include parallel material on

given themes and exercises based on the formats in the primers. Kaleidoscope Primers are in English language.

OK Tak OK

This is a set of 2 VCDs on prevention of child sexual abuse, with accompanying written guide. The first VCD is an audiovisual recast of participatory dramas on sexual abuse prevention. It was produced to reach out to as many schools and states other than Penang. It has been used in training hundreds of school teachers and counselors. The second VCD is meant to reach a wider audience, particularly in rural areas. Both VCDs teach healthy and unhealthy ways of touching a person, and scenarios of adapted real life cases of sexual abuse. At the end of each scenario, members of the audience are asked what they will do in such cases, and teachers/counselors discuss preventive steps that can be taken.

The VCDs are in Malay language while the guide materials are English and Malay languages.

Exhibit of materials

There is a plan to have a public exhibition in Osaka City of these materials along with the other entries in Awards 2004 and 2005. The exhibition, likely to take place in early December 2005, is part of the *Sekai no Jinken Kyoiku Kyouzai Ten* (Global Human Rights Education Materials Exhibition).

The award ceremonies may take place during the exhibition.

For further information, please contact HURIGHTS OSAKA.

Also, please visit website:

http://www.hurights.or.jp/event/award2005_e.html

HURIGHTS OSAKA ACTIVITIES

HURIGHTS OSAKA is organizing, in cooperation with the Nelson Mandela Centre for Peace and Conflict Resolution of Jamia Millia Islamia, the South Asia Workshop on Human Rights Education in Schools on 16-18 November 2005 in New Delhi. This workshop generally aims to orient curriculum developers from South Asia on human rights and integration of human rights education into the school curriculum. Participants from Bangladesh, India, Nepal, Pakistan and Sri Lanka will be attending the workshop.



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.



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