



*Editorial*

## *Human Rights Defenders*

Defending the so-called "human rights defenders" was highlighted in the 1998 United Nations' declaration which provides that

everyone is entitled, individually and in association with others, to be protected effectively under national law in reacting against or opposing, through peaceful means, activities and acts, including those by omission, attributable to States that result in violations of human rights and fundamental freedoms, as well as acts of violence perpetrated by groups or individuals that affect the enjoyment of human rights and fundamental freedoms.

Unfortunately for a number of human rights defenders in Asia and the Pacific, they suffer restrictions in their work due to rules and regulations of States, illegal acts of private entities, and values, practices and traditions of society. Quite a number of them have been killed, and those responsible for their deaths have not been made accountable.

It is worth repeating that the same declaration recognizes the human rights defenders (be they individuals, groups, institutions and non-governmental organizations) for having "an important role to play and a responsibility in safeguarding democracy, promoting human rights and fundamental freedoms and contributing to the promotion and advancement of democratic societies, institutions and processes."

At ground level they help educate people about their rights, protect them as much as possible, and facilitate their realization despite restrictions. Human rights defenders can be ordinary people devoting their own little efforts to human rights.

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 Osamu Shiraishi, Director of HURIGHTS OSAKA.

# Frontline Human Rights Defenders at Local Level: Community Paralegals in the Pacific

*Imrana Jalal\**

The Pacific Regional Rights Resource Team (RRRT) engages local Pacific Island communities through our Community Paralegal Training (CPT) program-building and supporting a network of community-level human rights activists and advocates across the region - from the urban hub of Suva to some of the remotest islands of Kiribati and Vanuatu. In partnership with locally based organizations, we have now trained an extensive, 300-strong network of community paralegals (CPs) from the Cook Islands, Fiji, Kiribati, Samoa, Solomon Islands, Tonga and Vanuatu.

These CPs are frontline human rights defenders at the local level. We do not call them human rights advocates for strategic reasons. Each country has an informal network of CPs and in the Solomons they have formed into a cohesive network through an association.

## Training

CP training lasts between 6-8 weeks spread over two years and our partner organizations in Pacific Island countries try to select participants on the basis that they will be in strategic positions to mobilize and monitor around human rights issues. We believe in ongoing technical and other support. We prefer potential CPs to be working in organizations which are already viable so that their human rights knowledge and skills enhance their ability to be agents of positive change. We are exploring ways to further strengthen their capacity to enable them to work more effectively in their communities by empowering ordinary people to demand their rights from those in positions of power, to assert their rights and to address the many human rights issues and violations that occur at all levels in Pacific Island Countries (PICs).

During the human rights CP Training the participants cover topics and issues including gender, equality and discrimination, Bills of Rights, fundamental rights and freedoms, the legal system, constitutions, democracy, government, good governance, the coup cycle phenomena, family law, development, poverty and the Millennium Development Goals (MDGs) and the links between them. They study the "Big Seven" international human rights conventions

(Universal Declaration of Human Rights, International Covenant on Civil and Political Rights, International Covenant on Economic, Social and Cultural Rights, Convention on the Elimination of All Forms of Discrimination against Women, Convention on the Rights of the Child, Convention Against Torture, Convention on the Rights of Migrant Workers and their Families, and Optional Protocols) and learn how to report to the various United Nations human rights monitoring committees.

They learn skills in lobbying, advocacy and strategies for change. They learn how to run national campaigns, but also micro skills to bring about community change and provide human rights support to individuals. The women and youth CPs from East Honiara Constituency in Solomon Islands have used these strategies for change to actually get their Member of Parliament to provide more than \$20,000 to assist them in human rights awareness in their constituencies. The bulk of RRRT programme funds and human resources are spent on CP Training. For us at RRRT, we learn from them the key issues in the islands and they help us to work in several different contexts. I say this because it should not be assumed that the strategies that work well in Fiji can necessarily be applied in Solomon Islands, Vanuatu or Kiribati.

What is significant about the training is that CPs learn not just to use human rights to make gains in the law or in civil and political rights (which is perhaps the traditional use of human rights), but to assert economic, social and cultural (ESC) rights and to gain access to goods, services and delivery. They play a dual role in not only raising issues about human rights but are also monitors of human rights violations at local level.

We work at this level because this is where the most

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human rights violations occur in the PICs. In very real ways the CPs use human rights to help those who are poor and/or marginalized in their communities. Sometimes the changes are at a micro community level and sometimes the changes are at a structural macro level.

### **Work at the community level**

Some of the diverse changes that have been brought about by CPs (working with partners at individual, agency and macro levels) include:

- \* Assisting in the successful passing of the Fiji Family Law Act which will give unprecedented rights to women and children;
- \* Mobilizing against a strict discriminatory dress code for women in Solomon Islands;
- \* Helping poor women gain custody of their children, enforce maintenance payments and in getting domestic violence orders in several PICs;
- \* Mobilizing against the dumping of toxic waste by a Taiwanese company in Makira province in Solomon Islands;
- \* Negotiating speaking rights for women in local village decision-making bodies in Guadalcanal in the Solomons and in the Nakamal in Vanuatu;
- \* Establishing a new kindergarten in Malaita (Solomon Islands) after many years of waiting for the State to do so;
- \* Mobilizing against a village decree which sought to deny women rights to access land in Malekula in Vanuatu;
- \* Enforcing the proper counting of ballot boxes in a remote village in Guadalcanal;
- \* Helping obtain the provision of cement toilets to 28 households in Tebero village, Abaigang in Kiribati;
- \* Using knowledge of governance processes in an outer island in Vanuatu to mobilize a (the CP's) village to begin its own education center instead of relying on the State, when the State had not been responsive to demands for access to education.
- \* Using their knowledge to assist in the constitutional reform process in Solomon Islands by helping in the full participation of citizens.

