

HUMAN RIGHTS
EDUCATION
in Asia-Pacific
Volume Two

HURIGHTS OSAKA



Human Rights Education in Asia-Pacific—Volume Two
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Table of Contents

<i>Acknowledgment</i>	4
<i>Foreword</i>	7
<i>Introduction</i>	8

I. SECTORAL EDUCATION

Human Rights Education: A Tool for Social Change in the Pacific KATHRYN CHOULES	13
--	----

Access to Justice: Community Legal Education Center GINNEY LIU AND CLÉMENCE CALZARONI	23
--	----

Empowering Returned Filipino Women Migrants and their Children: The Batis Center for Women Experience ANDREA LUISA C. ANOLIN AND LARA SALUD C. JAVIER	43
---	----

II. TRAINING FOR PROFESSIONALS

Human Rights Promotion: The Afghanistan Independent Human Rights Commission ABDUL KARIM AZIZI AND YESEUL CHRISTEENA SONG	61
--	----

The Evolution of the Asia Pacific Forum of National Human Rights Institution's Regional Training Program SURAINA PASHA	73
--	----

Diplomacy Training Program: 20 Years of Commitment DIPLOMACY TRAINING PROGRAM	83
--	----

Monitoring the Justice System in Timor Leste JUDICIAL SYSTEM MONITORING PROGRAMME	97
--	----

Strengthening the Justice System in Timor-Leste JUSTICE SYSTEM PROGRAMME, UNDP TIMOR LESTE	107
---	-----

6

UNDP and the National Human Rights Commission of Nepal TEK TAMATA	115
India: Strengthening Safety Nets to Counter Human Trafficking UNITED NATIONS OFFICE ON DRUGS AND CRIME	125
Feminist Legal Theory and Practice ASIA PACIFIC FORUM ON WOMEN, LAW AND DEVELOPMENT	137

III. FORMAL EDUCATION

Child Rights Education in Japanese Schools AKITO KITA	149
What Do Textbooks Teach – and How? An Approach to Assessing Modes of Human Rights Education BETTINA C. RABE	163
Evaluating Human Rights Education in Osaka Senior Secondary Schools SHINICHI HAYASHI	191
Reflections on a Master of Laws in Human Rights Program in Asia KELLEY LOPER	215
Human Rights Education at Curtin University: The Interconnections of Education, Research and Advocacy CAROLINE FLEAY AND LINDA BRISKMAN	225
Promoting International Human Rights Standards JEFFERSON R. PLANTILLA	239

APPENDIX

Final evaluation of the implementation of the first phase of the World Programme for Human Rights Education Report	271
<i>About the Authors</i>	301

Foreword

DIVERSITY is key in developing human rights education programs, modules, materials, and methodologies. It is a necessary element in ensuring relevance and effectiveness of the human rights education interventions.

While we see common elements in many of the human rights experiences undertaken within differing contexts in the Asia-Pacific, we also appreciate the diverse elements that define these experiences.

It is important that we note both the similarities and differences in understanding the continuing efforts on the ground aimed at making human rights better understood and applied to concrete issues.

We also see the importance of recognizing the many faces of the human rights educator.

We therefore thank the authors in the second volume of this publication for allowing us to put into print their documentation of these diverse and important experiences.

Once more, we bring out another collection of human rights education experiences that everyone can learn from.

OSAMU SHIRAISHI
Director
HURIGHTS OSAKA

Introduction

IN THE HISTORY of Asian and Pacific initiatives on human rights education (in whatever form), one important component is education on domestic legislations. Laws have always been considered an important part of solving problems or fulfilling certain needs.

Legal education has been used for at least four decades as an approach to the empowerment of grassroots communities. Its evolution includes the incorporation of international human rights standards in the learning and analysis of laws that affect issues faced by communities, particularly of the poor, marginalized and disadvantaged peoples.

For a long time, legal education has been dominated by non-governmental organizations (NGOs) such as those engaged in community organizing, implementation of social and economic programs for the poor, delivery of legal aid or assistance, protection of natural resources and the people dependent on them, advocacy for legal and policy reform, and also the so-called “human rights work.”

Paralegals (at one time called legal facilitators by an Asian NGO) personify the idea behind legal education. Paralegals are seen as proof of the capacity of “ordinary” people to use law without having to have formal education on law. They are seen as partners of the legal professionals (lawyers mainly) in addressing legal issues affecting grassroots communities. Paralegal training therefore has become a regular component of many legal education programs targeting groups or communities of peasants, fisherfolk, indigenous peoples, women, urban poor, workers, etc.

Legal education, however, is not necessarily human rights education. While a most natural facility for human rights education, many legal education programs fail to relate to the international human rights standards. Some NGOs have to consciously incorporate the international human rights standards into their legal education curriculums. Others use the international human rights standards in critiquing domestic laws, and thus understand the laws from the human rights perspective.

However, with the increasing number of domestic legislations that support ratified human rights instruments (particularly on children, workers, women, indigenous peoples, and persons with disabilities), the use of international human rights standards on issue-based legal education programs has become easier.

Corollarily, government staff training programs increasingly include the international human rights standards in learning how related laws should be implemented. During the last few years, judicial training in Asia and the Pacific seems to be incorporating the international human rights standards in its curriculum.

But there are still many challenges to face before human rights education becomes fully mainstreamed into the existing legal education programs of both NGO and government education programs.

The availability of educators who have training on human rights and human rights education remains a big challenge for the government staff training programs, and those for grassroots communities.

Equally challenging is the task of translating the international human rights standards into local contexts and domestic legal concepts. Presented as mere international concepts, human rights can be seen as disconnected from domestic issues and sometimes considered irrelevant. A search for local “roots” of human rights is a need. There can be domestic laws, and their corresponding governmental policies and program, that refer to ratified international human rights instruments. There can be decisions of the highest court of the country that recognize, explain and apply the international human rights standards. There can also be local expressions of human rights (current formal declarations, or historical documents or accounts) such as those that promote freedom, justice, equality, right to life and personal security, etc. “Domesticating” the international human rights standards is key to addressing this problem. But it can also be “rediscovering” or “retrieving” domestic ideas akin to the international human rights standards that have to be given prominence in human rights education programs at least as starting point of the discussion.

Crossing the “human rights” boundaries is also a challenge. In the past, human rights were considered to be mainly civil and political rights. Political repression had also been related in many cases to acts that violate civil and political rights. Human rights (defined as civil and political rights) work has therefore been equated with acts that invite political repression. As a consequence, many other issues were not discussed in human rights terms. Many NGOs likewise avoided identifying themselves as organizations working on human rights issues.

Finally, the linking of human rights with local values, cultures, and systems remains a huge challenge for those working at the ground level.

Resistance to human rights in local communities is largely due to the perception that human rights would destroy the local values, cultures, and systems. In many instances, human rights are seen simply as European or American ideas that are being imposed on communities.

As the present collection of articles show, these challenges are being addressed albeit not without problems. Legal education with human rights content is no longer the domain of NGOs nor meant only for grassroots communities. It is being mainstreamed into the training of government officials and also of lawyers, magistrates and judges.

Even law schools are now offering special masteral programs on human rights, while graduate programs in other faculties include human rights too.

It is important to note the emphasis on multi-disciplinary approach in these graduate programs. They are not limited to the legal perspective but to many other social science perspectives.

In general, current human rights education programs present human rights “holistically”—not confined to law (domestic or international) and to civil and political rights but extended to other disciplines and a variety of human rights issues in society.

Many human rights education programs are also offered to people with varied occupations and work backgrounds. This is true for local education programs as well as for graduate programs and regional training programs.

The institutions that support human rights education programs are also now equally varied. At the national level, in addition to NGOs, human rights centers, national human rights institutions, government agencies and judicial academies also undertake human rights education. In a number of cases, they partner with international agencies such as the International Labour Organization, United Nations Development Programme, United Nations Office of the High Commissioner for Human Rights, World Health Organization, United Nations Office on Drugs and Crime, United Nations Organization on Educational, Scientific and Cultural Organization, and United Nations Children’s Fund. Reports on human rights education of these international organizations are included in this volume as well as in the first volume of this publication.

A final point is on the objectives of these human rights education programs. Legal education, particularly those of the NGOs or the so-called legal resources groups, is aimed at solving specific problems of specific target group. Paralegal training is meant to ensure that there are people who can act on the legal problems in the local community even in the absence of

lawyers. This is also true of what is considered to be human rights education in its varied forms.

Knowledge is important but application of knowledge is even more important. Thus human rights education is generally an education for action, rather than an academic exercise.

Diversity of human rights issues requires diversity of action to address the issues. This explains the variety of forms and objectives of human rights education. Human rights are applied to a wide range of actions - from solving community problems, to acting to prevent torture, to implementing a livelihood project, to campaigning legislative bodies, to training members of the police and military, and to teaching human rights at the university. In whatever form, the action aimed at by human rights education is meant to promote, protect and realize human rights.

Again, the articles in this volume provide good examples on how human rights education has been designed to facilitate action on human rights issues.

JEFFERSON R. PLANTILLA
HURIGHTS OSAKA

Human Rights Education: A Tool for Social Change in the Pacific

Kathryn Choules*

USING THE EXPERIENCE of the Pacific Regional Rights Resource Team (RRRT)¹ in human rights education, this paper explores some of the challenges facing those championing human rights and social change in the Pacific. What this paper does not do is show the enormous breadth and depth of the work that RRRT has undertaken since its inception in 1995. It is not a detailed exploration of RRRT's human rights education program – an altogether more ambitious task than this paper can undertake. RRRT is the pre-eminent regional human rights organization in the Pacific. It was established to enhance the legal and social status of women in the Pacific. Since then it has broadened the scope of its work and it now works in all areas of human rights relevant to the region. This paper focuses on one of the programs undertaken by RRRT, the community paralegal training.

There are myriad challenges to establishing a human rights culture in the Pacific. For example, the Australian Joint Committee on Foreign Affairs, Defence and Trade has highlighted as major human rights concerns gender discrimination and violence, human trafficking, restrictions on freedom of expression and association and profound poverty.² All of these issues and others are the focus of RRRT human rights education.

RRRT's Community Paralegal Training

The community paralegal training is located in the lower level of RRRT's three-tiered approach to human rights education. A three-tiered approach is seen to be most effective in generating change. At the lower level (micro), RRRT works with community and individuals "to strengthen the capacity of civil society and marginalised groups to advocate, assert, monitor and defend human rights and good governance – with special focus on the poor, women and children" (RRRT Strategic Plan, Objective 3). At the mid-level (meso) RRRT works with institutions such as the civil service "to strengthen the capacity of implementation-level agencies to promote and apply hu-

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man rights principles and good governance practices” (RRRT Strategic Plan, Objective 2). At the top level (macro) RRRT works with law and policy makers “to strengthen the capacity of policymakers to adopt and apply human rights principles and good governance practices” (RRRT Strategic Plan, Objective 1).³ Through this multi-layered approach RRRT seeks to develop capacity and engagement in human rights at all levels of society, thus developing demand for social change from below and response from above.

Participants in the community paralegal training come from a wide range of backgrounds. Although all their expenses related to the training are covered, they are expected to put the learning into practice without further remuneration as part of their existing work; from which they would have been selected to participate. This requires their commitment to human rights.⁴

For the first decade of its life, RRRT undertook the majority of its human rights education at the micro level. In the last five years, and especially since becoming part of the Secretariat of the Pacific Community in 2008, RRRT has strengthened its role at the meso and macro levels. A multi-level strategy is seen as important to embedding human rights change in the structures of Pacific societies.

The community paralegal training program has been delivered in eight Pacific island nations – Tuvalu, Solomon Islands, Fiji, Vanuatu, Tonga, Kiribati, Nauru and Samoa. Although there are distinct cultures in each of the countries there are also some similarities. The Melanesian countries of Solomon Islands, Fiji and Vanuatu, the Polynesian countries of Tonga, Samoa and Tuvalu and the Micronesian countries of Kiribati and Nauru all have strong cultural links with the land and seas that make up their territories. They are communal cultures in which the individual is seen in the function of the group rather than in terms of her or his own personal development. The vast majority of Pacific Islanders are practising Christians. An exception to this rule is Fiji which is multi-ethnic with significant numbers of Hindu and Muslim citizens.

Pacific Culture and Human Rights

There is strong identification by the people of the Pacific with their traditions and customs. Apart from the Polynesian countries, there is great cultural and linguistic diversity within the region. In most countries customary

law is preserved in the constitutions of many of these countries (e.g. Tuvalu and Samoa) and traditional authorities continue to exert significant power at least at the local level.

All countries in the Pacific have patriarchal cultures although this is manifested in different ways in different countries. This is an important factor given the approach to human rights education taken by RRRT. Some countries have matrilineal land inheritance and others patrilineal. Although certain women are accorded particular respect and rank in some Pacific countries (e.g. *Fahu* or oldest sister in Tonga), there is a generalized belief among Pacific Islanders that women are subordinate to men and that they have no role in public life. This is exemplified in comments from a church leader participating in a recent human rights training by RRRT to the effect that assertions as to the equality of women did not fit with his religious beliefs that woman was man's inferior and that it was the responsibility of a husband, as well as the privilege, to make decisions as the head of the family and to correct his wife where necessary. Such beliefs are part of the dominant norms.

The approach of RRRT has been to look at human rights with a strong gender analysis. There are two main reasons for this. Firstly, RRRT started life as a women's rights program. Secondly, the most widespread injustice in the Pacific (or area of human rights abuse) is gender injustice.

Community Paralegal and Human Rights Education

Human rights education has been developing as a pedagogical approach in its own right in recent times, although it necessarily draws on other pedagogical areas such as social justice education, development education, global education, multicultural education, anti-racism education, critical pedagogy and feminist pedagogy. There are five areas of practice and research which have been identified in the field of human rights education.⁵ These are:

- teaching about and for human rights;
- education as a human right in itself;
- human rights in education;
- education and training of professionals confronted with human rights issues; and
- educational and social work aspects of the rights of the child.

RRRT works in areas of practice (a) and (d) above.

Claudia Lohrenscheit describes the overall goals of human rights education as raising consciousness and promoting an active respect for human rights as formulated in the UDHR.⁶ These goals are implicit goals in every training undertaken by RRRT. The two aspects of human rights education, namely learning about and learning for human rights,⁷ are an integral part of all training. Under the first dimension—learning about human rights—RRRT training covers a range of content depending on the particular participant group. Commonly covered are:

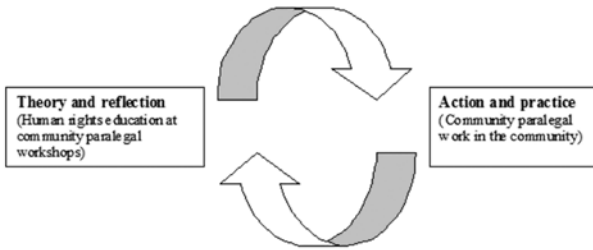
- what human rights are
- history and relevance of human rights
- basic human rights principles (such as equality, discrimination and affirmative action)
- core human rights instruments
- gender
- culture and human rights
- the United Nations
- domestic and international human rights law
- governance and democracy.

In all RRRT training, this content is integrated, to different degrees, with the second dimension of human rights education. Under the second dimension—learning for human rights—RRRT training explores how to turn the knowledge into action. Commonly covered are:

- strategies for change
- action planning
- monitoring and evaluation.

The community paralegal training program took this aspect of human rights education a step further by including as a final training module a two-week workshop entitled DART or Developing Advocates for Rights Training. DART sought to provide the community paralegal participants with skills to assess, plan and implement training. It also covered skills on advocacy and how to mobilize groups to seek structural change.

This content shows an emphasis on empowerment, participation in community life, social change in society, solidarity and multiplying the ef-



fect of the training. Thus RRRRT deliberately develops a pedagogy which balances action (practice) with reflection (theory). See graph.

In selecting participants for the community paralegal training program, RRRRT has targeted people already actively involved in community, civil service, church or other roles. The human rights education is thus designed to provide them with additional and targeted human rights knowledge and skills to strengthen their existing work.

Some Features of the Community Paralegal Training

An important aspect of the community paralegal training program has been its ongoing nature. The initial training of six, one-week modules is paced over 18–24 months. Thus the participants are able to develop strong relationships with each other. These informal networks are important to sustain people working in human rights, an area which receives little social or political support.

One of the requirements of the community paralegal program is that the participants provide on an ongoing basis documented narratives of the human rights work that they have undertaken and the change that has resulted. These narratives are known as “impacts”— statements of the impact of their work. The requirement to provide “impacts,” is one way of emphasizing to the community paralegals⁸ the need for action. The sharing of impact stories at successive workshops motivates other community paralegals and provides them positive examples of the ways that people like them can make a difference.

The community paralegal training strengthens participants’ analytical ability. Teaching the participants to analyze their “impacts” is part of this. The program includes sessions on strategies for change and the need for social change to occur at three levels – micro, meso and macro. Participants

are helped to analyze their “impacts” in these terms. They also analyze their action in terms of human rights instruments, the vulnerable groups involved and the allies involved.

The success of a program such as the community paralegal training can be seen in part from the social change results that flow from the actions of the participants in the human rights education processes. Some examples are provided further below.

Challenges to Human Rights Workers in the Pacific

It is worth pausing in this discussion of the community paralegal training program to note the antipathy to human rights in the Pacific. There is little knowledge of human rights in the Pacific and the awareness that people have of human rights is often the result of misinformation. As a result, there is strong outright and unqualified rejection of human rights. Participants in human rights education start with varying degrees of knowledge, much of it incorrect. Recent examples of the strength of rejection of human rights, and in particular women’s rights, come from Tonga and Vanuatu. In 2007 the long struggle by women’s organizations in Tonga for the government to ratify the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) appeared to have been successful as the government and the people’s representatives in the legislature agreed to ratification.⁹ However, as a result of a campaign against ratification in which churches and other traditional voices played a strong part, the decision to ratify was revoked in 2009 and Tonga remains one of seven countries who are not a party to CEDAW. It is important to recognize here the positive role of the churches in Tonga in promoting greater civil and political rights; it is primarily in the area of women’s rights that churches often find it more difficult to support human rights.

Of the seven countries who are not a party to CEDAW, three are in the Pacific. A similar negative campaign to that described above in Tonga occurred in Vanuatu in relation to the long debated Family Protection Bill. The new legislation (finally passed in 2008) was designed to respond to high levels of violence against women and children and protect their human rights to safety and security. The campaign against the passing of the legislation was led in part by church leaders and even the President was involved in the Bill being challenged as unconstitutional. The campaigns in both coun-

tries argued that the protection of women's human rights via CEDAW or the Family Protection Bill was contrary to both Pacific culture and Christianity. Women are seen as subservient to men and any talk of equality of women is rejected by some men and traditional forms of power to be a challenge to culture and religion.

Support to Community Paralegals

Many of the men and women who participate in RRRT training go on to become human rights workers, trainers and activists. It is common for women particularly, who are engaged in human rights work and education across the region, to be branded as 'family breakers' and 'culture breakers.' This can be very difficult for the women, who rather than breaking culture or family see their work as contributing to a strengthening of both. One aspect of RRRT's approach that helps women deal with the pressure is that it deliberately works through ongoing processes and not 'one-off' human rights trainings. Through this, strong networks are built within the groups of community paralegals. This is coupled with the employment by RRRT of Country Focal Officers (CFO) in several countries namely, Vanuatu, Samoa, Kiribati, Tuvalu, Nauru, Solomon Islands and Tonga.¹⁰ The CFO is responsible for providing support to the community paralegals.¹¹ In addition, because of the role that RRRT plays as a key focal point for much of the human rights work that goes on in the South Pacific it is able to link community paralegals into other initiatives that occur in the region. Thus direct and indirect support is provided to community paralegals undertaking work that can cause backlash from powerful groups.