I share with you these diverse examples as an illustration of how human rights capacity building in the PICs has created different types of change, not just in the arena of civil and political rights but from the household to the community levels.

It is also appropriate to share with you the words of a couple of our CPs, who have felt the impact of the CPT program at both the personal and structural lev-

els. According to a CP police officer from Luganville in Vanuatu, becoming a CP has made him change as an individual:

I used to beat my wife and kids heavily because I thought that was a good way of teaching. Now whenever I get frustrated I deal with my frustrations verbally. Mistakes will always occur in everyday activities. But for me, after having knowledge about CEDAW and CRC, I did change a lot (honestly speaking). I now know that beating is a crime and is totally against human rights - especially CEDAW and the CRC - and also our mama law, the Constitution. Now if there is anything wrong in our home, I think twice before taking any action because any action taken might lead to an offence, which contradicts our internal and international laws. It also helps me to respect my wife and kids the same as required by them. This has reduced the great fear that my children have been experiencing.

Meanwhile, for a CP Primary School Principal in Tonga, the program empowered her to challenge the status quo:

In July 2005, public servants were informed of a new salary structure a mere week prior to it being implemented. Many weren't happy with it as it basically ignored seniority and qualifications. I was elected to an interim committee to write a petition to the Public Service Commission and was among a group of four public servants who delivered the letter to the Prime Minister's Office. We gave the Commission three working days and informed them that we would go on strike if there was no satisfactory response to our concerns. At the end of the third day we received a response, however it didn't address any of the 11 main concerns we had raised. We called another meeting on the fourth day, where it was decided that we would go on strike the following day.

Thanks to the Community Paralegal Training, I had the confidence to speak to the other public servants about our constitutional rights to withhold our service - especially if we're not being paid enough - and that our rights to a better standard of living, to health, education and fair treatment were being violated by government, via the Public Service Commission. I felt I was the first to kick the ball of public expression in this first ever industrial action by the public servants and support came in day after day for six and a half weeks until government decided to grant us every recommendation we made - the best of all being the 60, 70 and 80 per cent salary increases which had been withheld from us for nearly 20 years. We've now all learnt the advantages of standing up for what we believe in.

None of this may be earth shattering stuff in the vein of Asia and Africa, or traditional human rights interventions, but these are the contexts of community-level frontline human rights defenders.

The question might well be asked, how do we know that these changes were brought about by CPs? In bringing to you some of these vignettes we have tried honestly to apply the "but for" test - i.e. would these changes have happened "but for" the intervention? In many cases it is difficult to say. These changes were sometimes brought about by CPs acting solely and sometimes in concert with other actors, but in all cases they were strategic agents of change. Their knowledge and skills at mobilizing, advocating and lobbying were crucial factors in being either the initial catalyst for change or crucial in an important strategic step which ultimately brought about the change.

These changes illustrate the diverse ways in which human rights capacity building can assist the plight of the marginalized and excluded.

## Problems

But what of their difficulties? There are many.

Many of them stem from being advocates in small PIC communities. Here are some examples.

Unlike many parts of Africa and Asia, defenders do not face immediate threats to their physical security. Exceptions to this include the coups of 1987 and 2000 in Fiji and Solomon Islands. However, they face social isolation, alienation, hostility and structural and financial obstacles in doing human rights work.

The small size of island populations makes it socially difficult for CPs to take an unpopular position against the State, the status quo or chiefs in villages or settlements. Often they are related to or are *wantok* (belong to the same clans) to human rights violators. Openly taking a different position is seen as going against the culture or a betrayal of one's culture. To criticize one's community or province is seen as letting down the side, especially in relation to how foreigners might view them. Social exclusion can often result.

In bigger countries advocates have enough social networks to mitigate against the loss of familial or social ties. In small PICs they often only have one social network. So advocacy can often mean loss of familial and social ties. When a defender in Tonga mobilized her women's group to fight against a new law that limited free speech she was ostracized by a social group very important to her.

When island defenders take a strong human rights position they are often accused of "not speaking on behalf of us" or of imposing Western values or of being used to impose donor agendas. There are not enough human rights defenders to support each other so defenders often work in isolation in their communities. There is not a sufficient critical mass of human rights defenders in most PICs (with perhaps the exception of Fiji). A related problem is that there are so few defenders that they are overburdened with human rights work.

A defender in the Solomons says that:

We are seen as culture/religion destroyers promoting a Western culture and usually this creates blockages in advocating for human rights. We are seen as people who are promoting marriage break downs, or who are promoting children under the CRC to rebel against parents or taking away parents rights. Equality is resisted so much because it is seen as against culture and religion ... People only run for human rights when they are in a problem and this is most irritating because then their expectations are so high about changes to be done over night. Most of our (Solomon Islands) CPs are volunteers so they face financial, transportation and communication problems in doing human rights work.

But there are some advantages and opportunities to working in small island communities too. The small populations offer protection and assistance to defenders as well. Human rights defenders are highly visible and well known. It would be almost impossible, for example, to arrest a defender and for it not to be known and for the community or family not to do anything about it. Personal links also open doors for defenders in lobbying. It would be unthinkable for instance for a Minister of State to refuse to see a defender who is his or her *wantok*.

## Conclusion

In conclusion, the vast majority of Pacific Islanders regard human rights as promoting individual rights over collective or group rights. For islanders, the group should always take precedence over the individual. In fact it is considered unseemly even for an individual to insist on rights in the face of open opposition from the group or the leaders of the village, clan or community. It is considered against customary protocol, as having bad manners, and even considered downright selfish. It is also seen as asserting one's individuality and not just one's human rights. The notion of individualism is not one that is necessarily prized in PIC cultures.

Because culture and human rights are seen as directly opposing values, this alienates island communities for whom their culture provides identity, solace, nourishment and hope in a world that is changing rapidly and is overwhelming and bewildering. The aggressive traditional and/or blaming approach of many human rights organizations internationally and locally does not work in the Pacific. We have found that out the hard way.