In such a context, RRRT has the advantage of being a regional organization which employs Pacific Islanders to facilitate human rights education. This is very significant given the existing resistance to human rights. It has been an easy claim for those who advocate against human rights-based social change to argue that human rights is a foreign concept being imposed by foreign forces. RRRT shows the face of human rights as a universal concept, advocated for by Pacific Islanders.

Due to the negative and quite emotional response that has been evoked by the use of the term "human rights" in the Pacific, it was a strategic decision by RRRT when the community paralegal program commenced, not to call the program a human rights program. This facilitated participants to

work with their communities, organizations and beyond without having to carry the burden of the term. It is a positive sign of the changing situation in the Pacific that with the program being initiated now, it is likely that the title “community paralegal” would be replaced by “human rights advocate” or similar title.

Impact of Community Paralegal Work

Having noted the entrenched resistance to human rights, and women’s rights in particular, it is significant that many of the community paralegals who have been instrumental in achieving social change have been women. They do this at different levels and attending to different human rights.

An example from Tonga shows how some women community paralegals put into practice their human rights learning. The community paralegal in Tonga works within existing cultural processes with a long-term view to developing women’s capacity to be active in community decision-making. She initiated an income generating scheme where women worked in groups to produce *tapa* cloth made from the bark of paper-mulberry trees. This cloth is a key element of many celebrations and rituals. It is often sold to Tongans living abroad who are unable to make it themselves. Supporting the economic rights of these women was an important objective as many of these women are quite poor and have limited access to their own resources. Realizing economic rights is clearly linked to the satisfaction of many other rights of both the woman and her family, such as education, health and housing. It has been shown many times over that increasing the economic security of a mother results in a significantly greater improvement in the wellbeing of the family than increasing the economic security of a father.¹²

In addition to the economic rights goal of the project, the longer term objective of this project was to develop women’s capacity to participate more actively in their community and in the decision-making bodies (church, local meetings) of the village. As part of her strategy the community paralegal provided basic human rights training to the group and maintained ongoing discussions and encouragement to the women to participate more actively in community bodies. All this occurred in the informal atmosphere of the women’s group, entirely within the traditional cultural practices familiar in Tonga. In this example, the community paralegal is working at the micro level. Although economic rights are the primary focus, and the draw-card

for the women in the village, she ensures that women's civil and potentially political rights are promoted by supporting and encouraging women to be more active participants and decision-makers in the village.

Men too have been important allies in the struggle for women's rights in the Pacific. A recent example of the role men play as allies comes from a ni-Vanuatu community paralegal. He described the situation in his village cooperative where it was always men who were employed as the manager. Capable women had applied for the position but the Executive Committee had never appointed a woman. Some of the women discussed the situation with the community paralegal as they were keen for women to have the opportunity to take on the role. At the next Annual General Meeting of the cooperative the community paralegal asked the Executive Committee why no woman had ever been appointed. The chairperson explained that there was a written policy which stated that men and women can apply for the position but only if no man applied could a woman be appointed to the position (a discriminatory policy). The culture of that village (and many Melanesian communities) is that women do not ask questions of men in public meetings. It was therefore important for them to get the support of a man who was able to ask the question (a strategic alliance). By asking the question (strategic action) they were able to find out that there was a structural reason for the discrimination against women candidates. With that information they then knew what to do. They worked together and lobbied to get the policy changed. At a later meeting of the cooperative it was agreed to change the policy and remove the discriminatory clause. Men are no longer given automatic preference. This meso level change is important. By enacting institutional change the benefit continues into the future for all whose human rights would have been otherwise discriminated against.

Concluding Comments

The community paralegal program has been an effective way to develop human rights knowledge, skills and action at a community level. However, it has been an extremely expensive program to run. Holding workshops of twenty-five people from all parts of a Pacific island nation such as Vanuatu is difficult logistically and, because of high transport costs and infrequent flights, very expensive. As a result RRRT has reviewed the program and de-

cided not to initiate new community paralegal training. However, refresher programs for active community paralegals are still held.

In place of the community paralegal program RRRT has been working with existing Pacific Island institutions to investigate how and where it might embed human rights training and courses. By engaging in partnerships with existing education providers it is believed that human rights education can become a standard part of all education in the region. Whatever specific form is chosen, RRRT will continue to provide effective human rights education in the region.

Endnotes

1. RRRT is part of the Secretariat of the Pacific Community.
2. Joint Standing Committee on Foreign Affairs, Defence and Trade, (2010). Human Rights in the Asia-Pacific: Challenges and Opportunities. Retrieved 6 July 2010 from www.aph.gov.au/house/committee/jfadt/asia_pacific_hr/report.htm.
3. P. Imrana Jalal. 2005. Using rights-based programming principles to clam rights: The Regional Rights Resource Team (RRRT) project in the Pacific islands. Retrieved 7 July from www.rrrt.org/assets/OHCHR%20Best%20Practice%20Case%20Study.pdf
4. For example, Imrana Jalal. 2006. "Frontline human rights defenders at local level: Community paralegals in the Pacific," *FOCUS Asia-Pacific*, issue 45, retrieved 7 July 2010 from www.hurights.or.jp/asia-pacific/045/02.html Further information about the community paralegal training including anecdotes from the experiences of participants is available from several publications on the RRRT website at <http://www.rrrt.org/>.
5. Lenhart, V., & Savolainen, K. 2002. "Human rights education as a field of practice and theoretical reflection," *International Review of Education*, 48(3-4), pages 145-158.
6. Lohrenscheit, C. 2002. International Approaches in Human Rights Education, *International Review of Education*, 48(3-4), pages 173-185.
7. Ibid.
8. This is the term used by RRRT to describe the participants who undertake the community paralegal training.
9. "CEDAW ratification on the horizon for Tonga," PACNEWS, 21 February 2007, Pacific Islands Broadcasting Association. Retrieved 7 July 2010 from www.encyclopedia.com/doc/1G1-159614430.html.
10. Solomon Islands has a RRRT staff person located in country who performs some of the functions of the Country Focal Officer.
11. With the exception of Tonga.
12. Women for Women International. 2010. *2010 DRC Report: Amplifying the Voices of Women in Eastern Congo, Stronger Women Stronger Nations*, Report Series, retrieved 24 October 2010 from www.womenforwomen.org/news-women-for-women/files/dr-congo-report-2010.pdf.

Access to Justice: Community Legal Education Center*

Ginney Liu and Clémence Calzaroni

The United Nations Development Programme's (UNDP) Access to Justice (A2J) Project in Cambodia aims to create solutions that bridge the gaps between the formal and informal justice systems in a way that is effective, responsive and accessible. The project focuses on alternative dispute resolution mechanisms and targets assistance to the most marginalized Cambodians: the poor, women, and indigenous peoples.

The component of the A2J Project relating to indigenous peoples operates on a twin-track strategy to strengthen the capacity of indigenous peoples to resolve disputes through both the formal and informal legal systems and, in particular, the enhancement and legitimization of customary dispute resolution mechanisms, promotion of awareness of rights and regulations related to land ownership, improvement of the dissemination of legal and judicial information, and the full recognition of the rights of indigenous peoples to communal lands.

The A2J Project provides supplementary support to indigenous peoples through legal aid, legal awareness, and advocacy. The activities related to the A2J indigenous peoples component are focused on two provinces in Northeast Cambodia—Ratanakiri and Monduliri, where the majority of the population is indigenous. To implement this component of the project, a local non-governmental organization (NGO) has been contracted as the implementing partner organization.

Community Legal Education Center

The Community Legal Education Center (CLEC), a Cambodian legal resource center promoting the rule of law, justice and democracy in Cambodia, has been contracted as the partner organization for the A2J Project. CLEC has taught over five thousand Cambodians in different subjects of law through its “certificate in law” program since 1996. CLEC has also produced a legal

* This article is an edited excerpt of the report of the authors entitled *Contribution by the Community Legal Education Centre (CLEC) to the UNDP Access to Justice Project - Documentation and Lessons Learnt*, May 2010.

textbook series, which represents the few Cambodian legal texts on a wide range of subjects. CLEC focuses on projects that combine legal education, legal empowerment and advocacy. Its trainings are designed for a wide range of target groups, including local communities, NGOs and government officials. CLEC has been involved in advocacy on a number of significant law reform issues, including: the 2001 Land Law, the sub-decree on indigenous communal land titling, establishment of the Arbitration Council, the election dispute resolution process, the draft Peaceful Assembly Law, and commentary and review of numerous pieces of legislation. Since 2004, CLEC has embarked on a major project of high-impact public interest legal advocacy relating to land and natural resources.¹

Capacity-building Series: Empowerment of Indigenous Peoples

One component of the A2J Project consists of a series of capacity-building training activities for the elders of indigenous communities. In indigenous peoples culture, the elders are the authorities that solve conflicts within the community through their customary rules. The training focused on raising awareness of fundamental rights and understanding of Alternative Dispute Resolution (ADR) mechanisms.

These elders, recognized as traditional authorities, are being trained on national laws that have direct impact on indigenous peoples and their livelihood, such as laws related to land, environment, mining, and forestry, as well as on the formal court system, and conciliation skills.

From July 2007 to March 2010, CLEC held training activities on fundamental and legal rights for the indigenous elders in four out of ninety-one villages in Mondulakiri province and eight out of two hundred forty-nine villages in Ratanakiri province. The training activities were also meant to assist them in the process of collective land registration and indigenous legal entity registration. The training of indigenous elders on ADR and legal awareness focused on the principle of fairness in dispute resolution, conciliation skills, and introduction to the formal state system.

The series of training activities developed by CLEC consisted of the following modules and follow-up training activities:

- Module I: Training on fundamental and legal rights for indigenous peoples
- Module II: Training on Contract Law and ADR mechanisms

- Follow-up Training on Modules II
- Modules III-IV: Advanced knowledge skills on ADR and introduction to the Cambodian judicial system
 - Follow-up on Modules III-IV
 - Modules V-VI: Post basic of mediation and conciliation techniques
 - Follow-up on Modules V-VI
 - Follow-up training for final evaluation.

For each of the modules, trainers from CLEC designed methods that aimed to assist indigenous peoples to develop their capacities in resolving conflict. CLEC sought to enhance community and organizational capacity-building through interactive participation and self-initiated mobilization and collective action. The emphasis was placed on participation as a systematic learning process linked to action and change and the training methodology was mainly based on a Participatory Learning Approach (PLA) and Visualization in Participatory Processes (VIPPP). This latter methodology was particularly useful when working with people who do not read or write confidently. The training used basic language to make the training as accessible as possible. The trainers were assisted by interpreters in order to communicate in indigenous language if participants did not understand Khmer.

However, considering the large number of indigenous groups with their own language in Ratanakiri, it was difficult to provide translations in all indigenous languages.

CLEC has implemented during the July 2007 and April 2010 period a number of activities under the A2J Project consisting of the following:

1. Commune Council Training
2. Regional Training Seminar for Officials
3. TV/Radio Talk Shows
4. NGO Network Collaboration.

Commune Council Training

CLEC held a number of two-day training workshops during the 2007-2009 period in Mondulakiri and Ratanakiri provinces for commune council members. Those who participated in the 2008 workshop were also the participants in the 2009 workshop.

The training raised awareness on fundamental rights, customary rules as well as state laws that support indigenous peoples livelihoods, with a focus on land issues. It aimed to increase the knowledge and understanding of commune council members (and also commune officials, commune chiefs and officials, district/vice chief and officials) on their roles and responsibilities in protecting indigenous peoples lands. The training was organized in close cooperation with the provincial coordinator and expert on community facilitation of a local Cambodian NGO called Indigenous Community Support Organization or ICSO.²

The training employed a semi-participatory learning approach and focused on group discussion, brainstorming, question-and-answer (Q&A), and debates combined with presentations and lectures. The target group consisted of officials and local authorities, for which a participatory learning approach was not suitable.³ The training aimed at facilitating information sharing and collective appraisal. After each topic, participants' feedback and opinions on the subject were discussed and recorded for future revision of the training curriculums. The participants filled evaluation forms at the end of the two-day training in order to evaluate their new level of understanding.

The training used the following materials:

1. Training manual on indigenous peoples livelihood and legal framework published by CLEC;
2. *Indigenous Peoples Rights regarding Land and Natural Resources Management*, published by CLEC in February 2007. This book was shared with the communities of indigenous peoples as a text reference. CLEC distributed copies of this book to local officials to make sure that both indigenous peoples and local authorities used the same legal background when solving conflicts;
3. Articles discussing the laws related to the topics in the training modules;
4. Visuals such as posters, hand-out sheets, mind maps, short bulletins, flipcharts, powerpoint presentations, etc.;
5. Two videos: a short documentary on gender awareness by Women Media Center and Part I of the TV show produced by CLEC on indigenous livelihood;
6. Procedural rules on registration of land of the indigenous peoples;
7. Training manual on ADR.

Contents of the training

The commune council training provided important highlights on

- Indigenous peoples livelihood and legal framework that protect their rights; and
- Land security and tenure for indigenous peoples.

In 2008, the training focused on the following issues:

1. Duties and obligations of provincial authorities and commune councilors in protecting indigenous peoples land and natural resources;
2. Land tenure and land security for indigenous peoples;
3. Basic principles of the sub-decree on the Participatory Land Use Planning (PLUP) process;
4. Experiences and best practices of PLUP;
5. New national policies on recognition and registration of indigenous peoples lands;
6. Key points of the sub-decree on indigenous peoples land registration;
7. Legality and enforcement of contracts on land including land sale and purchase;
8. Peaceful alternative conflict resolution.

In 2009, the training curriculums were revised and additional issues were included:

1. Traditional practices of boundary demarcation;
2. Land issues and the new challenges faced by indigenous peoples;
3. Introduction to ADR skills;
4. Identification of relevant needs and recommendations for improvement in terms of law enforcement at communal level.

Feedback

The training materials were found to be very interesting and appropriate but participants asked for additional materials, such as relevant legal texts. Commune council members expressed a very positive attitude and were pleased to meet and share experiences with other district/communal representatives. However, even though the training activities were perceived positively, the participants were still not willing to put their learnings into practice. The participants were not yet confident about the new lessons that have been learned, and thus requested for further training particularly on these key points:

- Technical aspects of the PLUP;
- Commune Council Roles in Preliminary Land Registration;
- Legality of land sale contracts;
- Clarification of ADR mechanisms and their legal status.

Local authorities and commune council members asked for financial and technical support in order to apply PLUP (such as in mapping their community boundaries).

Lessons learned/Recommendations for improvement

Following are the recommendations on how to improve the training activities:

a. Methodology/Training Materials

- Publication and distribution of new teaching aids like the training manual on “Indigenous peoples livelihood and legal framework” to local authorities.
- Development of new facilitation strategies and learning of new methods on how to train local authorities. CLEC has a strong experience with PLA and VIPP but these tools are not appropriate for government officials.

b. Training

- Follow-up training for commune council members to clarify the scope of applicability of ADR mechanisms at commune level.
- Training for provincial officials to highlight the role of NGOs in dealing with legal cases.

c. Cooperation

- Since local authorities do not acknowledge the authority of NGOs in explaining indigenous peoples issues, the success of the training would depend strongly on the participation of national government representatives (from the Ministry of Interior or the Ministry of Justice) who can explain the issues.
- But there should be efforts to facilitate the change of attitude of local authorities, in order to have more effective collaboration between NGOs and the local authorities.

Future of Commune Council Training

In order to replicate the training for members of the commune council, CLEC is planning to:

a. Improve cooperation with national government agencies by inviting representatives from the relevant ministries/departments as guest speakers on specific topics. This relates to what was earlier indicated about commune council members being more comfortable in interacting with national government authorities than with NGO representatives. This strategy also aims at engaging all levels of authority involved in the issues covered by the training activities. The topic on land policy, for example, can be discussed by a representative from the Land Management Department; the topic on commune council members' responsibilities in protecting indigenous peoples lands can be discussed by a court official or prosecutor.

b. Include the commune clerk in the training. Instead of inviting only one commune council member per commune, the commune clerk will also be asked to join the training to help make the training activities sustainable over the long term. Commune clerks have a permanent mandate, while commune council members stay in office for only five years.

Regional Training Seminar for Government Officials

Under the agreement with UNDP, CLEC held two-day training seminars during the July 2007 to April 2010 period for government officials including members of the police, judges, prosecutors, local authorities, and relevant ministry officials. The training seminars, with the theme "The indigenous system of livelihoods and traditional rules," were held for sixty government officials each year. Furthermore, in 2008 and 2009, the curriculum was revised based on the experiences of the previous year. Three regional training seminars were held, consisting of one training seminar in Mondulkiri Senmonorom (forty five participants, 2007), one in Kratie (fifty five participants, 2008), another one in Ratanakiri Banlung (fifty eight participants, 2009).

The training seminars focused on (1) educating the local law enforcers on how to value the indigenous livelihood systems and customary rules, and (2) strengthening and building capacities of bottom-level government officials who are enforcing the national laws and regulations that are supposed to protect indigenous livelihood and lands.

The participants included local authorities (Provincial Governor, District Chief, etc.), members of the provincial police / military police (armed forces), court officials and clerks, prosecutors, judges, line ministry officials (Land Management Department, Forestry Administration, Mining Department, Agriculture Department, District Office for Local Administration), NGO representatives from Ratanakiri and Mondulakiri, and legal specialists. A total of one hundred fifty eight participants attended the seminars.

Training approach

The seminars contained a semi-participatory learning approach and focused on group discussion, brainstorming, and Q & A. The seminars aimed at getting the active participation of the government officials on sharing of experiences/knowledge. After each topic, a session followed where the participants expressed and discussed feedback and opinions on the subject.

Training materials

The training materials consisted of the following documents:

1. Training Manual on indigenous peoples livelihood and legal framework published by CLEC;
2. “Indigenous Peoples Rights regarding Land and Natural Resources Management;”
3. Videos (such as Part I of CLEC TV Show on sustainable use of the natural resources to support the livelihood of indigenous peoples)
4. Power point presentations and visual aid, posters, hand-outs, drawings, flipcharts, mind maps, short bulletins, etc.
5. Textbook on “National Policy on Development of Indigenous People” (adopted by the Royal Government of Cambodia on 24 April 2009).

Content of the training

The regional training seminar for officials covered the following issues:

1. Indigenous livelihood systems and customary rules;
2. Fundamental human rights/Internationally recognized indigenous peoples rights;
3. Indigenous peoples rights recognized by ILO Convention No.169;
4. Indigenous peoples rights recognized by the 2001 Land Law and the 2002 Forestry Law that recognize the unique features of the land tenure of

the indigenous peoples and provides them with the autonomous management of their communal lands;

5. Process of collective land registration for indigenous communities;
6. Pilot experiences of organizing indigenous communities as legal entity and use of the communal land registration;
7. Participatory Land Use Planning (PLUP);
8. Legality of land sale contracts;
9. Law enforcement and legal system;
10. Concept of Environmental Impact Assessment (EIA) and Socio-Economic Impact Assessment (SEIA).

Feedback

The regional training seminar was the first step in gaining input from local authorities regarding the drafting a new legal framework for indigenous peoples. Participants were quite satisfied by the training seminar and actively participated in the group discussions. Local authorities (such as the Provincial Governor) recognized that they had a limited understanding of indigenous peoples and land laws, and therefore asked CLEC to replicate this training for provincial officials who could not attend the training. For the replication of the training, the local authorities asked that the topic on indigenous livelihood system and customary rules be merged with lessons on civil and criminal legal procedures. They also suggested that CLEC should train local authorities on both formal and informal judicial systems.

Generally, participants would have preferred to focus more on duties and obligations that local officials have to comply with and not only focus on indigenous peoples rights.

There were also feedbacks on specific topics and training approach that led CLEC to revise its training curriculum annually during the July 2007-April 2010 period:

A. Basic Human Rights/International Human Rights Standards

- In 2007, in Mondulkiri, the representatives from the Ministry of Interior, the Ratanakiri Provincial Court, and the Mondulkiri Prosecutor requested that this topic be not included in the training session because the contents were confusing and had less importance.

- Local authorities refused to discuss basic human rights on the ground that they might jeopardize the social norms and existing power relations. They also thought that human rights law should only be applied in relation to the international community and not at local/provincial level. CLEC was requested to put more focus on rules, regulations, policies or legislations of the country.
- Local authorities did not acknowledge the legal status of international human rights standards. They argued that during the Pol Pot regime Cambodia did not receive support from the international community, despite violations of international human rights standards. Local authorities and officials therefore did not recognize their actual legal value. Cambodian law enforcement officials expressed the view that they would only obey the Cambodian legal system, which included the 1993 Cambodian Constitution and its provisions on human rights.
- Interventions by NGOs working on human rights were often said to hinder the work of the law enforcement officers.

CLEC responded to these feedbacks and revised its training curriculum in the following years.

In the second year in Kratie, CLEC decided to combine three chapters altogether in a panel discussion format, including basic human rights, international human rights standards and indigenous peoples' right to their livelihood system, and customary rules.

In the third year in Ratanakiri, CLEC managed to keep this topic in the training curriculum although a Deputy Provincial Governor had requested the removal of this topic in the curriculum. CLEC refocused the topic by discussing the specific international human rights standards that deal with the indigenous peoples issues. Consequently, the Deputy Provincial Governor wanted CLEC to conduct a Training Need Assessment (TNA) prior to providing more training courses on state obligation in international law, human rights and international law, and the international context of the current indigenous people's concerns. The training facilitator managed to present the international concepts of human rights through concrete examples on indigenous peoples livelihood and by linking the international human rights concepts to several relevant national legal provisions (such as the 2001 Cambodian Land Law and 2002 Forestry Law).

B. Indigenous customary rules

The participants were concerned about the legal application of the indigenous customary rules presented by the UNDP's Regional Expert and requested that this information be not shared and disseminated to the indigenous peoples yet.

They also requested for proof of the legitimacy of these rules and expressed concerns that these rules had not yet been acknowledged by any of the relevant government ministries nor endorsed by the government. Participants feared that customary rules could be in conflict with the formal judicial system.

C. Land issues

The participants asked for additional training that specifically focused on how to solve land conflict/dispute between two indigenous communities.

D. Training methodology

The participants complained about trainers using mainly powerpoint presentations that made the training "very one-sided."

E. Venue arrangement

- The participants suggested to extend the training period from four to five days as this would allow them time to understand more deeply the training materials.
- They would like to have a higher daily subsistence and travel allowances.
- In Ratanakiri, the participants said that meeting room was too hot.

Lessons learned/recommendations for improvement

Methodology/Training Materials

- Make available in the training the main legal documents including international human rights treaties, UN declarations, land law and its regulations, and research reports on indigenous peoples issues. Clear connections should be made between the Cambodian national law and international law.
- Training should employ the semi-participatory learning approach. PLA does not work with Cambodian government officials; however,

the use of powerpoint presentations during the training does not work either. The training curriculum should take into account the Buddhist Khmer culture and the strong hierarchy between officials (thus, reaching the senior officials likely leads to the support of junior officials). CLEC already re-designed the training curriculum based on a semi-participatory approach but was not satisfied with the results. CLEC suggested that working groups or small discussion groups might be an appropriate approach for further training.

Cooperation with government offices

- The success of the training relies on the participation of “high-ranking” guest speakers from the different relevant government ministries, and experts. CLEC as NGO needs the strong support from relevant government ministries and international institutions when working with local authorities.
- Since NGOs are not fully recognized by local authorities (especially at the provincial level) as actors of the Cambodian judicial system, CLEC has to be prepared to prove the basis for the enforcement of new laws or policies to be able to effectively communicate them to local authorities.
- NGOs have to redefine their roles and review their approach when collaborating with national and local authorities.

Future of the Regional Training Seminar

With the experience in the regional training seminars in Mondulhiri and Ratanakiri, CLEC re-designed its strategy to focus on two key activities:

1. Capacity-building training of local officials on formal and informal judicial systems as well as on the integration of international law into domestic law regarding indigenous peoples’ livelihood system. This training will be held in close cooperation with International Labour Organization (ILO), NGO Forum, and the United Nations Office of the High Commissioner for Human Rights (OHCHR). Cooperation with other relevant partners such as the Cambodia Human Rights Action Committee (CHRAC) and the Cambodian Center for Human Rights (CCHR) will be sought. A Training Needs Assessment (TNA) will be undertaken. The capacity-building training will aim at strengthening bottom-level government officials who are enforc-

ing the national laws and regulations that are supposed to protect indigenous livelihood and lands.

2. Awareness-raising campaign targeting all lawmakers and law enforcers on the new development policy for indigenous peoples and their lands. The target group will include all relevant stakeholders such as government officials, local authorities, NGO workers, Senate members and the private sector (private companies or the Cambodian Chamber of Commerce). By gathering and giving voice to all concerned actors, including the private sector, CLEC aims to set up the basis for a new dialogue.

Radio and Television Talk Shows

Under the agreement with UNDP, CLEC organized television and radio talk shows each year about indigenous livelihood system and traditional rules. During the July 2007-April 2010 period, CLEC aired four television shows and broadcasted eighteen radio shows, totaling four hours of television show and eighteen hours of radio show.

The television talk show included interviews and discussions with guest speakers, including representatives of NGOs, international organizations and experts.

The topics of the radio show were:

- Indigenous peoples livelihood and traditional rules⁴
- National and international legal support for indigenous peoples.

The television talk show was divided in two parts:

- Part I focused on livelihood of indigenous peoples and customary rules. Interviews of indigenous elders, video-documentaries of farming ceremonies, play on how traditional authorities use to solve conflicts in the villages. Guest speakers in this part were representatives of the Ministry of Justice, the NGO Village Focus and UNDP.

- Part II focused on land rights and legal support provided to indigenous peoples (e.g., land registration), including national and international legal instruments supporting indigenous peoples rights. Guest speakers were representatives of ILO and CLEC.

Target audience

Without any budget for a prior market survey, CLEC used a survey made by the British Broadcasting Company (BBC) to decide on the radio stations and the hours for the shows that would make an impact on the selected audience. The radio show was meant for national coverage (with a special focus on Phnom Penh) with the identified target groups being lawmakers, government officials, people occupying high-responsibility positions, rich people with economic interests for Ratanakiri and Mondulakiri, and law students.

CLEC chose only government-owned or pro-government television channels and radio stations in order to limit problems in broadcasting. Most television channels and radio stations did not want to collaborate with NGOs. CLEC chose VOD (FM 105), FM 96 (National) FM 97 (Apsara), Sarika and WMC radio stations; TVK and Apsara television stations.

One of the main issues raised in the Part II of the television talk show broadcasted by TVK related to the limited size assigned to spirit forests and burial grounds of the indigenous peoples in the draft sub-decree, which was considerably smaller than what was provided for in the Land Law of 2001. This show was criticized by officials of Land Management Department and of the Council of Ministers, which resulted in the reluctance to rebroadcast Part II in Apsara television station.

Distribution of materials

Thirty sets of DVDs and eighty sets of VCDs of the television talk show and forty sets of CD of the radio talk shows have been produced. They were distributed to relevant stakeholders and to interested communities.

Feedback

Various people were selected by random and interviewed by CLEC to share comments on these mass media programs. The response was generally very positive and great interest was expressed in the programs. The messages in the programs were perceived as important and clarified misunderstandings of the Khmer people from the lowlands about indigenous peoples.

Furthermore, the NGO Forum perceived the programs as a good communication tool that NGOs wanted to replicate and learn more from CLEC's experiences in organizing radio and television programs. After broadcasting the shows on TVJ, the NGO Forum requested CLEC to also broadcast this on different channels such as Apsara or Bayon.

Lessons learned and recommendations for radio and television talk shows

- The implementation of mass media projects has to contend with a number of challenges. Censorship exists in Cambodia and hinders the exercise of freedom of expression. Most television channels and radio stations do not want to collaborate with NGOs. At the same time, broadcasting radio and television programs is very costly. This situation explains the decision of CLEC in choosing only government-owned or pro-government channels and radio stations for its radio and television talk shows.

- NGOs working on land issues appreciate such television talk show and request for their rebroadcasting because of the timeliness of the broadcast. The draft indigenous peoples sub-decree and policy were not yet handed to Prime Minister Hun Sen and there was hope that the Prime Minister would possibly see the television show before signing the documents.

- There is an urgent need to improve the relationship between CLEC and the relevant government ministries to avoid the various conflicts that occurred in implementing mass media projects such as the censorship of Part II of the television talk show due to supposed potential effect of causing national conflict, and the non-participation of representatives of government ministries in the talk show especially when sensitive issues were being discussed.

- There is a need to improve on the current insufficient collaboration and facilitation by UNDP with the government ministries (in particular with Ministry of Interior).

- CLEC should widen the target audience.

The main objective of the campaign in raising awareness among people mostly in Phnom Penh, those working with indigenous peoples, and those who have economic interest in the provinces where the majority of the population is indigenous is good. But there is also value in reaching a wider audience such as the Ratanakiri and Mondulakiri populations. The radio programs can have versions that use the language of the indigenous peoples. Existing radio programs for indigenous peoples (such as the UNESCO project in Ratanakiri) can be explored for partnership programming.

Campaign Materials

A number of materials were produced under the project as a tool to support the awareness-raising campaign on the rights of indigenous peoples protected by the Cambodian legal system, especially focusing on land issues. CLEC produced these materials and distributed them to indigenous peoples during the capacity-building training, and also to village leaders, commune councils members, NGOs from the NGO Network and national authorities and ministries involved in indigenous peoples issues.

The materials consisted of booklets, posters, t-shirts, and fold-out posters.

Booklets

The following booklets were produced:

- Booklet on indigenous communal land issues (2,000 copies)
- Booklet for the Department of Ethnic Minority Development on the national policy of the Ministry of Rural Development (3,000 copies)

These booklets were distributed in the workshop on the new policy on the development of indigenous peoples. More than one hundred members of the Senate, National Assembly, Constitutional Council and other relevant stakeholders received the booklets. In another training workshop, more than one hundred sixty provincial governors, provincial and municipal councilors, district and commune authorities and indigenous community representatives received them.

- Booklet on the 2001 Land Law for Indigenous Peoples.

This material aims to raise awareness among lawmakers, law enforcers and national authorities on indigenous peoples land rights.

Posters

One poster was designed and published in September 2009 for the project with 500 copies. The designing of the poster was done in close collaboration with UNDP, ILO, CWS, ICSO, the NGO Forum, the Land Management Department, and the Ministries of Interior and Justice. It illustrates the ADR mechanisms and the roles of indigenous traditional authorities in conflict management within their communities. It was distributed to indigenous communities and to relevant stakeholders to support education campaigns.

T-shirts

Using t-shirts with appropriate messages, CLEC aimed at raising awareness on the new land policy with a focus on illegal sale/purchase of land of indigenous peoples. For the project, CLEC revised the previous t-shirt design under a 2008 project funded by the New Zealand Aid Programme (NZ Aid) taking into account the feedbacks received. Eight hundred t-shirts were produced in July 2009.

Messages on the t-shirt:

- Front message: The life of indigenous peoples strongly relies on their land and natural resources.
- Back message: Buying and selling indigenous communal lands is a violation of the land law.

CLEC distributed the t-shirts to:

- Indigenous traditional authorities, village elders and villagers during the capacity-building training;
- National and local authorities of Ratanakiri and Mondulakiri;
- Representatives of government ministries involved in indigenous peoples and land issues (Land Management Department, and the Ministries of Interior and Justice).
- NGOs: Khmer Youth and Social Development, Sasar Troung Association, Vigilance, etc.;
- Indigenous students of Ratanakiri and Mondulakiri;
- UNDP.

Foldout posters

CLEC published, in September 2009, five hundred fold-out posters to distribute to indigenous peoples and the relevant stakeholders. This material describes the different steps in the community land registration.

Feedback

The participants found the campaign materials to be easy to understand, the messages being simple. Indigenous peoples and other stakeholders also expressed very positive feedback on the materials. The posters and t-shirt were appreciated the most. CLEC's partners requested to produce more campaign materials to support the awareness-raising campaign on indigenous peoples' livelihood and rights.

Unfortunately, some campaign materials were published very late (mid-2009) for use in the access to justice training forcing CLEC to use materials previously produced for an indigenous peoples project of NZAid.

General Observations and Recommendations

CLEC had limited time in taking into account the feedbacks and lessons learned at the end of each year of project implementation and in revising the activities accordingly. Overall, CLEC implemented a wide range of activities, some with limited success while some have contributed greatly to the improvement of access to justice for indigenous peoples. Donors see the necessity of having strong technical support and monitoring in order to replicate the project in other places. Furthermore, to improve the flow of the activities and maximize the potentials of the project outputs, greater involvement and cooperation of relevant government institutions (such as through a memorandum of understanding between CLEC and the government ministries) is highly recommended to increase ownership of the project by the Cambodian government.

To be able to replicate the project, the following key observations and recommendations should be taken into consideration:

1. Expectations, in terms of measurable objectives, implementation structure, indicators, budget allocation, should be clearly defined.
2. CLEC should assign more legal staff for the project, particularly in the field offices, to strengthen the legal aid component of their work. This can also address the need to make the indigenous peoples become more aware of the availability of free legal aid.
3. CLEC should continue to train indigenous peoples on the formal judicial system with a focus on the advantages of being assisted by lawyers.
4. The empowerment of traditional authorities was a successful component of the CLEC project and a necessary first step to bridging the gap between the formal and informal judicial systems for the benefit of indigenous peoples. Indigenous traditional authorities and villagers expressed their strong appreciation of CLEC's methods and approach in conflict management. The new understanding of ADR has already resulted in positive outputs as it has helped indigenous peoples become more confident within their community or when dealing with outsiders.

5. There should be greater emphasis on the potential multiplier effect of training traditional authorities. They (traditional authorities) should be encouraged to provide training within their communities and nearby villages, in particular to the younger generation, to raise the awareness level on indigenous peoples rights and ADR mechanisms and to enhance the understanding of the formal judicial system.

6. CLEC needs to do follow-up activities at the village level to consolidate the knowledge and strengthen the abilities of indigenous peoples and make the ADR mechanisms operate. The traditional authorities, for example, have indicated that they have not been very effective in addressing domestic violence in their ADR efforts.

7. To increase the long-term sustainability of the training, it is advisable to include the commune clerk in the training for commune councils. Commune clerks have a more permanent position, in contrast to the commune council members who have limited mandate of five years.

8. Generally, the training seminar was well received by the local authorities who acknowledged their limited understanding of indigenous peoples rights and land laws. The participants would however have preferred a stronger focus in the training on duties and obligations that local officials have to comply with rather than only focusing on indigenous peoples rights.

9. The regional training for government officials, as well as the commune council training, face the challenge of overcoming the limited effect of (semi-) participatory learning approach. Further development of the training strategy is needed to make it more adaptable to the target groups.

10. Training of local authorities and other officials should be continued to increase the understanding of indigenous peoples rights.

11. Strong involvement of the donor agency in coordination and monitoring, and closer collaboration with the Ministry of Interior and Ministry of Justice are recommended.

12. Since local authorities do not see NGOs as having the authority to involve themselves in finding resolution to cases, especially in land dispute cases, CLEC has to work more closely with government institutions when dealing with local authorities. CLEC's actions may be perceived as an infringement of the responsibilities of local authorities. Therefore, CLEC needs strong support from partner government ministries when working with local authorities to change this mentality.

13. A major limitation of the activities was the lack of national ownership and support from senior government officials. In replicating the project, it is advisable to revise the role of the government, with the government ideally acting as Project Manager. CLEC's plan of having memorandum of understanding/agreement with government ministries would improve co-operation between them (and also with local authorities).

14. Since CLEC is very active in the Cambodian NGO Network, further collaboration with other NGOs should be explored, if not already done so, to coordinate and identify overlapping or complementing activities. The NGO Network should be used to strengthen their advocacy and negotiation position with local/national authorities.

15. The OHCHR legal officer who can provide technical assistance on international law to national legal aid organizations when dealing with high-level human rights cases can be requested to provide technical support to the project.

Endnotes

1. The text describing the work of the CLEC is drawn from its website, see www.clec.org.kh/AboutUs.html.

2. Visit the ICSSO website for more information: www.icso.org.kh

3. Commune officials are not willing to engage in role play activities or games.

4. Discussions on indigenous peoples livelihood were divided into two sessions. The first session had guest speakers from UNDP: Mr. Yin Sopheap and Mrs Yun Mane. Mrs. Yun Mane, a Phnong (indigenous person), mainly shared her daily life experiences as member of an ethnic group. Mr. Yin Sophea shared his eight-year research experiences on traditional rules in Ratanakiri. The second session guest speakers were external indigenous peoples livelihood experts: Dr. Meas Nee, Mr. Bouy Kimsreng and Mr. Seng Sovathana.

Empowering Returned Filipino Women Migrants and their Children: The Batis Center for Women Experience*

Andrea Luisa C. Anolin and Lara Salud C. Javier

EXPOSURE TO INSTITUTIONALIZED LABOR and sexual exploitation in Japan's adult entertainment industry shaped the experience of a significant number of the Filipino women who worked as entertainers during the past three decades since late 1970s. These women found themselves confronting daunting problems. They were at the losing end of the economic, cultural, and social changes at the individual, family and community levels brought by working in Japan.

The Batis Center for Women (Batis) was established in 1988 in response to the growing number of Filipino women migrant workers coming home from Japan in distressed conditions. Since then, Batis has extended assistance to more than two thousand women returnees from Japan, and other members of their family including children. The women sought the assistance of Batis for the problems encountered while they were working in Japan as entertainers such as illegal recruitment, labor contract violations, trafficking, and sexual abuse and exploitation. They also sought assistance for problems (such as domestic violence and abandonment) that arose when they became partners or wives of the Japanese men they met in their work.

In the early years of its existence, Batis provided immediate psychosocial and welfare services (such as counseling, airport assistance when they come home, provision of temporary shelter, and medical and legal assistance through the Social Case Management program) to the women. The work of Batis evolved to include women's empowerment through organizing, education and training, social enterprise development, and advocacy under its Women Empowerment Program.

* This article draws from the papers of the authors in the Roundtable Conference entitled "Immigrant Children and Women Empowerment Social Work in Diverse Communities in Japan" held at the Japan College of Social Work, Kiyose City, Tokyo, Japan on 3 November 2010.

Batis Center for Women

These Filipino women sought Batis because of their negative migration experiences and Batis' mission to "respond to the needs of distressed women migrant workers and their families including Japanese-Filipino Children (JFC) to enable them to rebuild/regain their sense of dignity and self-worth."

In the course of extending support, Batis was able to understand the experiences of the Filipino women in Japan. Initially, the women shared only such experiences that were needed by Batis to manage their cases. But as the "helping relationships" evolved, the women gradually shared their life experiences with people in Batis who empathized, withheld judgment, and offered a lifeline of assistance and support services. The women told stories that revealed their fear, regret, failure, disappointment, sense of uncertainty, inability to cope with problems, and continuing struggle. But the stories also revealed the women's courage, desires, strengths, resolve, sense of responsibility, and passion. Sharing experiences was not easy but it paved the way for the women to come to terms with them. This was the first yet reluctant step towards healing.