RRRT and our partners have tried to find innovative ways to make the same gains but within a Pacific context, accepting, for example, the deeply religious culture of island societies. Because of this we tend to work "with" rather than "against". If we work "against" very few actually know it!! And because of this we work also with pastors, ministers and chiefs, some of whom are excellent paralegals.

This approach in no way takes away from our belief that human rights are universal, inalienable, indivisible and interconnected, or that our Pacific cultures should not be examined or not found wanting. Far from it. The challenge is to build an island human rights culture, but one that allows islanders to believe in both their culture and in human rights and to find the appropriate balances and compromises. With this knowledge we hope that where and when there are direct conflicts, island citizens will make the correct human rights choices but with full knowledge (from well informed perspectives) and not out of ignorance and imposition.

The life affirming and inspirational work of these frontline human rights defenders gives me and others at RRRT the strength to carry on with our own human rights capacity building work by continuing to teach, assist and provide them with our support but also to learn from them.

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### ***The Pacific Regional Rights Resource Team (RRRT)***

*RRRT was set up in Suva in 1995 by the United Kingdom's Department for International Development (DFID) as a regional legal literacy project to enhance the legal and social status of women with a focus in eight Pacific Island countries: Fiji, Cook Islands, Samoa, Kiribati, Tuvalu, Tonga, Vanuatu and the Solomon Islands. Since then RRRT has undertaken new and more challenging projects in these islands in response to both evolving global themes as well as local, including; fighting gender discrimination, increasing access to justice, building the capacity of civil society to participate in and monitor democracy and enhancing the capacity of Pacific Island leaders in the areas of law and justice*

*RRRT is a technical advisory and training organization that focuses on building the capacity of national and regional partners to alleviate poverty through increasing awareness of rights and responsibilities at all levels from grassroots community groups to Ministers of Parliament. RRRT believes that in order to address the current situation in the Pacific of deteriorating services and resultant increasing levels of poverty, training of key policymakers and implementers, including judiciary, magistrates and other purveyors of justice as well as community-based organizations will enhance the capacity of governments to provide services, as well as enhance civil societies ability to both demand for, and monitor those services. RRRT strongly believes that working with all levels will assist in both state and civil society to enhance their knowledge and capacity in accessing justice and seeking solutions through democratic means.*

*Currently administered by the United Nations Development Programme (UNDP), with funds from the New Zealand Agency for International Development (NZAID) and Australian Agency for International Development (AusAID), RRRT is working towards becoming the first Pacific indigenous technical advisory and training institution in the area of good governance and democracy.*

# Rights of Human Rights Defenders in Asia

## *Ruki Fernando\**

While human rights defenders (HRDs) continue frontline work to promote and protect human rights, they themselves suffer repression by state and non-state actors. HRDs continue to become victims of serious human rights violations such as extrajudicial killing, enforced and involuntary disappearance, arbitrary arrest and detention, torture, etc. Restrictions on freedoms of assembly, association, expression and movement impede human rights work. Laws and activities related to anti-terrorism, national security and emergency measures by many Asian governments severely affect them. "NGO laws" adversely affect the legal status, organizational management, and access to funding of non-governmental organizations (NGOs).

### **Particular targets and risks**

Women HRDs as well as their lesbian, gay, bisexual and transgender counterparts face greater and different risks because of their gender and the fact that they challenge social stereotypes, social structures, vested economic interests, traditional practices, and interpretations of religious precepts. They are targeted by religious groups, tribal elders, community members, family members and even members of the human rights community that uphold these patriarchal practices. The risks and vulnerabilities which women HRDs face take gender-specific forms ranging from verbal abuse directed exclusively at them, to sexual harassment and rape. They face prejudice, social ostracism and public repudiation from both state and non-state actors

HRDs representing disadvantaged communities such as Dalits, indigenous peoples, migrant workers etc., also face specific challenges due to their identity as members of disadvantaged groups and the issues they work on. Those working on issues related to economic, social and cultural rights face increasing challenges at the hands of states as well as business enterprises, transnational corporations and international financial institutions. Those working in situations of armed conflict, particularly intra-state, identity-based conflicts are subjected to threats and violations by state and non-state armed groups and find themselves severely restricted and often labeled unpatriotic and traitors.

Even members and staff of National Human Rights Commissions in Nepal, Sri Lanka and Thailand have come under threats and attacks in the recent past.

### **Impunity for violations against defenders**

Impunity for violations against HRDs continues unabated. Campaigns by the families of the defenders and the local and international human rights groups, and promises by national leaders in Thailand and Indonesia have failed so far to bring the people behind the violations to justice even in prominent cases such as those of Somchai Neelaphaijit and Munir Said Thalib. No one has been held responsible for the hundreds of extrajudicial killing of HRDs in the Philippines. There has been no justice for the series of attacks on journalists, peace activists and humanitarian workers in Sri Lanka, including the execution-style slaying of seventeen aid workers in August 2006.

Impunity for such serious and prominent cases sends a chilling message that those who threaten or commit serious atrocities against HRDs can escape accountability and hence given a license to continue their violations.

### **Some prominent cases**

In December 2005, when the World Trade Organization (WTO) held its 6th ministerial meeting in Hong Kong S.A.R., thousands of activists were restricted to an open space on a cold winter night. This was followed by the arrest of more than 600 activists, who were detained and subjected to inhumane and degrading treatment. Fourteen activists were subjected to prolonged detention and charged with illegal assembly. The Hong Kong courts subsequently dismissed the cases due to lack of evidence.

Just before the annual International Monetary Fund-World Bank (IMF-WB) meeting was held in September 2006, the Singaporean government black-listed almost thirty activists despite their official accreditation by WB and IMF. Peaceful gatherings to express ideas and opinions were also limited to a small area. Twenty-two activists were belatedly taken off the list due to international pressure including from the IMF-WB, but thirteen activists had already been deported. And activists passing through Singapore were harassed on their way to their meeting in nearby Batam island in Indonesia.