As the earlier generation of women clients came to accept and learn from their experiences (either willingly or reluctantly, and at their own pace and readiness), Batis joined them in rebuilding their lives through continued individual and group interventions.

Batis fostered the idea of a shared identity as survivors among the women to enable them to see the links among their experiences. In order to facilitate the transformation of their status from victims to empowered individuals, Batis helped raise the awareness of the women about migration and women, and other related issues; acquire, build and strengthen the skills and opportunities in helping and providing support to one another, in getting the messages of their shared experiences across to others, and in building a collective identity in order to address, and work for the transformation of, social conditions that perpetuate the continued migration of Filipinos for overseas work and the increasing feminization of Philippine labor migration.

Japanese-Filipino Children

Among the thousands of Filipino women working in Japan, many had relationship with Japanese men, mostly their customers, and bore Japanese-Filipino children. Unfortunately, some of these Japanese men had families of their own while others were unwilling to commit themselves to their Filipino women partners and their children. Some of the Filipino-Japanese marriages ended in divorce, while some Japanese husbands abandoned their Filipino wives and children.

The women sought Batis assistance in getting legal recognition and support for their children from their Japanese fathers. Thus, in 1992, Batis formally started its JAPINO (short for Japanese-Filipino) Program to focus on the increasing number of women returning with their children – with most of the children being born with absent fathers. Most of the mothers were poor and uneducated, and the children suffering from malnutrition and sickness.

Under the JAPINO Program, the children received assistance in the form of food, shelter, clothing, medical assistance and referrals to charitable institutions. Batis also provided “search” services, counseling and legal assistance to the women. Government institutions and non-governmental networks of organizations in Japan facilitated the search for the Japanese fathers or both parents (for children abandoned by both mothers and fathers). Private individuals and institutions helped provide whatever educational assistance was needed. Social workers monitored the cases along with continuous campaign advocating for the rights and welfare of the children and their mothers.

Most of the children clients under the JAPINO Program at that time were still very young, thus the great need for assistance. They were left to the care of their Filipino mothers who were unemployed single parents, or to their aging grandparents who barely had enough to support their basic needs.

While most of the children were inquisitive and sensitive especially towards other children, some were alienated and insecure about their personal identity.

Many JFC in the Philippines were adversely affected by the gap between the reality of their poverty and the public perception of the Japanese as rich people. JFC living in the Philippines also faced discrimination and ridicule stemming from the public’s negative perception of their mothers’ work

in Japan and their different physical features from other children. The JFC questioned their identity while growing up faced with so many challenges, but began to search for their own identity as they became adolescents.

Many of the JFC are now entering the workforce and sharing the responsibility of supporting their family needs. Some have to give up their education in order to work and help their families. Under this situation, legal recognition from their Japanese fathers becomes important either to obtain Japanese citizenship, or get the visa needed to work in Japan.

In a society that puts premium on a “complete” family (wife, husband, and children), it is not surprising for some JFC to see as self-fulfillment the chance to meet their Japanese fathers or visit Japan despite the love and affection of their mothers and relatives. This longing to meet their Japanese fathers and the need to financially support their families are reasons why would they want to leave for Japan.

In a workshop among JFC who visited Japan, the JFC expressed in a poem their collective thoughts and views about their identity:

Who Am I?

Who am I? Who am I really?
I am Yuri, I am Shig
I am Mikas, I am Yuki

In the Philippines, I'm different.
In Japan, even more different.
Even though this is what we encounter
we have never even once thought
that life is worthless.

I don't try to become like the others.
I accepted who I am
Even when I get mocked in school,
by other people. I am who I am.

Though they laugh at my name
Or mock me because of my race.
I am myself who is fighting the world
for my rights and showing my abilities.

Even though my father and mother's races are different.
I am like this when I was born.

Sometimes confused as to where I belong.
“I am both, that’s how I was raised.”

I am Yuri, I am Shig
I am Mikas, I am Yuki
I am Ai, I am Yumi
Filipino, Japanese, I am both.

Empowering the Women and the Children

From an institution that initially offered direct welfare assistance, Batis evolved an empowerment program for the former women migrant workers and their families using a rights-based framework (“Self Help, Help Others, Help Community/Society”).

This empowerment program resulted in the establishment of Batis AWARE Women’s Association (the self-help organization of Filipino women returnees from Japan) in 1996 and Batis-YOGHI (composed of children of the women returnees) in 2000. The two associations provide the women and their children with means to support to one another as well as to address the issues confronting them as migrant workers and as children of migrant workers respectively.

In 1995, Batis established the Women Empowerment Program (WEP), to continue the interventions of the Social Case Management program (SCM) albeit beyond the personal and individual levels, and to work with the women collectively and later on with their children through the Children and Youth Development Program (CYDP). WEP considers women clients as partners for the promotion of human welfare and development instead of just recipients of programs and services. They are in the best position to advance their rights, and to improve or change their situation.

1996 was a watershed year for Batis as it marked a shift in the thrust of the institution’s service delivery. It redefined its role “beyond merely providing welfare services to the women to being an active facilitator of genuine women’s empowerment through its framework, using a holistic and sustainable strategy and approach.”

Batis organized a core group of women to develop their capabilities as peer counselors, public speakers, writers, advocates, project managers, among others. This paved the way for the establishment of Batis – AWARE in 1996. Having their own organization apart from Batis served as their venue

to help and support each other, foster cooperation, and build teamwork, trust, and confidence.

Batis focused on helping Batis-AWARE women to gradually run their organization by themselves through knowledge enhancement, skills and capability-building activities, and provision of support to their livelihood pursuits.

After several years of providing support to the women as they work towards empowerment, Batis grew more confident in transforming their close, at times interdependent, relations with Batis-AWARE to provide more space and opportunities for the women to gain full control of their organization. The conscious step towards transformation was Batis' response to the expressed interest of Batis-AWARE to become an independent organization.

Empowerment: From the Point of View of Women¹

In a 2005 review of a decade of Batis work on women's empowerment, the partnership with Batis-AWARE was a major highlight. There was also a sense that Batis was coming full circle in providing services and support to the earlier generation clients. An internal assessment of Batis' work surfaced the earlier generation clients' views and experiences on empowerment in the context of their involvement and engagement in various Batis activities.

Views on Empowerment

The women said that empowerment helped them deal with pain and problems towards healing and coming to terms from their hurting experiences as women migrants from Japan. They also said that Batis

- provided "a safe, comfortable space for women." Batis thus served as a refuge for women victims of violence.
- existed to help women empower themselves because there was deep trauma in each of them.
- helped develop women's capacities. Respondents shared that Batis helped women see alternatives from their own experience, showing them the way to develop on their own as women.
- helped women rebuild their lives. What is important to note here is that the starting point for the women in this response is no lon-

ger the pain of their experience as former migrant workers, but the control of their lives.

- helped women help other women. WEP does this through its theater advocacy work, where the women actors of Teatro Batis are able to share their experiences with prospective women migrant workers to enable them to know the real situation of migration (through guided group discussions after the performances). WEP also teaches the women to help other women, like family and friends, through personal advocacy.

Definition of Empowerment

What then is the earlier generation women clients' organic concepts and practice of empowerment? For the women, empowerment involved having a set of values, a framework, perspectives, and knowledge. For women to be empowered, they have to be aware of their social situation and their rights, especially knowing how to fight for them.

The earlier generation women clients of Batis underscored their experience of empowerment as a process. For them, empowerment is developmental, a course of action toward achieving results incrementally. This translated to the individual or group deciding how to make their empowerment progress from one point to the next, depending on their definition of the next stage of empowerment.

"How to's" of becoming empowered

For the women, seminars and trainings facilitated empowerment. They helped the women view difficulties with proper attitude, taught them not to blame themselves, and encouraged them to reclaim the power that was taken away from them by their negative experience as migrants returning from Japan. They helped raise the women's awareness or understanding of their own situation, guiding the women in coping with the situation they found themselves in. They facilitated deeper understanding of the Philippine situation, and provided a forum to share their learnings with other women, without breaking down in tears.

Some of the seminars and trainings held over the years included gender sensitivity training, discussion on violence against women and women's rights, peer counseling, and various life skills trainings.

A favorite Batis activity was theater advocacy. Sharing their experiences as former migrant workers through the performing arts enabled the women to show the people watching the performances that they were able to move on despite their heartbreaking experience in Japan. These performances helped them stand on their feet and face other people, without the shame.

The members of Batis AWARE organized a theater group called Teatro Batis in 2000. As part of theater advocacy, the group performed for secondary school students in several provinces (Pampanga, Laguna, Samar, and Davao), and for women in various communities in Dagupan City, Pangasinan. They also performed for policymakers in the Department of Foreign Affairs, the Department of Social Welfare and Development, and the Philippine Overseas Employment Administration. Teatro Batis likewise mounted performances in various places in Japan (Chiba, Tokyo, Hyogo, Kyoto and Yamagata).

One of the women said that dealing with different kinds of people from various sectors and sections of society, even policymakers from the Philippine Congress (national legislative body), was empowering because the women proved that they could confidently carry themselves and talk about their analysis and position about migration issues. She added that if one did not have the guts, one could not face others. Batis helped embolden the women.

Batis and Batis AWARE, as members of the Alliance of Migrant Workers and Advocates to Amend Republic Act 8042 or the Migrant Workers Act of 2005 (AMEND), actively participated in legislative advocacy to repeal the deregulation provision in the law.² Deregulating the Philippine labor export industry means doing away with government regulation of the deployment of Filipino workers for overseas work, a necessary layer of protection, and leaving the matter of sending Filipinos for overseas work in the hands of the private sector whose objective of gaining profit from the business of sending workers overseas will take precedence over the protection of the rights of overseas Filipino workers

The officers of Batis AWARE served as resource persons during the legislative hearings in early 2005 on the proposed policy change of the Japanese government on requirements for people who want to apply for entertainers visa.

The women said that Batis activities were not the only means that facilitated their empowerment. For some, it was also about the people who

helped them. Thus, the Batis staff played a big role. The Batis staff knew how to carry out the activities and services, how to relate to the women in various levels of distress, recovery and empowerment, and how to listen to the women when they needed someone to talk to. The attitudes and behaviors of the staff also enhanced the empowering character of the institution.

Manifestation of Empowerment

With the experience so far of empowering women, Batis describes empowerment in the following terms.

Empowerment has to take root in oneself. An empowered person develops inner strength. She comes to terms with her traumatic experience. She faces the challenges in her life with the help of support groups like Batis. She survives all her problems, and is able to take care of herself. She makes decisions for herself, as well as do things now that she was not able to do before. She runs her own life and lives life on her own terms. An empowered woman stands on her own. She is responsible for herself, for her action and its consequences. She can control her own action, especially if it does not do good to her and to others.

An empowered woman also exhibits certain skills and acquires more knowledge. She expresses herself, dialogues and connects with others. She knows how to deal with or interact with people, and shows the world her evolved self. She is not shy or embarrassed anymore, even in the presence of those who may seem to have “more” than her (money, education, knowledge, etc.). As a mother, she has the confidence to raise her child by herself, and stands on her own.

An empowered woman gains organizational skills. She knows what to do when women come together for collective action. She has skills in handling the women, and is not always dependent on others. Yet, she also knows that she cannot do everything by herself. She is part of a community, where she lives, and participates in community life.

One feature of empowerment, according to the women, is being able to use their empowerment to help others. An empowered woman helps other women see their potentials and values in life in the midst of challenges.

At present, the officers and members of Batis AWARE work as peer counselors to the recent generation clients of Batis. They accompany the clients for their medical check-ups, help them in their reintegration activities (either through enterprise development or enrollment in formal or non-

formal education), as well as assist their involvement in advocacy activities (such as March 8 International Women's Day rallies).

Aye! Aye! To Empowerment

The earlier generation women clients agreed that Batis' empowerment work was good for them. With space and opportunities to express their concerns, the women became more aware of their rights, their involvement and engagement in the activities of Batis. These also helped boost their self-esteem and strengthen their self-confidence, which ultimately enabled them to heal from their negative migration experiences.

The women said that Batis' work on empowerment was about alternatives. The continuing challenge is to create, widen or expand these options for the women; equipping them with the resources to make decisions, and creating the safe space and setting up the support system for the decisions they make, especially non-traditional and unpopular ones.

Learning the lessons of the past, Batis started to take on new challenges of effectively providing assistance, services and support to a new generation of returned distressed women migrant workers from Japan and beyond.

Empowering the Japanese-Filipino Children

As a first step in empowering the Japanese-Filipino children, Batis started to refer to them as JFC instead of JAPINO. In a survey done by Batis of clients and partner organizations, majority indicated that the term JAPINO might be discriminatory, causing stigma and offensive. It put the children in a special category and could easily be attributed to children born to Filipino entertainers and Japanese men. The term JFC is more general, referring to children born to Filipino and Japanese parents. This is way better than the term that was originally used to describe them, "hinomaru babies" or children who were born due to economic needs.

The JAPINO Program of Batis Center for Women then evolved to become the Children and Youth Development Program (CYDP). The CYDP aims to promote the development of total self by making the children and youth enjoy human rights, and strengthen self-awareness, self-confidence and sense of responsibility through workshops on migration and other socio-economic-cultural issues in the Philippines and Japan, summer camps,

exposure trips, sports festivals, youth meetings, and scholarship and educational assistance.

While the cases for legal recognition and child support from their Japanese fathers were ongoing, the CYDP provided venues and opportunities for the JFC to discuss and come to terms with the issues they face as children of migrant workers, learn about their rights, and involve themselves in self-development activities. More importantly, the CYDP organized the children to provide support to one another and address the issues confronting them as JFC and youth in general.

In 2000, with the encouragement and initiative of the program, the children and youth then formed Batis-YOGHI or Youth Organization that Gives Hope and Inspiration. The name sums up what the organization desires to do—to give hope and inspiration to fellow JFC. That same year, they elected their own set of officers, drafted their constitution and by laws and designed their organization's logo.

Batis envisioned an organization where all JFC are empowered—ready to face and overcome the challenges of growing up, and actively participate in addressing issues that affect them.

From Children to Young Adults

The establishment of Batis-YOGHI came at a very opportune time when majority of the JFC clients were transitioning from kids to young adults and their needs and issues were changing. By supporting them in their decision to form an organization, Batis helped them create a collective identity and sense of unity. Batis provided opportunities for individual and collective development in the form of workshops, trainings, educational discussions, interactions, and the like.

From the art workshops and mother-and-child sessions that the JFC joined when they were small, Batis saw the need to develop a more mature and age-appropriate educational sessions for them to foster their social, psychological, physical and intellectual well-being.

Activities for Empowerment³

Batis-YOGHI holds a number of activities such as the following:⁴

- Peer Counseling Training
- Production of Batis-YOGHI Publicity and Information, Education and Communication (IEC) materials
- Young Leader's Mentoring Program
- Educational Sessions.

Since young adults face a lot of challenges (friendship concerns, uncertainty about their future, lack of resources to pursue education, sexuality issues, media's influence on young people, among others), they more often than not turn to their friends and peers for information and support. With this in mind, Batis-YOGHI initiated the Peer Support and Counseling Training to develop the peer support and counseling skills of a select number of JFC to enable them to reach out to the members of Batis-YOGHI who face problems. Batis-YOGHI helps members strengthen themselves when encountering problems and challenges that may be too difficult for them to face on their own.

Such support structure in Batis-YOGHI helps JFC adjust to their new status as young adults who bear increasing personal and familial responsibilities, and offers a positive image of JFC who are working to overcome personal problems. This allows Batis-YOGHI to provide JFC with wider options in life despite difficulties relating to the circumstances of their birth.

The Young Leaders' Mentoring Program serves as a semi-structured learning experience for the JFC by getting them involved in project implementation. They lead small group discussions, organize monthly meetings, undertake administrative and logistical work, etc. The CYDP Coordinator acts as a mentor who ensures smooth project implementation, while the JFC develop their potentials that would enable them to effectively manage Batis-YOGHI by themselves in the future.

Batis-YOGHI members also hold short discussion sessions on various issues that are of interest to young people in general. They include the Career Orientation and Planning Session and the Adolescent Sexuality Seminar.

The 2008 decisions of the Japanese Supreme Court granting Japanese citizenship to ten children with Filipino mothers (but unmarried to their

Japanese fathers) triggered the JFC's interest on Japanese nationality and its relevance to their own status. The Japanese Supreme Court ruled that Article 3(1)⁵ of the Nationality Law of Japan (that required marriage in case one parent was non-Japanese in order that Japanese nationality could be acquired by their children) discriminated against children who were born out of wedlock yet acknowledged by their Japanese parents after birth, and violated the equality provision (Article 14-1)⁶ of the Constitution of Japan.

Thus Batis-YOGHI held a "Nationality Discussion" session that aimed at

- Understanding the concepts of identity
- Defining the meaning of JFC
- Becoming aware of the issues faced by other JFC
- Understanding basic concepts of the United Nations Convention on the Rights of the Child and its relation to the issue of nationality;
- Differentiating citizenship from nationality, and
- Being informed of the recent developments on the issue of citizenship in Japan.

Batis-YOGHI tries to inform the public of its existence and services through the production of publicity and IEC materials such as brochure, website, and newsletter. It aims to help other JFC who are not assisted by NGOs get the support they need.

Batis and Batis-YOGHI are continuing the development of activities and new strategies to address the growing issues and concerns of JFC.

To quote Batis-YOGHI President Mikas Matsuzawa, the activities⁷

address the needs of the members of our organization in a timely way focusing not only on our unique situation as JFC but also on our needs as we grow up. Here, we are given space to showcase our talents, learn new things and be creative. Here, a venue is offered for us children and youth to step out of the box and fully enjoy learning and participate in issues that concern us. From the mother-child relationship and child rights workshop up to the gender sensitivity and adolescent sexuality discussion, training activities were arranged in consideration of the need to strengthen and empower Batis-YOGHI members, from just being beneficiaries into independent and brilliant young leaders.

The JFC see empowerment as a process that they undergo at different paces. They acknowledge too that empowerment can be facilitated by sup-

portive individuals, family members and groups, opportunities for self-development activities and exposure to JFC issues, constant self-reflection and culling out of lessons from the challenges they experience in life.

They do not claim to have acquired all the qualities of an empowered JFC. But their definition of an empowered JFC serves as a guide as they undergo the process of becoming an ideal JFC.

The JFC leaders express their concept of empowerment by answering a number of questions including: Who is an empowered JFC? How is empowerment manifested by a JFC? What would help JFC achieve empowerment? Their answers are as follows:

An empowered JFC is someone who “owns” the issues that affect her/him and puts a stake on JFC causes. This empowered JFC does not only have a say on her/his personal issues but claims other JFC issues as her/his personal issues as well.

An empowered JFC is responsible for her/himself emotionally, physically, spiritually and financially. S/he knows how to make decisions for her/himself and can stand the consequences of her/his actions. An empowered JFC is a responsible member of her/his family and society.

An empowered JFC is conscious that the search for one’s true identity is a long, tedious and painful process. But s/he never tires of seeking answers and completing this process. A raised consciousness that the empowered JFC shares with other JFC is the product of the long process of knowing one’s identity.

An empowered JFC seeks dialogue to find answers regarding questions on identity. S/he knows how to forgive and let go of her/his past. S/he can forgive her/his parents for their shortcomings and can look at her/his past with confidence. S/he draws strength and inspiration from the hurts and sufferings s/he suffered before—this strength serves as a foundation that other JFC can lean on.

An empowered JFC does not have a victim mentality. S/he takes on the challenges confronting her/him. S/he may have been a victim of circumstance but s/he looks beyond that. S/he lives for the present and prepares for the future.

Education is very important for the empowerment of JFC. Formal education, a privilege rather than a right for some JFC, prepares them for their life ahead, opens more opportunities for them, and helps them veer away from the path their mothers treaded before.

JFC leaders consider the CYDP and Batis-YOGHI activities as helpful in getting empowered. Through these activities, they recognize the importance of each JFC's contribution in advancing their cause. Youth-centered and -oriented training activities catch their attention and sustain their interest on the JFC issue. Cultural exchanges and study tours allow them to know both their own world and the realities and ways of life of other people. Regular team building activities also help strengthen their bond and share experiences with other JFC.

Another manifestation of empowered JFC is the establishment of their own organization. Their organization facilitates their own personal development while benefiting the entire JFC community at the same time. It provides them a good training for their work on their own issues, and a basis for future work of reaching out to other interracial children.

Lessons Learned

Batis' engagement with children and young adults stemmed from its commitment to helping returned distressed women and their families. Batis helps the JFC develop their full capacity by providing them with the knowledge and proper information needed by young people like them in making informed choices in life—something their mothers did not have before.

The 2009 award to Batis-YOGHI as one of the ten accomplished youth organizations in the Philippines reassured Batis that its work with the JFC was on the right track. (See Annex for details of the award) This award was a reason for celebration among all JFC not just the members of Batis-YOGHI.

Instead of being a target group or beneficiaries, Batis-YOGHI plays an important role in finding solutions to their own concerns. Instead of being passive recipients who rely on adults, the Batis-YOGHI members become active participants, "own" their issues, and find ways of working towards their empowerment. Providing them with opportunities to articulate their needs in participatory process allows them to make decisions and to play important roles in their own organization. They become genuine partners in the work of Batis. These JFC bring with them optimism and dynamism which they easily pass on to fellow JFC and even to adults. This is one thing adults should learn from them.

The ideas and creativity of the Batis-YOGHI members make other JFC, the general public and other stakeholders know their issues.

Partnership with like-minded organizations and individuals in the Philippines and Japan who help advance their cause is essential to the work that Batis does with the JFC. Without their help Batis would not have gone far with the JFC.

Most importantly, the realization of their rights as JFC and human beings—right to nationality, right to education, right to basic needs, right to participate in matters that affect them—are most crucial in attaining empowerment.

Batis exists to facilitate the empowerment of the JFC. The JFC can empower their own selves provided they have an enabling environment. As long as they are provided with opportunities to empower themselves, the JFC will continue to create better future not just for themselves but also for other JFC and the society in general.

Going Beyond Full Circle

In 2009, Batis celebrated its 20th year anniversary. The institution considered it a bittersweet moment in the continuing “herstory” of Batis Center for Women. It came at a time when an ever-increasing number of Filipino women and men found themselves working overseas; when policies in countries of destination presented challenges to migrant workers due to stricter border controls and labor market realities; when employment opportunities for low-skilled work attracted the next generation of vulnerable migrants; and when threats and vulnerabilities were ever present especially for women migrants and low-skilled, temporary migrant workers.

Considering this global migration landscape, Batis is pleased to see how it has evolved as an institution, how its programs and services have responded to the changing needs of its beneficiaries. Utilizing to the fullest the opportunities to innovate, try out new approaches and explore new directions, Batis tries to make its services more accessible, relevant, efficient, effective, and heartfelt. It is reminded of the strength and resilience of women and the children as it works together with Batis AWARE and Batis-YOGHI in protecting and promoting the rights and welfare of women migrant workers and the children.

Batis looks forward to meeting the challenges of providing direct services, working for women and children’s empowerment, and in transforming individuals, groups, communities and societies in the next decade of its existence.

Endnotes

1. The discussion in this section is based on Joe Takeda and Marilyn T. Erpelo, editors, *Behind the Drama of Filipina Entertainers in Japan* (Quezon city: Batis Center for Women, 2008).

2. The Migrant Workers and Overseas Filipinos Act of 1995 has the following deregulation provision:

“VII. DEREGULATION AND PHASE-OUT

SEC. 29. COMPREHENSIVE DEREGULATION PLAN ON RECRUITMENT ACTIVITIES. - Pursuant to a progressive policy of deregulation whereby the migration of workers becomes strictly a matter between the worker and his foreign employer, the DOLE within one (1) year from the effectivity of this Act, is hereby mandated to formulate a five-year comprehensive deregulation plan on recruitment activities taking into account labor market trends, economic conditions of the country and emergency circumstances which may affect the welfare of migrant workers.” Text from www.poea.gov.ph/rules/ra8042.html.

3. The discussion in this section is based on Marilyn T. Erpelo, editor, *A Sneak Peek at Batis-YOGHI Development: A Handbook on the Learning Experiences of Japanese-Filipino Children* (Quezon city: Batis Center for Women, 2009).

4. Through Batis, Batis-YOGHI obtained in 2008 funding for its project “Strengthening the Organization of Japanese-Filipino Children and Youth” from the Grant Assistance for Grassroots Human Security Projects of the Japanese Embassy in the Philippines. The project was meant to develop and strengthen Batis-YOGHI activities.

5. A quote from the website of the Supreme Court of Japan on the case provides the provision of Article 3 paragraph 1 of the Nationality Act:

“A child who has acquired\ the status of a child born in wedlock as a result of the marriage of the parents and the acknowledgment by either parent and who is aged under 20 (excluding those who have been Japanese citizens) may acquire Japanese nationality by making a notification to the Minister of Justice, if the father or mother who has acknowledged the child was a Japanese citizen at the time of the child’s birth, and such father or mother is currently a Japanese citizen or was a Japanese citizen at the time of his/her death.” See www.courts.go.jp/english/judgments/text/2008.06.04-2006.-Gyo-Tsu-.No..135-111255.html

6. Article 14 (1) of the Constitution of Japan states:

“All of the people are equal under the law and there shall be no discrimination in political, economic or social relations because of race, creed, sex, social status or family origin.”

7. Erpelo, *op. cit.*, Introductory Note.

Annex

Batis-YOGHI: 7th TAYO Awardee

Batis-YOGHI was one of the ten Philippine youth organizations that received the 7th Ten Accomplished Youth Organizations (TAYO) Award in 2009. Batis-YOGHI submitted the YOGHI Manga project for the TAYO Award. YOGHI Manga is a comic book on the experiences of Japanese-Filipino children. These experiences are told in three stories that deal with issues of discrimination and prejudice, right to informed choice, right to choose nationality, right to participate in issues concerning the youth, the right to recognition of Japanese fathers, and the right to cultural heritage.

The TAYO award recognizes youth organizations across the Philippines that, through their projects, have helped their communities. This award encourages young people to

get out of their comfort zones and take part in society by making a positive difference through innovative initiatives.

Organizations are judged on the basis of the following: Impact of Project Entry on Stakeholders; Harnessing the Spirit of Volunteerism and Citizenship; Creativity and Innovation; Sustainability and Effective Use of Resources. All organizations, clubs, societies, groups, the *Sanggunian Kabataan* (Student Council), or even *barkadas* (groups) can join the search as long as the membership and leadership are composed of at least fifteen (15) members who are 15 to 30 years old.



Text based on Mikas Matsuzawa, "YOGHI wins Prestigious 7th TAYO (Ten Accomplished Youth Organizations) Award," available at http://batsiyoghi.multiply.com/journal/item/17/YOGHI_Awarded_with_Prestigious_7th_TAYO_Ten_Accomplished_Youth_Organizations

Human Rights Promotion: The Afghanistan Independent Human Rights Commission

Abdul Karim Azizi and Yeseul Christeena Song

THE RECENT HISTORY of Afghanistan explains the need for human rights in the country:¹

Over the last thirty years, Afghanistan's citizens have experienced atrocious human rights violations during the rule of three regimes including the Democratic Republic of Afghanistan (1978-1992), the Islamic State of Afghanistan (1992-1996) and the Islamic Emirate of Afghanistan (1996-end of 2001). During this period, nearly all categories of human rights violations occurred including forced disappearance, arbitrary detentions, extrajudicial killing, summary execution, torture, mass killing through indiscriminate bombardment of residential areas, forced displacement, looting and destruction of public utilities and personal belongings. These violations were committed by ... police, army personnel, [and] intelligence agent[s] of the government as well as irresponsible commanders and fighters, Taliban and Soviets.

The current insecurity experienced by the Afghans, the weak rule of law, the failure of the government to implement laws to protect human rights, its failure to provide basic social services, poverty intensified by war, and the "low and inadequate level of public awareness about human rights [that] has prevented citizens from realizing and accessing their rights"² are daunting tasks to be addressed by any human rights institution in Afghanistan.

The Afghanistan Independent Human Rights Commission (AIHRC) was established in 2002 as a result of a United Nations-mediated agreement that ended years of civil war in the country.³ The agreement explicitly provides for the establishment of an independent national human rights institution that would monitor the human rights situation, investigate human rights violations, and develop domestic human rights institutions. While the AIHRC was initially established by virtue of a presidential decree in 2002, its existence became a constitutional mandate under the 2004 Constitution of

Afghanistan (Article 56). A 2005 law defines the mandate, structure and duties of AIHRC.⁴

AIHRC Structure and Programs

AIHRC has its headquarters in Kabul, and eight regional and six provincial offices. The regional offices are located in Bamyan, Gardez, Herat, Jalalabad, Kabul, Kandahar, Kunduz and Mazar-e-Sharif Provinces. The six provincial offices are located in Badakhshan, Daikundi, Ghor, Helmand, Maimana and Urozgan Provinces. At present, the AIHRC employs six hundred forty six staff members. Each regional office covers one or more provinces, based on need, while each provincial office covers only one province.

Since its establishment in 2002, the AIHRC has “undertaken to foster and support a culture of respect for human rights within government institutions and among the public through various training and awareness-raising activities.”⁵ As the current strategic plan explains,

In implementing its mandate and work, the aihrc cooperates closely with Government, civil society, Ulama, media and international partners. The aihrc regularly provides support and technical expertise and advice to various Government ministries on human rights related matters and has held human rights awareness workshops and trainings for staff of the National Army, the National Police and teacher training institutes, universities and other public and private higher education institutes. The aihrc also regularly issues recommendations to the Government related to the human rights situation.

Since its establishment, the AIHRC has maintained close cooperation with civil society organizations (CSOs) in the areas of human rights awareness and advocacy. The AIHRC has undertaken various joint projects with CSOs and also supported the training and capacity developments of a number of CSOs.

Under the 2010-2013 Strategic Plans, the AIHRC envisions “[A] just, democratic, and developed society where human rights are observed, respected, and protected.” It has the mission of:

- Encouraging and empowering the government, individuals, and civil societies to promote, protect, and respect human rights.

- Leading the Afghan human rights movement and advocating for change at the local, national, regional, and international level[s] in the improvement of human rights protection and promotion.
- Monitoring the Government's compliance with national and international human rights obligations in order to assess national laws and policies and provide recommendations.
- Defending and protecting the rights of victims of human rights abuses; and,
- Ensuring the AIHRC's effectiveness and impact.

It upholds the following values:

- Human dignity
- Justice
- Equality and non-discrimination
- Freedom
- Commitment
- Transparency
- Consultation and participation
- Mutual respect and understanding.

Based on the vision, mission, and values of AIHRC, it adopted the following five strategic objectives:

- *Leadership:* Enhancing the AIHRC's reputation as the authority on human rights protection and promotion; allowing the government, civil societies, and other key national and international stakeholders to be able to increasingly rely on the AIHRC's expertise, information and findings; to be visible and proactive in drawing national and international attention to human rights issues in Afghanistan; increasing public awareness about the role, importance and impact of the AIHRC; and, enriching national and international human rights programs in Afghanistan through the AIHRC's participation, advice, and recommendations.
- *Education:* Enhancing public awareness on human rights; institutionalizing human rights education within schools, universities, teacher training institutes, judicial and legislative training centers, religious centers, and police/national security training institutions;

increasing the quality and quantity of media and research institutes focusing on human rights issues; decreasing violence in the home, work place, and public spheres, particularly against women and children; and, increasing the amount of people who consult and trust human rights institutions and organizations.

- *Empowerment:* Improving the effectiveness of the AIHRC's management of its programs and resources; strengthening the AIHRC's expertise and professionalism through relevant developmental and training programs; increasing the diversity of the AIHRC's gender, ethnic identity, religious, and language demography; increasing the AIHRC's capacity to resolve and follow-up on reported human rights cases/violations; increasing the civil society and the government's capacity to protect, monitor, and promote human rights; and, increasing the ability of AIHRC and civil society organizations to influence the government on human rights matters through advice and recommendations.
- *Advocacy:* Advocating for more laws, policies, and regulations to protect human rights; advocating for the ratification and harmonization of existing laws with international human rights treaties; strengthening and increasing participation in national, regional, and international forums and networks in support of addressing human rights priorities; implementing the Action Plan on Peace, Reconciliation, and Justice; and, proactively preventing the implementation of policies and measures that violate human rights.
- *Monitoring and Investigation:* Allowing the Afghan people greater access to their fundamental human rights, in particular civil, political, socio-economic, and cultural rights; increasing public awareness and information on the government's compliance with national and international human rights obligations; improving the treatment of prisoners, detainees, and suspects in prisons, detention centers, child correction centers, police custody centers, and detention centers run by international security forces; increasing public awareness and sensitization about the level and degree of corruption and its adverse and direct effects on the realization of human rights; increasing access to justice, particularly by vulnerable persons, including women, children, and persons with dis-

abilities; and, decreasing the amount of civilian casualties in armed conflicts.⁶

The AIHRC has the following activities:

- Publishing human rights-related articles on an exclusive page in a daily newspaper. It has published, for example, the following articles “From Hope to Fear: An Afghan Perspective on the Operation of Pro-Government Forces in Afghanistan” (Dari, Pashto and English), “The Human Rights Situation in 2008” (Dari and Pashto), “Insurgent Abuses against Afghan Civilians,” “Right to Education for Children,” a research report on the situation of persons with disabilities in their families (Dari), “Insurgent Abuses against Afghan Civilian” (Dari and Pashto), “Convention on the Rights of Persons with Disabilities” (Balochi, Uzbaki and Pashae);
- Press interviews and public statements;
- Attending international training programs and conferences; and,
- Undertaking national advocacy activities, including the printing of posters and brochures, including “Law Enforcement Officials and Human Rights” (10,000 copies), “Nekah Nama” [marriage certificate] (Dari and Pashto, 40,000 copies), and cards on the “Rights of Children” (Dari and Pashto, 30,000 copies) distributed throughout Afghanistan.

Human Rights Education

In 2009, the Human Rights Education Unit of AIHRC promoted positive human rights-related changes in the curriculums of universities, and police and military academies. The Human Rights Education Unit focused on holding workshops and meetings, and publishing a vast array of materials in order to incorporate human rights into the curriculums. The materials included pamphlets and brochures. And since the main sources of information dissemination in Afghanistan were radio and television, the Human Rights Education Unit broadcast two-hour radio programs every week, and showed a series of short films on television. The workshops and meetings aimed at incorporating human rights education into the curriculums and training activities for members of the police, military forces, non-govern-

mental organizations (NGOs), CSOs, as well as judges and lawyers. The workshops and meetings focused on studying ways of performing the respective jobs of these groups while keeping in mind human rights standards, and attempting to decrease human rights violations by all groups. The Human Rights Education Unit also built small libraries inside universities, and police and military academies to make human rights materials available to students, and members of the police and the military.

Human rights education has been incorporated into the training curriculums of some military and police academies, and many universities now offer human rights courses. However, there is still much to be done. The Human Rights Education Unit aims to make human rights education incorporated in all police and military academies and other education facilities.⁷

During training workshops and awareness-raising meetings, the AIHRC used different types of materials based on their needs, such as the Universal Declaration of Human Rights, as a main resource for training. The International Covenant on Economic, Social, and Cultural Rights, the International Covenant on Civil and Political Rights, the Convention on the Rights of the Child, and other important international human rights treaties are also included.

The training workshops and awareness-raising meetings cover a number of main topics such as human rights violations (forced and under-age marriage); human rights and Islam; violence against women and children; women's rights in Islam, and the Convention on the Elimination of All Forms of Discrimination against Women; transitional justice, conflict resolution, peace, reconciliation and tolerance; elections and right of women to vote; nationwide advocacy campaigns; violence against children in the family, schools and society and its impact on children and child labor; and, the rights of persons with disabilities.

The relevant provisions of national laws (such as the Constitution of the Islamic Republic of Afghanistan, the Penal Code, and the Civil Code) that specifically relate to marginalized groups are also covered during training sessions and workshops.⁸

The AIHRC also translated the Convention on the Rights of Persons with Disabilities into the main national languages, Dari and Pashto, and local languages such as Uzbaki, Pashae, Turkamani, and Balochi. These materials were printed and distributed to all AIHRC regional and provincial offices in Afghanistan.

Challenges

Afghanistan faces complex and interconnected challenges as a nation. Internally, Afghanistan suffers from the lack of a competent government system; corruption in the governmental bodies; lack of proper strategies and policies regarding the implementation of human rights issues in the nation; lack of attention paid to the application of the ratified or acceded to United Nation's human rights treaties by the government and the media; lack of attention paid to the rights of vulnerable and marginalized peoples such as internally displaced persons, returnees, refugees, women, children, and persons with disabilities; extreme poverty, high unemployment, systematic discrimination, and lack of access to basic health care, education, and adequate housing; a weak judicial institution; lack of cooperation and coordination among the nation's institutions, NGOs, and the civil society; the fact that human rights constitute a fairly new concept for the government; lack of qualified, educated government staff who are preparing policies and action plans for the implementation of human rights instruments in the nation; misconceptions among the public about basic human rights and the general public's misconception of human rights as Western ideas and thus not applicable to Afghanistan; lack of government financial support for human rights institutions; high levels of illiteracy due to thirty years of armed conflict, adding to the difficulties in changing the attitude and behavior of the people; difficulties in producing appropriate and adequate learning and teaching materials for target groups.

In addition, the following problems should be considered for the improvement of human rights in the country: Lack of qualified human rights trainers at the national level; misuse of power by government officials, warlords, military commanders, the police, etc.; the weakness of the Action Plan for Peace, Reconciliation, and Justice which was prepared and approved by the government, but was not implemented; crimes against humanity including rape and violence against women and children; violence between different ethnic groups within the country; other countries supporting specific ethnic groups against another; and, the incompleteness of the Afghanistan Compact on Human Rights. There is also a lack of governmental commitment and support on human rights issues at the strategic and policy levels.

Internationally, Afghanistan suffers from the lack of cooperation and coordination among governmental bodies, members of the civil society, and

international organizations; the collective deportation of Afghan refugees from foreign countries without further consideration of their basic human rights.

During 2009, the AIHRC faced many challenges, causing difficulties in the implementation of activities on promoting, protecting, and monitoring human rights in the country. These challenges included security issues because of attacks made by violent insurgents and armed, anti-governmental organizations in a large portion of Afghanistan, especially the south, causing loss of civilian lives and general instability; a weak observance of the rule of law; lack of qualified and trained human rights officials at the national level; persistent culture of impunity and the abuse of power by government officials; a weak justice system that results in slow resolution of disputes; slow government reform process; lack of funding from government establishments; lack of cooperation among the governmental bodies and between international organizations, such as the United Nations, and the Government of Afghanistan; and the lack of human rights competence among government officials.