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Somchai Neelaphaijit, a well-known Muslim human rights lawyer in Thailand, disappeared on 12 March 2004. He fearlessly handled the sensitive cases of Muslim youths charged with involvement in violence in Southern Thailand. These youths were found to have been tortured by the police. Two years later, a Thai Criminal Court convicted a senior police officer of illegal detention of Neelaphaijit. But despite campaigns by his wife, support from NGOs (national, regional and international), and report to a United Nations (UN) human rights body, the masterminds behind Neelaphaijit's disappearance have yet to be brought to justice.

The case of Munir Said Thalib, a prominent Indonesian defender who was poisoned to death in September 2004 on a Garuda Airlines flight to the Netherlands, has remained a mystery. An Indonesian court found a certain Pollycarpus Priyanto guilty of premeditated murder and imposed a 14-year prison sentence. The media has reported that a fact-finding team of the government has earlier submitted to the President of Indonesia a report stating the supposed involvement of the Indonesian National Intelligence Agency (BIN - Badan Inteligen Nasional). But this report has not been made public, and the masterminds behind the murder have yet to be made accountable.

Humanitarian workers and peace activists in the northern and eastern regions of Sri Lanka have become victims of violence. In May 2006, three NGO offices in Sri Lanka were attacked with grenades. In August 2006, seventeen humanitarian workers (belonging to Action Contre la Faim) were murdered. NGO staff and their vehicles, including ambulances, were attacked several times. Several humanitarian workers died or were injured by claymore mine explosions, while the fate of several others remains unknown several months after their abduction. Their access to displaced persons have been restricted, and they suffered harassment and threats of arrest from government security forces who demanded permits from the Ministry of Defence (MOD), which the latter does not require. It is also becoming increasingly difficult for foreign aid workers to obtain work permits and visas. Away from the main theater of war, the northern and eastern regions, several public events on peace organized by peace activists were violently attacked and the Deputy Secretary-General of the government's Peace Secretariat was assassinated. No one has been held accountable or brought to justice in any of these incidents.

### **The international standards**

HRDs can simply be defined as those who individually or in association with others promote and protect human rights, in a peaceful manner. They can be communities struggling for their rights, students, workers, journalists, lawyers, NGO workers, community paralegals, etc.

Their human rights deserve protection like everyone else, but they accept the risk of suffering extreme forms of violation of their human rights, for the cause of victims of human rights violations and often consider these violations and repression as "occupational hazards."

HRDs gained more visibility and recognition during the last decade. The most significant development came in the form of the *Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms*<sup>1</sup> (Declaration) adopted by the UN in 1998, on the eve of a most auspicious event - the 50th anniversary of the Universal Declaration of Human Rights (UDHR).

The Declaration gathers the rights of HRDs found in various UN human rights instruments, including legally binding treaties and conventions, into one document; highlights the rights of the HRDs and the duties of the states; is addressed to "everyone" not just to states; and recognizes and legalizes the important role of HRDs.

Despite the unanimous adoption of this Declaration by the UN General Assembly and the passing of more than seven years, no government in Asia has attempted to explicitly incorporate the provisions of the Declaration into domestic laws.

### **Mechanisms to protect HRDs**

HRDs have no recourse at the Asian regional or sub-regional levels for the protection of their human rights, unlike in Africa, Europe and the Americas.<sup>2</sup>

The appointment in 2000 of Ms. Hina Jilani as the Special Representative of the UN Secretary General tasked to look into the situation of HRDs was a ray of hope. She has the mandate to seek, receive, examine and respond to information on the situation of HRDs; dialogue and cooperate with governments and other actors to implement the Declaration; and recommend and follow up strategies to protect HRDs.

Ms. Jilani, a well-known Pakistani human rights defender, submitted "Urgent action letters" and "Allegation letters" regarding individual cases; and reported on the general situation of HRDs the world over. Despite lukewarm cooperation by many states, including Asian states, Ms. Jilani tirelessly advocated better protection, support and recognition of HRDs at national, regional and international levels.

### **European Union Guidelines**

The second and more recent development at the international level was the adoption of the European Union (EU) guidelines on HRDs in 2004. They spell out the commitment of the EU to protect and support the work of HRDs all over the world and have particular relevance to Asian situation.

Based on the guidelines, EU embassies should:

- i. Maintain contacts with HRDs - welcome them to the embassies, visit their areas of work and appoint liaison officers
- ii. Provide visible recognition to defenders - provide appropriate publicity, visit them or extend invitations to them
- iii. Attend and observe trials of HRDs
- iv. Arrange meetings with HRDs during visits of high-level EU officials and raise their individual cases
- v. Promote the use of UN thematic mechanisms by HRDs - facilitate contacts with, and exchange information between, thematic mechanisms and them
- vi. Assist in the establishment of networks of HRDs at international level, including support for meetings of HRDs
- vii. Help HRDs gain access to resources, including financial, from abroad.

### **Way forward**

For the protection and continued work of HRDs, there is a need to maximize whatever mechanisms are available. HRDs in Asia should make every effort to engage the **UN Special Representative**.

Likewise, the **UN Country Teams, field officers and advisors of the Office of the UN High Commissioner for Human Rights** play an important role and need to proactively engage the HRDs, particularly to ensure better protection for them.

The Office of the UN High Commissioner for Human Rights, through its Regional Office for Southeast Asia, can explore ways of playing a more

dynamic and proactive role with regards to HRDs. **The Asia Pacific Forum of National Human Rights Institutions** (APF) can also explore measures such as having a focal point or special desk on HRDs at the APF secretariat, having a permanent agenda item on HRDs at the annual APF meetings, and proactively advocating for, and helping the adoption of, guidelines by the International Coordination Committee of National Human Rights Institutions on HRDs and the national human rights institutions.

**EU missions in Asia**, as well as the embassies of EU countries, should act proactively to implement the EU guidelines on HRDs.

**National Human Rights Commissions** can use their mandates to investigate cases of violations against HRDs and ensure accountability for the violators, advise governments to work for the incorporation of the provisions of the Declaration into national laws or the repeal of laws that violate them, and advocate the cooperation of governments with the UN Special Representative. Awareness-raising about the possibilities of these mechanisms is an important first step.

States have the primary responsibility of ensuring the protection of HRDs and creating a safe and conducive atmosphere for their work. But solidarity and networking among the HRDs sustain and strengthen them.

The tenth anniversary of the Declaration in 2008 provides a good opportunity to create new and strengthened momentum towards the full implementation of the Declaration in Asia.

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### **Endnotes**

1. UNGA - A/RES/53/144, 8 March 1999.
2. There is a Special Rapporteur on Human Rights Defenders in the African Commission on Human and Peoples' Rights, and the Human Rights Defenders Unit in the Inter-American Commission on Human Rights.



# Threats to Southeast Asia's Media: An Overview\*

## *Southeast Asia Press Alliance*

Press freedom and access to information face uneven and inconsistent realities across Southeast Asia. From Burma to the Philippines, and from Brunei and Singapore to Thailand and Indonesia, the region represents a full spectrum of experiments or repudiations of the value and virtues of free expression and accessible information.

At one end, free, independent journalism and unfettered access to any kind of public document are virtually nonexistent in Burma, where a military junta jails and tortures journalists, stifles dissent, and refuses to release any public document for review or questioning. On the other end, eager but vulnerable democracies in Thailand, Indonesia and the Philippines are putting unbridled press freedom up for public disillusionment and scorn. Between these two sets of examples are countries like Cambodia and East Timor which are trying to open up their press to more liberty, and the ironic situations of Malaysia and Singapore, where evident economic strength stands starkly against highly restrictive environments for free expression.

From an alarming rash of assassinations of media practitioners in the Philippines and the media ownership patterns that render the free press vulnerable to intertwined business and political interests in Indonesia and Thailand, to the improbably worsening military conditions in Burma, Southeast Asian nations experience in one region the various trends and means by which journalists and societies in general are being forced to surrender their rights to information, and the free dissemination of news and opinions. Across the region then, there is as much an appreciation for the need for more freedom, as clear lessons that also raise the demand not only for a free press, but also responsible journalism. Put another way, the different and uneven realities spell different needs, demands, and capabilities among the region's media groups, practitioners, and advocates.

Before the mid-1980s, all the countries of Southeast Asia were run by autocratic rulers who suppressed civil and political rights, including freedom of the press and the right to information. Draconian laws ranging from those that justify detention without trial

to those that outlaw and severely punish "rumour mongering" were the norm across the region that is now home to about 530 million people.

Today the conditions in the authoritarian states of Southeast Asia - Burma, Vietnam, Laos and Brunei - remain as rigid as ever and reforms from within appear unlikely without a change of regime. But there has been a dramatic sea change elsewhere in the region, with dictatorships tumbling down and democratic reforms being introduced in the biggest countries: the Philippines, Thailand and Indonesia. In addition, advances in technology and the integration of regional economies into global trade and finance have helped loosen restrictions in the semi-democracies of the region (Singapore, Cambodia and Malaysia) - albeit slowly and in small measures, and with the danger of reversals rather real. Certainly, Southeast Asia has more democratic states than it had two decades ago, and citizens in these countries enjoy more freedoms than ever before.

The changes in the media and information landscape in these countries have been dramatic. Media controls were dismantled, leading to the removal of state censors and the cancellation of licensing requirements for both the print and broadcast media. Ownership of the media fell increasingly into the hands of the private sector. The resulting media boom fostered competition among journalists and led to a more inquisitive press.

Today, the free press in Southeast Asia is a powerful institution. Policies have been changed, reforms initiated and corrupt officials - including presidents - ousted partly because of media exposés. An adversarial press is part of the political process and it is hard to imagine how governments in the region's freewheeling democracies would function without it.

That is the good news. The bad news is that the free press in Southeast Asia is under threat. Journalism is a dangerous profession in the region's democracies. In the Philippines, which has enjoyed a free press far longer than its neighbors, nearly 60 journalists have been murdered since 1986, the year strongman Ferdinand Marcos fell. Most of the killings took place

outside Manila as there is less tolerance for critical reporting in the provinces, particularly in areas where political bosses or clans have ruled for decades. A similar situation prevails in Thailand, where local political bosses are prickly about critical reports. Things are not much different in Indonesia, where journalists on the outlying islands of this vast country say that death threats and intimidation are a fact of life, especially when their newspapers tackle corruption and criticize local authorities unaccustomed to the free media that has emerged after 32 years of dictatorship.

The lesson from Southeast Asia's new democracies is that even if constitutions and laws guarantee press freedom, reversals can take place. In Thailand, which has enjoyed a free press since 1992, (then) Prime Minister Thaksin Shinawatra has used advertising withdrawals and threats on press proprietors to silence critical sections of the media since he assumed power in 2001. In Indonesia, angry mobs have attacked the offices of media agencies that have reported adversely on them.

This year, a Mafia lord sued a major newspaper for libel and managed to get a court ruling seizing the assets of the newspaper and its publisher. In Indonesia as elsewhere in Southeast Asia, the judicial and law-enforcement system is weak and prone to pressure from the wealthy and powerful, providing little protection for risk-taking journalists. For this reason, those who muzzle the press and silence journalists can operate with impunity.