Critical Analysis on Human Rights Education in Afghanistan

Islam is a religion which protects and promotes the rights of all people. Human rights issues are mentioned in many verses of the Holy Qur'an and are also stated by the Prophet Mohammad (PBUH)⁹ in his speeches and dialogues with the people more than fourteen centuries ago. In Chapter Alhojarat, Verse 10 of the Holy Qur'an states, "The word is, no other word, all the believers are brothers between each other, then make peace among themselves." The Prophet Mohammad (PBUH) also stated, "A pious man is the brother of a believer" indicating that all men should make peace between one another regardless of their beliefs or backgrounds. Unfortunately, the AIHRC has long experienced that this is not the case.

During the many years of promoting, protecting and monitoring human rights in the country, AIHRC has dealt with many different target groups. These target groups included military personnel, officers, and military academy students; members of the civil society; police officers and trainees; judges, prosecutors, and prison wardens; the *ulama* (religious people); vulnerable persons; media staff/journalists; members of judicial/legislative bodies; school teachers and students in the country. The AIHRC aims to in-

crease the level of public human rights awareness by targeting these groups and plans to measure and assess the changes in the level of their human rights awareness.¹⁰

In addition, the AIHRC also succeeded in the different aspects of implementing its mandate, such as strengthening AIHRC as an institution, developing a Four-Year Action Plan without support from outside specialists, increase in staff to more than six hundred members, sponsoring staff training at the Kabul University, sending staff members to be trained abroad, supporting international consultants, increasing partnerships and engagements with national and international stakeholders, celebrating four human rights days (March 8– Women’s Day, June 13 - Mother’s Day, November 25 - Violence Against Women Awareness Day, and the International Day of the Child), photo exhibitions on human rights issues, television contests on the rights of the child, participation in law reform efforts with the Ministry of Justice, contributing to the decrease in the number of civilian casualties caused by members of the international forces in the country, among others.

Considering the challenges, the AIHRC’s achievements are noteworthy and are recognized by stakeholders, members of the civil society, and donors, including the United Nations Assistance Mission in Afghanistan (UNAMA). Unfortunately, human rights are still not within the reach of families, villages, the society in general, schools, and higher education institutions. Human rights values are also not institutionalized among government bodies and officials.

Conclusion

During the 2010-2013 period, the AIHRC plans to enhance public awareness about human rights. An increase in human rights education will be indicated by a greater degree in which public knowledge about human rights principles and norms increases through a decrease in anti-human rights propaganda and an increase in the number of public statements made by government officials, the Parliament, the *ulama*, etc. By the end of October 2013, the AIHRC’s field monitoring and interviews will reflect an enhanced level of human rights awareness. Also by the end of 2013, follow-up research and surveys will be conducted to assess and measure changes in the level of human rights awareness. During this time period, new technologies such as internet groups, blogs, online social networks (Facebook, etc.).

will be used to disseminate human rights information. Such programs will include the Research and Policy Unit, the Human Rights Education Unit, the Monitoring and Evaluation Unit, and the Woman's Rights Unit. Projects attempting to implement a greater realization of human rights will employ interviews, questionnaires, surveys, pamphlets, news articles, radio programs, and brochures, among others in order to not only adequately collect data, but also to disseminate human rights information.¹¹

The upcoming years will also see the AIHRC's focus on institutionalizing human rights education in schools, universities, teacher training institutions, judicial and legislative training centers, religious centers, and police/national security training institutions. By 2013, the AIHRC hopes to see human rights education included in secondary school and university curriculums and syllabuses, in both government-run and private education facilities. The AIHRC will also work to increase the number of human rights education training hours within the National Police and National Military Academies. The AIHRC also plans to supplement the quality of human rights education by 2013 through workshops with key educators, the Ministry of Education, the Ministry of Defense, and training institution officials. Such workshops will allow the AIHRC to gauge the current situation of human rights education in targeted demographics and will allow for further recommendations. This project includes conducting interviews, surveys, and questionnaires in order to attain a wide range of data and will include several of the AIHRC's units, including the Research and Policy Unit, the Human Rights Education Unit, the Monitoring and Evaluation Unit, and the Woman's Rights Unit.¹²

The situation of human rights education in Afghanistan remains fragile. Too often, women and children particularly are denied access to secure education facilities or access to education in general; women and children, though they make up a considerable portion of the country's population, fall through the cracks. Much of Afghanistan's future depends on the realization of basic and fundamental human rights which should be guaranteed to all people, regardless of social standing. Though there is much to be done in terms of enhancing human rights education in Afghanistan, the AIHRC is confident that, through progressive efforts and constant hard work, the Afghans' hopes of a better nation can be realized through human rights education, among other measures.

Endnotes

1. *Afghanistan Independent Human Rights Commission, Strategic Plan and Action Plan (2010-2013)* (Kabul: March 2010), available at www.aihrc.org.af/2010_eng/
2. Ibid.
3. *Agreement on Temporary Arrangements in Afghanistan Pending Government Institutions*, also known as the Bonn Agreement. The full text of the agreement is available at www.afghangovernment.com/AfghanAgreementBonn.html. *Decree of the Presidency of the Interim Administration of Afghanistan on the Establishment of an Afghan Independent Human Rights Commission*, 6 June 2002. The full text of the presidential decree is available at www.aihrc.org.af/2010_eng/
4. *Law on Structure, Duties and Mandate of the Afghanistan Independent Human Rights Commission* (May 2005).
5. Strategic Plan and Action Plan (2010 -2013), op. cit. p. 25.
6. Ibid., pages 12-17.
7. Interview by Yeseul Song with Shazia Rasoli and Tahmina Nooristani, Human Rights Education Team for the Afghanistan Independent Human Rights Commission (17 October 2010)
8. Strategic Plan and Action Plan (2010-2013)
9. PBUH means “peace be upon him.”
10. Strategic Plan and Action Plan, op. cit., page 25.
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12. Ibid.

The Evolution of the Asia Pacific Forum of National Human Rights Institution's Regional Training Program

Suraina Pasha*

NATIONAL HUMAN RIGHTS INSTITUTIONS' (NHRIs) are institutions that have been established by law, with mandates specifically focusing on the promotion and protection of human rights.¹ Worldwide, these institutions typically undertake a range of research, educational and advisory activities as part of their mandates.² These institutions also often cooperate with international human rights mechanisms and processes, thereby helping to bridge the gap between the international and national human rights spheres. Unlike NHRIs in Western Europe, in the Asia-Pacific region, NHRIs also have quasi-judicial powers that provide them with a range of powers, including the competence to accept and consider complaints of alleged human rights violations, conduct public hearings and national inquiries, and visit places of detention.³

Independent and effective NHRIs have an important role to play in the human rights scheme within the Asia Pacific region. Unlike other regions, the Asia-Pacific region still does not have its own regional human rights mechanism.⁴ In the absence of a regional human rights mechanism, independent and effective NHRIs are often the only accessible source of protection for victims of human rights violations to turn to. For NHRIs to be truly effective in fulfilling their roles and responsibilities, the human faces behind these institutions need to be equipped with knowledge of international human rights law and an understanding of good NHRI practices.

Over the years, the Asia Pacific Forum of National Human Rights Institutions (APF) has been providing training to help build the capacity of NHRIs throughout the Asia Pacific region. This article explores the various stages in the development of the APF regional training program, while considering the path that lies ahead in the future evolution of the program.

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The APF

The APF is a regional, membership organization of the NHRIs in the Asia Pacific.⁵ The APF was established in 1996 by the NHRIs of Australia, India, Indonesia and New Zealand, following a meeting in Larrakia, Australia. As of October 2010, the APF currently has seventeen member institutions from the following countries: Afghanistan, Australia, India, Indonesia, Jordan, Malaysia, Maldives, Mongolia, Nepal, New Zealand, Palestine, the Philippines, Qatar, Republic of Korea, Sri Lanka, Timor Leste and Thailand. Membership in the APF is based on an institution's level of compliance with the 'Paris Principles,' as assessed by the International Coordinating Committee of National Human Rights Institutions (ICCNHR). While membership in the APF is only open to NHRIs, governments and non-governmental organizations (NGOs) are key partners in the implementation of the many of the APF's activities and strategic objectives.

The main roles of the APF are: (1) to encourage the establishment of new NHRIs in the Asia Pacific region; (2) to help strengthen the capacity of NHRIs in the region; and (3) to encourage regional and international human rights cooperation with and among NHRIs. The regional training program is a core component of the APF's capacity-building services to its member institutions.

Regional Training Program: Key Phases of Development

I. Early years

From the early years of the APF's establishment, the APF began organizing regional workshops on thematic issues of shared concern to its member-institutions. This included regional workshops on collaboration between NHRIs and non-governmental organizations (1999), women's rights (2000), rights of persons living with HIV/AIDS (2001), economic, social and cultural rights (2001), human rights education, racism and the media (2002), and the rights of persons with disabilities (2003). The overarching aims of these thematic workshops were to raise awareness of emerging international human rights standards, and to encourage exchanges in viewpoints and experiences between APF members and other stakeholders. Representatives from civil society organizations and international organizations participated in these thematic workshops.

In addition to thematic workshops, in 2002, the APF also organized a regional workshop focusing on investigations skills and techniques.⁶ This workshop was the first “skills-based” training activity which the APF had organized. The starting point for the development of the investigation training program was a short needs assessment survey to the APF member-institutions, which aimed at elucidating the legislative backgrounds, investigations workload, and internal investigative capacities of the APF member-institutions.

II. 2003 – 2005

With the growth of the APF’s membership, the need for a more targeted and holistic approach to its training activities became apparent. Following an independent performance review of the APF in 2003, the APF took steps to begin the development of a more comprehensive training and capacity building program for its member-institutions.⁷

In late 2003, the APF organized a pilot, in-house training workshop on investigations skills for the Sri Lankan Human Rights Commission. The course was run for the APF by senior and experienced investigators from the Australian Human Rights Commission. This workshop was the first tailor-made training activity designed by the APF for one of its member-institutions. The in-house method of delivery enabled the APF to provide tailored and highly contextualized support to meet the specific needs of the Sri Lankan institution, while allowing for a larger number of persons from the institution to participate in the training. Over the next two years, the APF organized other contextualized, in-house training workshops on investigations techniques for the Philippines Commission on Human Rights, and for the National Human Rights Commission of Thailand.

In 2005, the APF piloted its second training course – this course focused on media and communication skills. The aim of the media and communications skills course was to help individual APF member NHRIs develop partnerships with the media, and increase media reporting of human rights issues. This course was run ‘in-house’ for the NHRIs of Jordan, Malaysia, New Zealand, and Palestine in 2005. A Commissioner from the New Zealand Human Rights Commission, and a senior media consultant to the APF led those training programs.

In the same year, the APF also organized two thematic regional workshops. These regional thematic workshops focused on trafficking in women

and children (2005), and on internally displaced persons (2005). While these workshops were not strictly training activities, they nonetheless played an important role in helping to mobilize regional cooperation among APF member-institutions on the issues at hand.

Overall, while progress was being made in the right direction, the APF recognized that there was still a critical need for further coherence and direction in the APF's training strategy for its member-institutions.

III. From 2006 to the present

The focus of the APF's service delivery has always been rooted in the need to ensure that services cater to the specific needs and circumstances of its member-institutions. In 2006, the APF contracted the International Service for Human Rights (ISHR) to conduct a regional assessment of the training needs of the APF member-institutions.⁸ The aim of the assessment was to help facilitate the development of a holistic, regional training program by and for the APF member-institutions. All APF member-institutions at that time participated in the training needs assessment.

The final report of the 2006 training needs assessment made a number of recommendations. Some of the core recommendations are important to highlight, because they form the basis for the APF's overall approach to training to this very day.

First, the assessment recommended that the APF develop a regional training program focusing on core skills and knowledge which NHRIs would need to help them carry out their responsibilities. This would include training on investigations skills, conducting national and public inquiries, and engaging with the international human rights system.

Second, the assessment emphasized the importance of induction training for new Commissioners, and for continuing human rights education opportunities for other Commissioners. The assessment noted that many Commissioners come into their positions with limited awareness of the roles which they are expected to play, and in some instances, also limited exposure and experience with international human rights law and standards.

Third, the assessment called upon the APF to adopt a tripartite approach to the delivery of its training courses, not only involving training at the national level, but also at the regional and sub-regional levels. The assessment noted that the APF would have to take into consideration a variety of factors, including cost, accessibility, language issues, and availability of fund-

ing, when determining the number of courses to be delivered on each of these levels.

Fourth, the assessment suggested that the APF develop professional training resources, including manuals and teaching modules, to supplement the various components of the APF regional training program.

Fifth, the assessment recommended that the APF organize exchange programs between the APF member-institutions, to facilitate the cross-pollination of knowledge and experience among the APF member-institutions.

Finally, the assessment noted the need for the APF develop its own ability to increase its training service delivery to its member-institutions. The assessment recommended that the APF identify experienced NHRI trainers from among the APF membership, develop partnerships with human rights NGOs to jointly run training workshops with the APF, and strengthen the internal capacity of the APF secretariat to coordinate and manage the delivery of APF training courses.

All of the above recommendations have helped to mold the structure and scope of the APF regional training program, and form the crux of the APF's current training strategy.

Since the 2006 training needs assessment report, the APF has progressively expanded the extent of its delivery of training services to its member-institutions. The number of training activities run by the APF has increased from a total of six workshops and staff exchanges in 2007, to a total of thirteen workshops and staff exchanges in 2009. The APF's roster of training courses has diversified to include a number of new topics, including: (1) induction training for new Commissioners; (2) conducting national inquiries; (3) engaging with the international human rights system; (4) foundation course for NHRI staff; (5) protecting human rights defenders; (6) preventing torture; and (7) rights of migrant workers. Every year, the APF training plan includes courses that are run at the national, subregional and regional levels. All of these activities are planned in advance in consultation with the APF member-institutions, within the context of the APF's Annual Planning process.

The APF has also developed professional training resources and training modules to accompany some of its core courses, including a DVD documentary and training modules on conducting national inquiries, a written guide and CD-ROM documentary on preventing torture, training modules on the international human rights system, and training modules on human rights

defenders. Some of the modules include “planning components”, which require participants to implement projects and activities utilizing the knowledge they have gained during the courses.

The increase in the roster of APF training courses was made possible primarily through the collaboration and support of NHRI and non-NHRI training partners, and also through strengthened capacity within the APF secretariat. The majority of the APF’s core skills training courses are led by experienced NHRI practitioners from the region.⁹ As far as possible, the APF tries to use former (and sometimes current) NHRI Commissioners and senior staff members as its trainers, because these NHRI practitioners have a direct understanding of the challenges and situations typically faced by their fellow NHRI trainees. In addition to tapping into the expertise of NHRI practitioners, the APF has been collaborating with academic institutions and specialist human rights NGOs with experience in providing training to NHRIs. The APF’s main training partners include the Raoul Wallenberg Institute for Human Rights and Humanitarian Law (RWI), the Association for the Prevention of Torture (APT), and the ISHR. The APF has worked with these organizations on a number of occasions to jointly run training courses, and jointly develop professional training materials and resources.¹⁰ In addition to building external partnerships, the APF also took steps to increase its internal capacity, by appointing a former NHRI staff member to work in the APF secretariat, to coordinate and manage the development and implementation of the APF regional training program.¹¹

Going beyond the scope of the recommendations of the 2006 training needs assessment, the APF has started to explore the use of new technology to further professionalize its training service delivery. The initial motivation of the APF in foraying into online training service delivery was to supplement its roster of face-to-face courses with additional opportunities for NHRI staff (and members) to do more in-depth learning at their own time, from the ease and comfort of their own institutions. Participants of face-to-face workshops often comment that there is not enough time for them to read and reflect during workshops. Online training was therefore envisaged by the APF as a cost-effective means of providing more accessible, supplementary learning opportunities to the NHRIs from across the region. In 2009, the APF approached the Human Rights Education Associates (HREA) with a proposal focusing on the delivery of online training courses for the APF member-institutions. That same year, the APF and HREA piloted a joint

online foundation training course for NHRI staff. The course was run by the HREA's instructors, and involved the participation of NHRI staff members from across the region. A second online foundation course for NHRI staff was run in collaboration with the NHRIs in 2010, this time using the APF's own NHRI facilitators. This venture into online training represents a new innovation in the APF regional training program.

Taking even further the potential for technology to improve the APF's training service delivery, in October 2010, the APF piloted its first 'blended-learning' course for its member institutions. This pilot blended-learning course was held in partnership with the APT, and focused on the prevention of torture. The course was divided into two core components, namely a six-week-long online course, followed by a subregional face-to-face training workshop. It is the APF's hope that the online and blended learning courses will help to provide more thorough and in-depth learning experiences for trainees from the APF member-institutions. As part of its organizational growth, the APF is currently developing its own technical infrastructure to enable the APF to run more online and blended-learning courses for its members in the future.

The future

The woods are lovely, dark and deep
But I have promises to keep
And many miles to go before I sleep
And many miles to go before I sleep

(Robert Frost, *Stopping by the Woods on a Snowy Evening*)

Notwithstanding the considerable improvements made over the years, much room remains for even further improvement and professionalization of the APF regional training program. While the APF's training roster has expanded significantly over the years, there are still gaps in the program, including some relating to core skill areas in the 'promotion' aspect of NHRIs mandates.

Another issue which the APF will have to confront is the challenge of ensuring the sustainability of its training service delivery, in the face of the increasing growth and diversity of the APF's membership. While the APF is fortunate to currently have a pool of expert NHRI trainers, comparatively, it

is still a small pool. The APF's membership has been growing over the years. In just fourteen years since the APF's initial establishment, the APF's membership has grown from just four institutions, to seventeen institutions from across the geographic spectrum of the Asia-Pacific region, including three Arabic speaking institutions from West Asia. The APF expects its membership to increase to twenty institutions within the next year or so, with the recent establishment of NHRIs in Bangladesh, Bahrain and Oman. Other countries in the Asia-Pacific, including Cambodia and Samoa, are considering the establishment of NHRIs. Such diversity inevitably brings about more challenges, the most acute for service delivery being language, cost and geography. Further increase in the number of APF members will inevitably require additional training resources to service these institutions.

Third, how can the APF help facilitate greater institutional impact of training when many of the APF member-institutions are confronted by high staff turnovers. Institutional 'brain-drain' is a fact in many of the NHRIs in the region. Many NHRIs have lost highly skilled and trained staff members, often in search of greener pastures elsewhere. Recognizing this reality, what are the ways of ensuring that the training does not just stop at the individual trainee, and for knowledge to filter on through to the institutional level? What are the ways of ensuring the retention of knowledge gained from training at the institutional level?

The above are some of the questions, challenges and issues which were revealed during the course of a second regional training needs analysis of APF member-institutions, which was conducted in 2010.¹² The 2010 needs assessment produced a number of recommendations, which are likely to guide the future direction of the APF regional training program.

Some of the core recommendations include the development of a training-of-trainers course and trainer accreditation scheme, with the aim of increasing the APF's pool of trainers from among the APF's own membership, and to help NHRi staff to themselves become providers of human rights training. In response to the issue of increasing diversity, the APF plans to conduct a feasibility study on the establishment of subregional APF offices. Should subregional offices be established, the establishment thereof should help to disperse the delivery of training, and increase the capacity of the APF to deliver more training courses to a greater number of NHRi trainees and potentially in a variety of different Asia-Pacific languages.

The APF is in the midst of navigating its way through these emerging priorities. Therefore, while much work has already been done, more work remains in the pipelines. The evolution of the APF regional training program continues.