The situation is much worse in the authoritarian and semi-authoritarian regimes in the region. In Malaysia and Singapore, authorities have used onerous laws and the threat of legal action to clamp down on reporting on politics and politicians. In Singapore, the courts have imposed stiff fines on Western news organizations that report critically of the government. Singapore's leaders are notorious for filing defamation suits under a regime where the independence of courts especially in politically charged media cases are debatable at best. All Singaporeans, from academics to writers, journalists, politicians, and plain citizens, are then left to risk raising questions and issues in a city-state where all of mainstream media is state-owned, and where the political and judicial processes have demonstrated capacity to systematically ridicule,

demonize, isolate, and finally bankrupt government critics.

Cambodia remains partly free but suffers from a chaotic, politically manipulated press and a tenuous commitment to the rule of law. Elsewhere, Burma, Laos and Vietnam remain harshly authoritarian, restricting the press to a severe degree. In East Timor, the promise of freedom is there but the reality may be painful as political transition is underway and close monitoring and support is needed. In addition, in many countries in Southeast Asia, authorities have taken advantage of the post-11 September hysteria to put restrictions on reporting. While the most blatant cases have taken place in Singapore and Malaysia, similar tendencies are apparent in the democracies of the region.

Throughout the region, meanwhile, there are from both the side of media and the State-simultaneous recognition of the power of new media. Consequently, there are now also new battles being waged in cyberspace: to exploit its powerful new and alternative medium for free, borderless expression on the one hand, and to keep it under a lid on the other. Even as Southeast Asia now sees an explosion in the phenomenon of blogging, podcasting, and online news in general, the same notorious tactics long applied against traditional media from the wielding of Internal Security Acts to threats of criminal defamation - are being transported to cyberspace.

*For further information, please contact: Mr. Roby Alampay, Executive Director, Southeast Asia Press Alliance (SEAPA) Headquarters, 538/1 Sam-Sen Rd. Dusit Bangkok Thailand 10300; ph/fax 66-2-243-5579 e-mail: seapa@seapabkk.or; www.seapabkk.org*

#### **Endnote**

\* The following article is excerpted from the introduction to a strategy paper for promoting and protecting press freedom in Southeast Asia, as prepared by the Bangkok-based Southeast Asian Press Alliance. SEAPA Executive Director Roby Alampay has authorized its publication.

# Asia Pacific Forum of National Human Rights Institutions

## *HURIGHTS OSAKA*

The 11th Annual Meeting of the Asia Pacific Forum of National Human Rights Institutions discussed the role of national human rights institutions in Asia-Pacific regarding human rights defenders, right to education and subregional human rights mechanisms, among other issues. The 17 member-institutions of the forum likewise reviewed the activities undertaken during the past year including training workshops for members of the staff of the member-institutions. The 2006 meeting was held on 31 July - 3 August 2006 in Suva, Fiji.

### **Membership**

The meeting deferred deliberation on the application for membership in the APF<sup>1</sup> by the National Society for Human Rights (NSHR) of Saudi Arabia pending finalization of the accreditation guidelines of the International Coordinating Committee of National Institutions. In the meantime, APF offers to extend technical assistance to NSHR regarding compliance with the Paris Principles. The NSHR was established in 2004 through a Royal Decree 24/2 issued by King Rahad bin Abdul Aziz.

The Human Rights Commission of Maldives (HRCM), established in 2003, has expressed interest in applying as a member of APF. It attended the meeting as an observer. The Pakistan government announced its plan to establish a national human rights institution, which is likely to apply for membership in APF.

The APF has the policy of accepting members those national institutions that comply with the requirements of the Paris Principles. It welcomed the plan of the Office of the United Nations High Commissioner for Human Rights to hold a meeting in 2006 of Asian States "to encourage the establishment and strengthening of national human rights institutions in compliance with the Paris Principles."

### **Human rights mechanism**

The meeting took note of the efforts to establish human rights mechanisms in the Pacific and Southeast Asia respectively. The initiatives are being led by the member-institutions in Fiji and New Zealand for the Pacific, and by the member-institutions in Indonesia, Malaysia, the Philippines and Thailand for Southeast

Asia. These member-institutions have been lobbying the governments in the Pacific and Southeast Asia to take concrete steps in establishing such mechanisms in the context of the latter's forthcoming Pacific Plan for Human Rights and ASEAN Charter respectively.

### **Draft Strategic Plan**

The meeting considered the draft strategic plan for the period 2007 to 2009, which envisions APF to become the pre-eminent regional human rights organisation in the Asia Pacific.<sup>2</sup> The draft strategic plan incorporates and builds upon the following lessons learned during the past ten years of operation of APF:

- (i) Links between NHRIs in different countries are crucial for the implementation of cooperative efforts in the field of human rights.
- (ii) Specialized technical assistance and cooperation is a priority for the development and strengthening of NHRIs.
- (iii) The cooperative framework of the APF provides a non-confrontational and practical environment in which NHRIs can address human rights issues.
- (iv) Diversified and secure funding is necessary in order for the APF to meet its mission and vision.

*For further information, please contact: Asia Pacific Forum of National Human Rights Institutions, Forum Secretariat, GPO Box 5218 Sydney NSW 1042 Australia; ph (612) 9284 9845; fax (612) 9284 9825; e-mail: apf@asiapacificforum.net; www.asiapacificforum.net*

### **Endnotes**

1. There are currently 15 member-institutions, one candidate member (Providor for Human Rights and Justice of Timor Leste) and one associate member (National Human Rights Committee of Qatar).
2. *Annual Business Meeting Report*, Eleventh Annual Meeting 31st July 2006, Asia Pacific Forum of National Human Rights Institutions, Sydney, Australia, page 67.