Endnotes

1. The 'Principles on the Establishment and Functioning of National Institutions for the Promotion and Protection of Human Rights,' also known as the Paris Principles, provide further information on the composition, roles and responsibilities of NHRIs. See UNGA 48/134 adopted on 20 December 1993, available at: www2.ohchr.org/english/law/parisprinciples.htm.

2. See the 'National Human Rights Institutions Forum' website for a global overview of NHRIs, www.nhri.net.

3. See Brian Burdekin and Jason Naum, *National Human Rights Institutions in the Asia Pacific Region*, Martinus Nijhoff Publishers, Leiden / Boston, 2007, for a comprehensive overview of the mandates of twelve NHRIs in the Asia Pacific region. The APF's website also contains links to the enabling laws of the other NHRIs not included in the scope of the Burdekin and Naum analysis, www.asiapacificforum.net.

4. A sub-regional framework for human rights has started taking shape within Southeast Asia, under the auspices of the Association of Southeast Asian Nations (ASEAN), with the establishment of an ASEAN Intergovernmental Human Rights Commission, the establishment of a Women and Children's Rights Commission, and the drafting of an instrument on migrant workers rights. However, these developments only involve the ten member-states of ASEAN (not currently including Timor Leste). Other sub-regions in the Asia Pacific region have yet to come close to any similar sub-regional human rights arrangements.

5. Please refer to the APF's website for detailed information on the APF's structure, membership, role and activities.

6. The 2002 investigations training workshop was run in collaboration with the Australian Federal Police.

7. During the APF's 8th Annual Meeting in Kathmandu in 2004, the members of the APF explicitly affirmed their commitment to move towards the development of a coherent training strategy to help build the capacity of staff from the APF member institutions.

8. The ISHR is a Geneva and New York based international NGO which regularly conducts human rights training and capacity-building activities for human rights defenders worldwide. The Director of the ISHR at that time was Professor Chris Sidoti, who was formerly the Federal Human Rights Commissioner of Australia, and is widely considered to be an international expert on NHRIs.

9. The following programs are all run by experienced NHRI practitioners: (1) APF's High Level Dialogue Training Program for Commissioners, (2) Foundation Course for NHRI staff, (3) Engaging with the International Human Rights System,

(4) Conducting National Inquiries, (5) Media and Communications Skills Training, (6) Investigations Skills Training.

10. The RWI is a core training partner, and collaborates with the APF on two of the APF's core programs on national inquiries, and on the foundation training for NHRI staff. The APF has also collaborated with the RWI to jointly develop training modules on national inquiries. Following the signing of a memorandum of understanding with the RWI, the APF and RWI will be collaborating on a larger number programs in the foreseeable future. The APT has collaborated with the APF on national training programs on torture prevention, and jointly piloted with the APF a blended learning course on torture prevention for NHRIs in Southeast Asia in late October 2010 which will involve a five-week online course on torture prevention to be followed by a week-long training workshop. The ISHR collaborated with the APF on subregional programs relating to human rights defenders in 2007, 2008, and 2009, and helped the APF to develop training modules on the international human rights system, and on human rights defenders.

11. The APF's Project Manager for Regional Training.

12. The 2010 training needs assessment was conducted by an independent NHRI expert consultant, namely Professor Chris Sidoti. The 2010 assessment was jointly commissioned by the APF and by the RWI, to help both organizations plan their individual and joint training activities for NHRIs.

The Diplomacy Training Program: 20 Years of Commitment

Diplomacy Training Program

THE ESTABLISHMENT of the Diplomacy Training Program (DTP) was largely the result of a chance encounter in 1988 in Geneva between Professor Garth Nettheim and José Ramos-Horta. The following year, they met again in Sydney, Australia where Mr. Ramos-Horta floated his brainchild for what became the DTP.¹ In his many years of representing the East Timorese struggle at the United Nations and elsewhere, he had needed to learn from the ground up what the international system was all about, how it functioned, and how to use it effectively. He noted that relatively few advocates from the Asia-Pacific region used the system as well as they might have. He thus conceived the idea of a human rights training program, particularly for non-governmental organizations in the region.

In the words of Mr. Ramos-Horta²

The idea came from my own experience over many years of representing the cause and plight of East Timor to the world. Those were very difficult years for people in East Timor, yet the people held great hope that the international community would live up to its promises and uphold their rights. I learnt that the fate of these hopes, of many lives, lay not just with governments, but depended on the skills and knowledge of committed advocates. I came to know many courageous individuals who carried the hopes and expectations of their people. I saw the need for a practical human rights training program that could help them to fulfil these hopes, to end conflict and to build peaceful solutions through dialogue.

The name '*Diplomacy Training Program*' expresses the aim of providing human rights defenders, representatives of disenfranchised peoples and communities, with the knowledge and skills of diplomats. I called it "peoples' diplomacy" to reflect the understanding that the causes of peace and human rights cannot be entrusted to governments alone. The name of the organization was also sensitive to the time, for in 1989, human rights advocacy was a less acceptable activity than it is now.

The DTP held the first four-week annual training from 8 January to 2 February 1990. It was followed soon after by the first of the many of the DTP's

specialized training programs on Indigenous peoples' issues, for Indigenous peoples within Australia, and throughout the Asia-Pacific region.³

The DTP is an independent non-governmental organization (NGO) which advances human rights and empowers civil society in the Asia-Pacific region through quality education and training, and capacity-building for non-governmental organizations, individual human rights defenders, and community advocates.

It is affiliated with the University of New South Wales (UNSW), through the Faculty of Law, which provides academic support. It links and partners with regional and international human rights and civil society organizations and conducts courses in partnership with respected organizations throughout the Asia-Pacific region.

Empowering Through Knowledge and Skills

The DTP's work is based on the need to offer practical support to those involved in the difficult and often dangerous work of promoting and protecting human rights.

It builds knowledge and understanding of international human rights standards and monitoring mechanisms. Its programs explain how the United Nations (UN) system works in practice, and how human rights defenders can most effectively access complaints and grievance mechanisms. It develops the skills to seek peaceful redress for grievances through available mechanisms at the national level, through the UN system, and through appeals for public support. The programs also build practical skills in strategic advocacy using the media: exploring new technologies to practically promote and protect human rights—from mobile phones to video and the internet.

The Participants

The participants in the DTP's programs come mostly from NGOs and community organizations working on the human rights frontline. They work to end torture, political killings and "disappearances." They work to end violence against women, to end the use of child labor. They work to defend the rights of domestic workers, migrant workers, and workers in free-trade zones. They work to defend their rights as Indigenous peoples, to protect the environment, and to stop forced eviction. They have come from

over thirty countries—from Afghanistan and Burma through to Sri Lanka and Timor-Leste.

Participants have come from diverse communities such as Aceh, Bougainville, Chittagong, Mindanao, Mizoram, Nagaland and West Papua. All across the region efforts to build peace and strengthen democracy and to protect human rights are being pursued—often at great personal risk—by advocates who are courageous enough to stand up against corruption, injustice and oppression. These advocates are making a real difference in their communities and in our region. The DTP delivers direct help to those who most need it, those at the frontline of efforts to make their governments respect, protect and fulfil human rights.

Participants are sought through an open application process with information about programs being distributed through DTP's alumni and partner organizations and networks within the region. Applicants are asked to explain how the training will be relevant to their work for human rights and how they might apply the training. Participants are selected on the basis of their application forms and references. Efforts are made to ensure that there is a gender balance within each program.

Approach to Training

Through its trainers, the DTP places an emphasis on both academic rigor and the practical application of knowledge. The DTP's approach to training is based on a profound respect for the knowledge and experience of the participants in its programs. This is reflected in the participatory methodology and organization of the programs with the emphasis on small group work, exercises and role-plays. Time is provided for the sharing of knowledge and the building of links between participants.

The Diplomacy Training Program is an innovator and leader helping to bring about positive and lasting change in people's lives. It has lifted understanding of how to advocate effectively—of how bilateral and multilateral relations operate and where the entry points are for NGOs. It has created a powerful group of people—a talented and energetic alumni that, as well as making vital individual contributions to social and political causes, has become a community of mounting learning and experience which is advancing human rights and promoting development.—MARC PURCELL, Executive Director, Australian Council for International Development, and DTP Trainer

WITNESS has valued the opportunity to partner with the annual DTP training for human rights defenders for the past four years – the trainings bring together such a diverse range of advocates, and immerse them in learning and network-building, filling a vital space in the human rights training and support landscape for the Asia-Pacific region.—SAM GREGORY, Asia Program Director, WITNESS, and DTP Trainer

DTP strengthens the dynamics of international human rights standards for NGO activists. For example, in Indonesia we can now build advocacy capacity and lobby for Munir's case and the Aceh-Papua human rights violation case.—RUSDI MARPAUNG, Managing Director, Imparsial Indonesian Human Rights Monitor, Alumnus and DTP Trainer

Responding to the Challenges of a Changing World and Region

The Asia-Pacific region has changed considerably since DTP was established in 1989. In some countries human rights defenders still risk their life and liberty when speaking out, in others they challenge the impunity of human rights violators and are seeking to build societies that respect and uphold values of human dignity. Accelerating processes of globalization, and increasing gaps between rich and poor are creating new challenges for human rights defenders. In recent years new international standards on the rights of migrant workers, Indigenous peoples, and persons with disabilities have been adopted. New standards are being developed in relation to the human rights responsibilities of business, and the UN human rights system has been reformed. The spread of the internet, the mobile phone and communications technology has led to new possibilities for action. These challenges, and new opportunities for participation in decision-making processes at the national, regional and international levels mean that to make a difference, human rights defenders and community advocates need more specialized knowledge and skills.

Flagship Annual Training Program

Each year the DTP organizes its comprehensive Annual Regional Human Rights and Peoples' Diplomacy training program - bringing together twenty

to thirty human rights defenders for an intensive three weeks of learning. This is the longest established program of its kind in the Asia-Pacific region and has been held in Bangkok, Colombo, Dili, Kathmandu, Sydney, Suva and Wellington. It provides participants with solid skills in human rights advocacy, as well as an opportunity to explore some new and emerging issues.

Since 2003 the DTP has introduced new thematic courses on Indigenous Peoples' Rights, Migrant Workers, Human Rights and Business and Human Rights and Trade to supplement its flagship Annual Regional Human Rights and Peoples' Diplomacy course. It has developed new course content on the rights of persons with disabilities, child rights, climate change, the environment and human rights.

DTP helped me link the dots between the concept and practice of human rights. Engagement of alumni of DTP has been significant in the human rights movement. I am optimistic that the regime of human rights will arrive soon in the region if we continue to build the capacity and knowledge of human rights defenders.—YUYUN WAHYUNINGRUM, Program Manager for East Asia, FORUM-ASIA Regional Office and Alumna

On behalf of the DTP alumni and the Burmese Community of Australia I wish to thank your team for your selfless commitment towards our cause to restore democracy in Burma and for Global Human Rights by sharing your knowledge and expertise. —DR KYAW-MYINT MALIA, Burma Campaign Sydney and Alumnus

Thematic Capacity Building Programs

In response to international developments, the changing human rights challenges in the region and the needs of advocates, the DTP has developed specialist thematic training programs - on Human Rights Advocacy and Business, Human Rights and Trade, the Rights of Migrant Workers, and the Rights of Indigenous Peoples. It is currently exploring the development of new capacity-building programs in relation to the new UN Convention on the Rights of Persons with Disabilities, and Human Rights and Climate Change.

Building the knowledge and skills of advocates is a vital task. Over the past six years, Migrant Forum Asia and the Diplomacy

Training Program have worked in close partnership to build the capacity of advocates for the rights of migrant workers from Asia and the Pacific. In Migrant Forum Asia, we know that applying international human rights standards to practice is an urgent need, and we have seen the difference that advocacy can make to the lives of migrant workers and their families. We have seen how our member-organizations across Asia have benefited from the partnership between MFA and DTP.—WILLIAM GOIS, Coordinator, Migrant Forum Asia, NGO Partner

Country Focus

The DTP also organizes programs with a specific country focus. It has trained officials of the Tibetan government-in-exile, human rights NGOs in Taiwan, and many in the Burmese democracy movement. It has had a special focus on Timor-Leste, working with human rights defenders and officials of the newly independent country.

National Human Rights Institutions (NHRIS) across the Asia-Pacific are now an important part of human rights promotion and protection in the region. The DTP has helped to build the capacity of staff on important issues such as the rights of migrant workers, and Indigenous peoples' rights and has helped to build collaboration between NHRIS and civil society. We always get great feedback about the training programs.—KIEREN FITZPATRICK, Director, Asia Pacific Forum (APF), and NGO Partner.

Since 1989 the DTP has organized regional and in-country human rights training programs in Australia, Bangladesh, Cambodia, Fiji, Indonesia, Malaysia, Nepal, New Zealand, Papua New Guinea, the Philippines, Sri Lanka, Thailand and Timor-Leste. These human rights programs are held in partnership with many different organizations in the Asia-Pacific region.⁴ These partnerships are based on a shared commitment to promoting the application of common values of human dignity in our societies. The DTP's work has been made possible through the quality of its partnerships in Australia and the region. In 2008, the DTP was able through these partnerships to hold eight programs, providing practical training to over two hundred human rights defenders and community advocates. Since 1989, the DTP has trained over one thousand six hundred human rights defenders and community advocates from over thirty countries in the Asia-Pacific re-

gion including Afghanistan, Australia, Burma, Cambodia, China, Fiji, India, Indonesia, Laos, Malaysia, Mongolia, Nepal, Papua New Guinea, Sri Lanka, Thailand, Tibet, Timor-Leste, Vanuatu and Vietnam.

The training programs are practical and participatory. They develop knowledge and understanding of human rights standards – and the relevance of these standards to the issues and challenges that are being faced by participants. Most courses begin with an introduction to human rights and to the UN system, before focusing on particular rights – such as the rights of migrant workers, Indigenous peoples, women and economic, social and cultural rights – and on specific skills such as strategic advocacy, lobbying, the internet and media skills. The programs are scheduled through the year – with DTP currently able to organize and facilitate four to five regional programs and six to seven Australian Indigenous peoples programs.

All the programs are organized in partnership with regional and local NGO partners. The role taken on by local partners varies considerably, but includes input into selection of participants, the program schedule and the trainers as well as advice on timing and location of programs and providing administrative support. Where possible, practical field visits are organized as part of each program – whether visits to particular communities or practical lobbying exercises involving government officials, diplomats or representatives of business.

Training Modules

While each training program aims to mix knowledge and skills it does not have set training modules. The specific content delivered, including case studies, scenarios and exercises depends on the particular trainers in each program.

Each training program is supported by the DTP Manual which is regularly updated. The DTP Manual consists of many short chapters written in plain English by leading academic experts and practitioners. For any session in a DTP course there is at least one supporting chapter in the DTP Manual – which acts as an introduction to the issues and provides references and suggestions for further reading. Where the chapter has been written by the trainer delivering the session there is usually reference to it during the sessions. Increasingly in recent years, DTP trainers have also used PowerPoint presentations and these are also provided to participants.

Shared Commitments

The DTP's work is made possible through the generous pro-bono contribution of its many trainers.⁵ Leading academics, NGO practitioners and UN officials are among those who generously share their time, knowledge and expertise. They do so because of their belief in the value of the DTP's work, and their commitment to the important and often difficult and courageous work of human rights defenders in the Asia-Pacific region. Some trainers, including Sarah Pritchard, PhD, Philip Chung, Professor Paul Redmond, Ravi Nair, and Professor Garth Nettheim have contributed generously over many years. Their contribution enables the DTP to help others to make a real difference for human rights commitment. DTP would like to acknowledge the special contribution of Jose Campino, a senior UN official and long-standing friend of José Ramos-Horta who year after year travelled at his own expense to teach on DTP's programs. Jose Campino died in 2006. His generosity of spirit and commitment to the work of human rights defenders expressed well the mission of DTP and the values it seeks to promote.

While human rights education is a foundational pillar for the achievement of human rights, it often is not undertaken or is under-recognised in Australia. The DTP program is unique and invaluable in filling this gap. The recent training on Aboriginal and Torres Strait Islander youth rights demonstrated how effectively the program supports and harnesses the talents and commitment of Aboriginal and Torres Strait Islander men and women towards the achievement of human rights.—ALISON G AGGARWAL, Senior Policy Officer, Social Justice Unit, Australian Human Rights Commission, and DTP Trainer

DTP is very relevant to the urgent human rights issues confronting peoples now. DTP highlights empowerment of Indigenous peoples which is essential in the defense of and claiming of human rights. The training program also tackles corporate accountability which is an urgent concern considering threats to human rights posed by corporations.—DR. AURORA PARONG, Executive Director, Amnesty International Philippines, and DTP Trainer

Each year I look forward to participating in [the] DTP training. The commitment and enthusiasm of the human rights defenders present, and their eagerness to learn new ideas and ap-

proaches stands out, as does the care that the DTP organizers take to identify a diverse range of participants from across the Asia-Pacific region. This makes working with them on how to use video and related online technologies in their campaigns a real mutual learning experience.—SAM GREGORY, Asia Program Director, WITNESS and DTP Trainer.

Empowering Others to Make A Difference

Since 1989 the DTP has trained over one thousand six hundred human rights and community advocates from over thirty countries in the Asia-Pacific region. Many of its alumni make major contributions to human rights at national and international levels.

All across the region efforts to build peace and strengthen democracy and to protect human rights are being pursued—often at great personal risk—by advocates who are courageous enough to stand up against corruption, injustice and oppression. These advocates are making a real difference in their communities and in our region. The DTP delivers direct help to those who most need it, those at the frontline of efforts to make their governments respect, protect and fulfil human rights.

The impact of the DTP's training depends on its ability to attract talented, self-motivated individuals, committed to working with others to promote and protect human rights. These individuals return to their organizations and communities and share their knowledge and experience, and continue their work to build societies that respect and protect human rights.

The Diplomacy Training Program was of great help to my work as a human rights defender, and now as a real diplomat for independent Timor-Leste. The Diplomacy Training Program was there for us in East Timor, and it is wonderful that it is there now for others, helping them to work more effectively for their people and communities, to promote and protect human rights in the region. - His Excellency Abel Guterres, Consul-General of the Democratic Republic of Timor-Leste, Australia, and Alumnus

Looking back, DTP really helped me on the things I do, whether it's photography or video, or being in an organization or as an individual...I will be pursuing a photo documentary on child labor at the mining sites in my province.—TOTO LOZANO, photojournalist and human rights advocate, the Philippines, and Alumnus

The training I received from DTP has proved invaluable. I have gained a more 'in depth' knowledge and understanding of international human rights instruments and the UN system. I am now able to participate in these forums and processes in a more meaningful way. Knowledge gained of international human rights has also informed the work and approach of the National Aboriginal Community Controlled Health Organization (NACCHO).—DEA DELANEY THIELE, Chief Executive Officer, National Aboriginal Community Controlled Health Organization (NACCHO), Alumna and DTP Trainer

The lessons learnt at the DTP have provided me with good experiences and knowledge to share with my colleagues. The different themes of its programs are designed in accordance with the important human rights situations today. Therefore, I am very supportive of the ongoing effort by DTP to mobilize and strengthen the NGO workers to advocate for a better situation for human rights within my country and the Asia-Pacific region.—JUDY OEUNG, Executive Secretary, Cambodian Human Rights Action Committee (CHRAC), and Alumnus

The DTP material/manual is a big help. I'm using it right now as a resource for our regional consultation on effective implementation of our Anti-Trafficking Law—specifically the rights-based approach. I'll be coming up with project proposals soon, and I hope to make use of the network, knowledge and material from DTP.—Cristina Sevilla, the Philippines, Child Justice League Inc., and Alumna

After the DTP program I started the Foundation for Dialogues on Indigenous Culture and Environment (DICE Foundation). I must say that the conceptualization and the formation can be attributed to the ideas and exposure developed during my stay in East Timor. Since 2006 DICE has been working on mobilizing the communities in the oil bearing areas in Nagaland to challenge the various oil corporations against exploitations and environmental degradations.—MMHONLUMO KIKON, Director, Dialogues on Indigenous Culture and Environment (DICE Foundation), and Alumnus

The DTP is the first international human rights institution which has trained and inspired me to learn about the international human rights instruments and mechanisms. It has inspired me to work on [advocating for] human rights and fundamental freedoms for Indigenous Peoples. I am very much grateful to DTP for the training which has helped me to move forward as a human rights defender.—BINOTA MOY DHAMAI, Human Rights Advocacy Coordinator, Asia Indigenous Peoples Pact, Chittagong Hill Tracts Student Council (PCP), Bangladesh, and Alumnus

You are never too old to learn something new that you can personally benefit from. DTP training has done this for me at the tender age of 56 where I was a trainee in Wellington, New Zealand.—BRIAN WYATT, Executive Director, Goldfields Land and Sea Council, Alumnus and DTP Trainer

Future Direction

The context for DTP's work has changed considerably since it was established, and there are new challenges for human rights to add to the old ones. The DTP needs to respond to these changes through both the content and focus of its courses, and its training methodology. New technology is opening up new avenues and opportunities for strategic advocacy and mobilizing global civil society—and for training and capacity-building. With over twenty years of experience in working with the broad movement for human rights in the Asia-Pacific region, and having provided training to over one thousand six hundred human rights defenders and community advocates, DTP needs to work out how it can best play a role in supporting those working for human rights on the ground across the region. The only thing that can be said with certainty is that there is more need than ever to build the knowledge and skills of human rights defenders and community advocates.