# Coalition of Asia and the Pacific Cities Against Racism and Discrimination

## *Nobuki Fujimoto\**

UNESCO and the Bangkok Metropolitan Administration (BMA) presided over the formal establishment of the Coalition of Cities against Racism and Discrimination in Asia and the Pacific. The Coalition has six member-cities, namely, Phnom Penh, Suva, Makati, Kurunegala, Matale, and Bangkok. Bangkok is the Coalition's Lead City. The Coalition was inaugurated during the Regional Conference of Cities for an Inclusive Society in Asia and the Pacific, jointly organized by UNESCO and the Bangkok Metropolitan Administration (BMA) on 3-4 August 2006 in Bangkok.

The Conference was attended by representatives from the cities, in addition to the six member-cities, of Sakai (Japan), Kathmandu (Nepal), Kanchanaburi, Lamphun, Mae Hong Son, Nong Khai, Prachin Buri, Ratchaburi, Sa Kaeo, Tak, Trat (Thailand) together with researchers, and representatives of Thai provincial governments, the United Cities and Local Governments-Asia Pacific Regional Section (UCLG-ASPAC), Thai government ministries, the Thai National Human Commission, non-governmental organizations (NGOs), the Thailand National Commission for UNESCO and the Permanent Delegation of Thailand to UNESCO.

The Coalition remains open for signature by cities and municipalities in the region wishing to join the network.

### **Why cities?**

UNESCO believes that cities are the places where the everyday meeting of differences sparks competition, clashing of interests and fears that feed the development of the ideologies and practices of discrimination. At the same time, cities are laboratories for learning to live together, a place for an exchange of beliefs, attitudes and styles of life, which can contribute to new forms of democratic citizenship. It also addresses the fact that cities have the ideal space within which to conduct a struggle against racism and discrimination that facilitates effective implementation of the various instruments enacted by States.

### **Commitment of the cities**

The international coalition of cities project (Project) was launched by UNESCO in March 2004 to establish a network of cities interested in sharing experiences on improving policies to fight racism, as a follow-up

to the United Nations World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance (Durban, South Africa, 2001).

The Project aims to bring together cities around the world through the *Ten-Point Commitment* defined to combat racism, discrimination and exclusion at the local level. The Project calls for the establishment of "Regional Coalitions" in Europe, Asia and the Pacific, Africa, North America, Latin America and the Caribbean, and Arab region. Each Regional Coalition is to be coordinated by a "lead city", and will be guided by its own regional Ten-Point Commitment. The member-cities in turn are expected to integrate the Commitment into their municipal policies as much as possible.

The European Coalition of Cities against Racism was launched on 10 December in 2004 with Nuremberg as Lead City. The European Coalition already has 70 member-cities. UNESCO plans to establish the International Coalition in 2007.

During the Bangkok conference, the draft regional Ten-Point Commitment, prepared during an expert meeting held also in Bangkok in 2005, was discussed and adopted.

The representatives of the six member-cities signed the Declaration of Intent conveying the strong interest of their cities to become members of the Coalition and its Ten-Point Commitment.

In cooperation with UNESCO and its Bangkok Office, a steering committee will be organized to be composed of representatives of the signatory cities, regional institutions and experts, in order to provide the necessary support to and guidance for the Coalition member-cities. The Coalition of Cities in the Asia and the Pacific has to increase its membership beyond the pioneering six member-cities.

*For further information, please visit the website of UNESCO*

*[http://portal.unesco.org/shs/en/ev.php-URL\\_ID=1376&URL\\_DO=DO\\_TOPIC&URL\\_SECTION=201.html](http://portal.unesco.org/shs/en/ev.php-URL_ID=1376&URL_DO=DO_TOPIC&URL_SECTION=201.html)*

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\*Nobuki Fujimoto is a staff of HURIGHTS OSAKA.

# Declaration

The Cities participating in Regional Conference of Cities for an Inclusive Urban Society (3-4 August 2006, Bangkok, Thailand),

Being Aware of the responsibility incumbent upon city authorities to provide for all city residents and visitors, without discrimination or through exclusion on the grounds of "race", colour, descent or national, ethnic or religious identity, economic status, disabilities, sexual orientation and/or other origins/status, the conditions in which they can flourish, while acknowledging and respecting the freedom, equality, dignity and rights of all;

Acknowledging that a commitment to address issues of racism and discrimination in the city is among the duties of city authorities, with a view towards engendering a citizenship that respects the diversity from which springs the wealth of societies;

Realising that only with the active participation of all city dwellers in policy development, implementation and evaluation, can action against racism and discrimination attain the scope and effectiveness it demands;

Resolving to draw lessons from past experience in action against racism, and to exchange expertise and good practices with a view to improving policies;

Recognizing that in the increasingly diverse and multiethnic cities, promoting equality and counteracting discrimination is a cornerstone in the sustainable development of cohesive democratic values;

Recalling past commitments made by Mayors of different regions of the world promoting respect and cultural diversity in their cities, as well as the creation of legal frameworks favourable to the expansion of fundamental rights to all city dwellers;

Emphasizing that the growing ethnic diversity of cities is a source of cultural dynamism, economic prosperity and social cohesion;

Have agreed to adopt this Ten-Point Commitment in order to give practical expression to their commitment to combat racism and discrimination in the spirit of

the World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance and its global Programme of Action (2001, Durban, South Africa).

This Ten-Point Commitment will make it possible for partner cities among others, to set priorities in their struggle against racism and discrimination, to rationalise and optimise policies and to reinforce cooperation in this area.

The Ten-Point Commitment is an instrument comprising ten points covering various areas of competence of city authorities and suggests some examples of actions that city authorities might consider with a view to fulfilling each of the points.

The signatory cities or other local government authorities undertake to integrate this Commitment in municipal strategies and policies and to involve in its implementation various actors from civil society, especially those who are the targets of discrimination.

The Ten Points and possible actions proposed in this Commitment make up a minimum programme requiring effective and expeditious implementation within a realistic time frame, and in no way preclude other actions in this area by city authorities.

The Commitment may be amended and expanded as appropriate in light of assessment of its implementation through the mechanisms provided for in this respect.

In addition, the Cities adhering to the Coalition of Cities against Racism and Discrimination in Asia and the Pacific will inform the Secretariat (to be established), other Coalition members, and UNESCO of their first actions to be undertaken in order to meet their commitments. The Cities will, through appropriate means and as soon as possible, indicate the concrete actions within the relevant time frame for implementation to be carried out for each Commitment made.

# Ten-Point Commitment for Asia Pacific

## **Commitment no. 1:** *Assessing Racism and Discrimination and Monitoring Municipal Policies*

To initiate, or develop further, in collaboration with NGOs, National Human Rights Commissions and institutions and UN systems (e.g. CERD, UN Special Rapporteurs, Human Rights Council), the collection of data on racism and discrimination, establish achievable objectives and set common indicators in order to assess the impact of municipal policies; and to act as "Clearing House" in order to contribute to the national and international reporting systems from the local viewpoint.

## **Commitment no. 2:** *Providing political leadership at the city and community levels to address issues of Discrimination and Exclusion*

To raise awareness of the existence of racism and discrimination among local policy makers and city dwellers.

## **Commitment No. 3:** *Promoting an Inclusive Society*

To develop and/or strengthen a network of people and organizations to share visions and concerns for harmonious relationships in a diverse and inclusive society.

## **Commitment no. 4:** *Strengthening Support for the Victims of Racism and Discrimination*

To identify the victims and target groups of racism and discrimination and to support them and contribute to strengthening their capacity to defend themselves against racism and discrimination.

## **Commitment no. 5:** *Facilitating Greater Participation and the Empowerment of City Dwellers Through Access to Information*

To ensure better information for city dwellers on their rights and obligations, on protection and legal options, and on the penalties for racist and discriminatory acts or behaviour, by using a participatory approach, notably through consultations with service users and service providers.

## **Commitment no. 6:** *Promoting The City As An Equal Opportunities Employer and Service Provider*

The city commits itself to be an equal opportunities employer and equitable service provider, and to engage in considering the needs of people from culturally diverse communities in planning, monitoring, training and development to achieve this objective.

## **Commitment no. 7:** *Promoting The City As An Active Supporter of Equal Opportunity Practices*

Where required, to facilitate and monitor equal opportunity employment practices and support for diversity in the labour market through proactive exercise of powers of the city authority.

## **Commitment no. 8:** *Challenging Racism and Discrimination Through Education*

To strengthen measures against discrimination in access to, and enjoyment of, all forms of education; and to promote the provision of education in mutual respect, tolerance and understanding, and intercultural dialogue.

## **Commitment no.9:** *Promoting Cultural Diversity*

To respect the culture of diverse communities including the set of attitudes, beliefs, practices, values, shared identities, rituals, customs, etc.; to ensure fair representation and promotion of the diverse cultural expression and heritage of city dwellers in the cultural programmes, collective memory and public space of the city authority; and to promote interculturality in the community life consistent with international human rights standards.

## **Commitment no. 10:** *Preventing and overcoming racist incitement and related violence*

To support or establish mechanisms in dealing with racist incitement and related violence leading to reconciliation.

## 2006 Citizen's Forum

*Teruo Yoneda\**



*From left, Ms. Ebara, Mr. Hiroshima and Mr. Shiraishi.*

**H**URIGHTS OSAKA held the 2006 Citizens' Forum on 22 September 2006 in Piloti Hall, Osaka City. The Forum is an annual activity aimed at raising human rights awareness among the public. It is held in cooperation with the Osaka city and prefectural governments. This year's Forum had the theme "Aiming for the Goal of Human Rights."

The Forum began with a short concert by Ms. Nataliya Gudziy, a victim of radiation exposure in the Chernobyl Reactor accident in Ukraine when she was 6 years old. She is now involved in helping the other victims of the accident. Her lovely songs and the plaintive tone of the *bandura*, an ethnic Ukrainian instrument, fascinated the audience.

The Director of HURIGHTS OSAKA, Mr. Osamu Shiraishi then gave the opening address.

Ms. Yoriko Suzuki, Principal Deputy Director of the Human Rights and Humanitarian Affairs Division, Japanese Ministry of Foreign Affairs gave a presentation on the Human Rights Council of the United Nations, how it was created, the discussions in the first session, as well as Japan's policy as a member of the Council.

The main part of the Forum was a three-person discussion with Mr. Yoshikazu Hiroshima, a teacher at Nagano Senior High School in Osaka, Ms. Miki

Ebara, international correspondent of NHK, and Mr. Shiraishi. Mr. Hiroshima is also an international football referee, who took part in the recent football World Cup in Germany as a deputy referee. He told the audience about the joy he felt in being part of the World Cup and discussed Zinedine Zidane's head-butting incident. He also mentioned how fair plays would elicit applause even from the supporters of the opposing teams, how praising the losing side would promote respect for human rights, as well as his aspiration to train not first-class players, but players who would enjoy engaging in sports for life.

Ms. Ebara, aside from presiding over the discussion, spoke of her experience in reporting on the tsunami disaster off the Indonesian coast, and sharing the sorrow with the victims.

Mr. Shiraishi told Ms. Ebara that "staying away from journalists" was like a password among United Nations staff. He spoke of the harsh realities of working on cases of mass killings that do not allow room for emotions, and how he was attacked by armed bandits in Afghanistan.

*For more information, please contact HURIGHTS OSAKA.*

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\*Teruo Yoneda is a staff of HURIGHTS OSAKA.

## HURIGHTS OSAKA ACTIVITIES

HURIGHTS OSAKA will be holding the "Osaka Conference on Human Rights Education - Dialogue among Asian Educators" on 17-19 November 2006 in Osaka. The conference will focus on human rights education in schools experiences in Osaka and several Asian countries. A number of educators from Japan and other countries have been invited to participate. A part of the program is a closed meeting on teacher training.



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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**

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