Endnotes

1. Garth Nettheim, "Chance Beginnings – The Establishment of the Diplomacy Training Program," in *The Diplomacy Training Program - Marking 20 Years of Commitment to Building Human Rights Capacity in the Asia-Pacific - 1989–2009* (Sydney: The Diplomacy Training Program, 2009).

2. José Ramos-Horta, “Promoting Shared Values – A Message from Founder and Patron,” in *The Diplomacy Training Program - Marking 20 Years of Commitment to Building Human Rights Capacity in the Asia-Pacific - 1989–2009*, *ibid.*, page 1.

3. Nettheim, *op. cit.*

4. Working in Partnership across the Asia-Pacific Region DTP’s programs have been held with the following partners in the region:

- Action for Economic Reforms (AER), Philippines
- Amnesty International New Zealand
- Asian Forum for Human Rights and Development (Forum Asia)
- Asia-Pacific Regional Resource Center for Human Rights Education (ARRC)
- Australian Human Rights Centre
- Batchelor Institute of Indigenous Tertiary Education, Australia
- Business Watch Indonesia
- CARAM Cambodia
- Caritas Australia
- Centre for Indonesian Migrant Workers
- Cividep-India
- Council for International Development (CID), New Zealand
- Forum Tau Matan, Timor-Leste
- The Fred Hollows Foundation, Australia
- Human Rights Working Group (HRWG), Indonesia
- Institute of Human Rights, University of the Philippines
- Lawyers for Human Rights and Development (LHRD), Sri Lanka
- Mahidol University, Thailand
- Malaysian Trade Union Congress (MTUC)
- Migrant Forum Asia
- Northern Land Council
- Oxfam Australia
- Pacific Concerns Resource Centre, Fiji
- Peace and Democracy Foundation, Timor-Leste
- Philippine Association for Inter-Cultural Development
- Pusat Komus (Community Communication Centre), Malaysia
- Refugee and Migratory Movements Research Unit, University of Dhaka
- South Asia Human Rights Documentation Centre, India
- Welfare Association of Repatriated Bangladeshi Employees (WARBE)

5. DTP Trainers

- Aderito Soares, Director , Sahe Institute for Liberation , Timor -Leste
- Alison Aggarwal, Senior Policy Officer , Social Justice Unit , Australian Human Rights Commission
- Alison Tate, International Officer, Australian Council of Trade Unions
- André Frankovits, Director , Human Rights Council of Australia
- Annie Pettitt, Child Rights Specialist, Save the Children, Australia
- Aurora Parong, Director , Amnesty International-Philippines Section

- Bill Barker, Former Director, Department of Foreign Affairs and Trade Human Rights and Indigenous Issues Section, Australia
- Brian Wyatt, Executive Director , Goldfields Land and Sea Council , Australia
- Ced Simpson, Former Executive Director, Amnesty International Aotearoa New Zealand
- Charles Santiago, Member of Parliament , Malaysia
- Clarence Dias, President, International Center for Law in Development , New York
- Dalee Sambo Dorough, University of Alaska , Anchorage
- Darren Dick, Director, Social Justice Unit, Australian Human Rights Commission
- Dea Delaney Thiele, CEO, National Aboriginal Community Controlled Health Organisation (NACCHO), Australia
- Elizabeth Evatt, AC Fmr Member UN Human Rights Committee, Commissioner, International Commission of Jurists
- Filomeno Sta. Ana, Coordinator and Co-Founder, Action for Economic Reforms, the Philippines
- Garth Nettheim AO, Emeritus Professor, University of New South Wales (UNSW) Faculty of Law
- Gerald Pachoud, Special Adviser to Professor John Ruggie, UN Secretary General's Special Representative for Business and Human Rights
- Glenda Gloria, Chief Operating Officer, ABS-CBN News Channel, the Philippines
- Graeme Innes, Human Rights Commissioner and Disability Discrimination Commissioner, Australian Human Rights Commission
- Hilary Charlesworth AM, Director , Centre for International Governance and Justice , Australian National University-Canberra (ANU), Canberra
- Ineke Boerefijn, Research Fellow, UNSW Faculty of Law, Associate Professor, Netherlands Institute of Human Rights (SIM)
- Jacqui Katona, Former CEO, Lumbu Indigenous Community Foundation, Australia
- Jane McAdam, Associate Professor , UNSW Faculty of Law
- Jane Stratton, Head of Corporate Social Responsibility , Gilbert + Tobin Lawyers
- Janelle Saffin, MP Federal Member for Page
- Jerald Joseph, Board Member of Pusat Komang (Community Communication Centre), Malaysia
- John Pace, Former Secretary, Commission on Human Rights , Geneva
- Justine Nolan, Deputy Director of the Australian Human Rights Centre , UNSW
- Katie Kiss, Senior Policy Officer, Australian Human Rights Commission
- Kavi Chongkittavorn, Assistant group editor of Nation Multimedia Group, Thailand
- Khaldoun Hajaj, Researcher, Financial Services Consumer Policy Centre, UNSW

- Kieren Fitzpatrick, Director, Asia Pacific Forum of National Human Rights Institutions, Australia
- Kirsty Parker, Editor, Koori Mail , UNSW
- Larry Jagan, Freelance Journalist and former Asia affairs editor for the BBC
- Les Malezer, Chairperson, Foundation for Aboriginal and Islander Research Action (FAIRA)
- Louise Williams, Associate Director, UNSW International Office
- Marc Purcell Executive Director, Australian Council for International Development
- Megan Davis, Director , Indigenous Law Centre , UNSW
- Michihiro Ishibashi, Senior Specialist on Workers' Activities , ILO
- Mick Dodson, AM Director, National Centre for Indigenous Studies , Australian National University
- Nicola Bullard, Focus on the Global South, Thailand
- Nicholas Howen, Secretary-general, Management Team leader, International Commission of Jurists
- Philip Chung, Executive Director, Australasian Legal Information Institute (Aust LII), Sydney and Director of the DTP
- Paul Hunt, Former UN Special Rapporteur on the Right to Health
- Ravi Nair, Director, South Asia Human Rights Documentation Centre , India
- Richard Boele, Founder and Managing Director, Banarra Sustainability Assurance and Advice, Australia
- Robynne Quiggin, Lawyer, Sydney
- Sam Gregory, Program Director, WITNESS, New York
- Sam Maresh, Former Adviser to the Victorian and NSW Governments
- Sarah Pritchard, Barrister -at -law and Director of the DTP
- Scott Leckie, Executive Director, Centre on Housing Rights and Evictions (COHRE)
- Serena Lillywhite Mining, Ombudsman, Oxfam Australia
- Shanthy Dairiam, Expert Member, CEDAW Committee, Kuala Lumpur
- Theresa Limpin, Former Coordinator, Asia-Pacific Regional Resource Center for Human Rights Education (ARRC)
- Tyler Gianini, Earth Rights International
- Vitit Muntarbhorn, Former United Nations Special Rapporteur on the sale of children , child prostitution and child pornography
- William Gois, Regional Coordinator, Migrant Forum in Asia (MFA)

Monitoring the Justice System in Timor Leste

Judicial System Monitoring Programme

THE JUDICIAL SYSTEM MONITORING PROGRAMME (JSMP), a non-governmental organization based in Dili, Timor Leste, was established in April 2001 to monitor the processes of the Ad Hoc Human Rights Tribunal in Indonesia and the Special Panels for Serious Crimes in Timor Leste. JSMP was established in response to a need identified by local and international observers in early 2000s for a consistent and credible monitoring presence for the developing justice system that was independent of the then United Nations Transitional Administration for East Timor (UNTAET).

JSMP envisions itself to become the foremost independent organization in Timor Leste that contributes to the development and improvement of the justice and legislative systems through objective monitoring, analysis, advocacy and training in order to:

- Support and advance the rule of law and human rights
- Advance the independence of the judiciary and the legal profession and the administration of justice in full compliance with international law standards
- Promote the adoption and implementation of international human rights standards and other legal rules and principles that advance human rights and the rule of law
- Promote the establishment and enforcement of a legal system that protects individuals and groups against violations of their human rights
- Promote understanding of and compliance with the rule of law and human rights, and provide assistance to those to whom the rule of law and human rights are denied
- Promote equality and the right of everyone to receive equal and fair access to justice and treatment under the law.

JSMP works closely with East Timorese legal and human rights non-governmental organizations (NGOs) to contribute to the developing legal culture both within Timor Leste and the international justice community

by providing information and analysis of issues arising from the ongoing process of creating a new justice system.

Establishing a Functional Judicial System¹

On 25 October 1999, the United Nations Security Council mandated UNTAET to “exercise all legislative and executive authority, including the administration of justice.”² The task at hand was undisputedly overwhelming as documented in many reports;³ court buildings were destroyed, all judges and most other practicing lawyers had left the territory and a legal regime no longer existed. UNTAET proceeded to create four District Courts, appointed Timorese judges, prosecutors and public defenders and put in place a transitional legal system that retained the application of Indonesian law to the extent that it was consistent with international human rights standards and was not replaced by UNTAET regulation.⁴ The establishment of a functioning legal system for the transition period and laying the foundations for the future courts of an independent Timor Leste was not the only pressing issue. There was also the overriding need for justice for crimes committed throughout the period of the Indonesian occupation, including the campaign of violence that engulfed Timor Leste when the Indonesian military and its militia groups terrorized the civilian population in the lead up to and aftermath of the popular consultation in 1999. Reconciliation and trust in a justice system for the future depended in part on justice for the past.

As a result, in June 2000 UNTAET created special panels of the Dili District Court and the Court of Appeals to deal with genocide, crimes against humanity, war crimes and torture—whenever and wherever they occurred—as well as murder and sexual offences under the Indonesian Penal Code where the offense was committed between 1 January 1999 and 25 October 1999.⁵ The first Special Panel commenced operation in January 2001 and the second Panel in November 2001. Each Panel consisted of one Timorese judge and two international judges. Furthermore, a specialized branch of the Public Prosecution Service was created to investigate and prosecute serious crimes. A small public defender service was also established. The General Prosecutor had issued over thirty indictments against more than fifty individuals. Thirteen serious crimes trials took place, a significant achievement by any standard. By November 2001, eleven convictions, no acquittals and

two cases were dismissed on procedural or jurisdictional grounds without proceeding to trial. The Court of Appeals heard two final appeals in serious crimes cases. Of the cases that have been heard, all except one have involved charges under the Indonesian Penal Code.

Any court system stands in need of continuous evaluation and periodic review. UNTAET rapidly introduced in Timor Leste a new justice system. The timeframes and manner in which the system was established appeared to have married design and implementation into a single phase.⁶ UNTAET's decision to begin the immediate transfer of formal roles to the Timorese meant that the key court actors were introduced into an emergency court system with minimal training and the effective absence of an operational court administration. In saying this, as stated above, it must be acknowledged that UNTAET was faced in October 1999 with an almost complete absence of existing material resources and local experienced professionals available to it in seeking to establish and develop judicial capacity. The transitional administration did not just have to deal with a damaged social infrastructure, but an entirely destroyed one. It is undeniable that an enormous amount of progress has been made given the circumstances that confronted the mission in late 1999. However, the devastation inherited by UNTAET did not diminish the need for an evaluation to ascertain whether the arrangements constituted a suitable basis upon which to take the justice system in Timor Leste forward.

A JSMP assessment of the then existing judicial system in 2001⁷ pointed out several concerns such as limited judicial resources in the form of

- Lack of research facilities
- Absence of court library (though an ad hoc collection of legal publications existed)
- Lack of support staff for the judges
- Inadequate liaison between the courts and the prisons and other relevant institutions.

As a result of these findings, JSMP extended court monitoring and judicial system analysis to the operations of Timor Leste's District Courts. JSMP also adopted a program on analyzing legislative measures.

Outreach Program

JSMP undertakes extensive outreach work in Dili and throughout Timor Leste. Initially the aim was to inform Timorese people of the decisions of the Ad Hoc Tribunal and Special Panels for Serious Crimes. JSMP's outreach work has expanded to include human rights training, training of judicial officials and district workshops explaining judicial processes and civil and political rights. It formed an Outreach Team for this purpose.

The Outreach Team is JSMP's link with Timorese and international stakeholders. Its central task is to make JSMP's work accessible to different audiences and assist the process of education and debate regarding important issues in law, justice and human rights. The Team currently comprises four national staff members. Another staff member works specifically on outreach projects within the Women's Justice Unit.

The Outreach Team has responsibility for four broad categories of activities. These are:

- Publications and materials. This includes producing educational materials, brochures and posters; editorial functions relating to JSMP's thematic reports, justice updates and media releases; and maintaining a library of materials and publications.
- Information dissemination. This includes the dissemination of JSMP publications to key stakeholders in Timor-Leste and overseas; provision and explanation of information/materials to remote district communities; maintenance of JSMP's internationally regarded website in the four languages of Timor; distribution of news and information through JSMP's email lists; coordination of regular radio and television discussions on important issues; the production of programs (including dramas) for broadcast on Timor's community radio stations; and the utilization of local and international media to highlight issues of urgent public interest.
- Community Training. Since beginning its district training early in 2005, the Outreach Unit has co-ordinated training provided to the Timorese National Police, district/sub-district administrators, village leaders, traditional leaders, the church, and representatives from local women and youth groups. The Outreach Unit is now focusing on Village Councils by providing training on how to access the formal justice system. The issues covered in the training have

included: general human rights issues, the formal legal system, legal processes, children's rights, women's rights, and practical information for victims in accessing justice through the courts.

- Networking. This includes maintaining mutually beneficial and constructive relationships between JSMP and government, civil society groups, community leaders, the Portuguese speaking community abroad and the media.

The Outreach Team was also crucial in disseminating information to remote communities regarding the Special Panels for Serious Crimes. This role continues with regard to ongoing developments within the justice sector.

Training for Women

In 2004, as a result of its research on the situation of women in the formal justice sector, JSMP created the Women's Justice Unit (WJU) to focus on cases involving women victims of domestic violence. In 2005, JSMP established a Victim's Support Service, a legal referral and legal aid service for women.

In 2004, members of WJU interviewed members of the Timor Leste National Police or Policia Nacional de Timor-Leste (PNTL), particularly of the Vulnerable Person's Unit (VPU), local government officials (district and sub-district levels) and women's groups in all districts of Timor Leste as part of a research project on police behavior towards women in the country.

Through these interviews the WJU learned that most cases of domestic violence and sexual violence were being resolved within the family or through traditional law or by customary means. People did not know how to pursue a case through the formal justice system or what avenues were available to them if they were confronted with a legal problem.

Alongside the research work, WJU distributed posters, brochures and radio program sheets to district communities. These public education materials discussed sexual violence and domestic violence and the formal process for settling these types of cases. The public education materials were distributed to PNTL stations, local government offices, Timorese Women's Organization (OMT) and the Popular Organization of Timorese Women (OPMT) members, and community radio stations in all districts of Timor Leste.

Many who received the materials asked the WJU to give training on them, believing that they would not properly understand the subject-matter merely by reading or listening.

Based on this information, the WJU decided to conduct a training program in the districts. In March 2005 the WJU began the program in Bobonaro District and then continued in each district outside Dili, concluding in October 2005. Following this first training, the Outreach Unit and Legal Research Unit of JSMP joined the WJU to carry out other trainings.

The training materials were intended to explain the public information materials, with sufficient background. They therefore covered general human rights, women's rights and children's rights with a focus on violence against women and children, the law and legal processes and the formal process for victims of domestic violence and sexual violence. The first training produced very positive results and was taken seriously by the participants. The materials provided by the WJU were very effective and easily understood.

This training program had the following objectives:

- To increase the knowledge of participants about legal issues, criminal offences and human rights;
- To enable participants to better understand that sexual violence and domestic violence are criminal offences; and
- To inform the participants on how to assist victims of violence.

Between April and October 2005 JSMP conducted trainings in twelve districts of Timor Leste on human rights, the law and the legal process, with a focus on cases of gender-based violence. The participants included members of the PNTL, particularly the Vulnerable Persons Unit (VPU), village heads, women's groups such as OPMT and OMT and, youth groups and students. Across the twelve districts, four hundred twenty-three people participated.

Each training ran for two days and was carried out by JSMP staff. Both informative and interactive methods were used. The participants were generally attentive and enthusiastic in discussion and asking questions, which provided an insight into participant's knowledge and attitudes on the topics of training.

The training provides a good example of the process and content of training activities involving people who are being initiated into human

rights work. Following is an account of the program, methodology and content of the 2005 training on women's rights.

Women's Rights Training⁸

The training targeted representatives of women's groups, members of the police and village heads. They were considered to benefit the most from the training because they were involved in resolving cases of violence occurring in their respective areas, and they were trusted by their own communities.

Training workshops were held in several places and covered:

1. General human rights, including human rights definition, civil and political rights and social and economic rights.
2. The formal legal system in Timor-Leste
 - Sources of law
 - Types of criminal and civil cases
 - The role and function of police, prosecutors and judges
 - The courts and fair trials
3. The rights of women and children
 - Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in general
 - Understandings of sexual violence and domestic violence
4. Information on the formal legal process for victims of sexual violence and domestic violence.

The training started with the study of the general and basic human rights, including those of criminal suspects and victims, as basis for learning the formal legal processes.

The participants received detailed training manual in mixed Bahasa Indonesia and Tetum languages. To most participants the information in the training manual, in particular the material on the formal legal process, was new. They also received a brochure on the formal legal process and posters on domestic violence to take back to their communities.

Evaluation

JSMF carried out an evaluation to measure the success of the training and to generate ideas for improving the program. The evaluation was three-fold:

an evaluation form on participants' experiences, a questionnaire to identify whether or not the information was being understood, and an internal evaluation workshop.

Overall, the training was rated highly by participants and trainers, and participant knowledge increased across all areas that were the aims of this report. JSMP recommends that:

1. This training should be continued, not only at the district level but also at the sub-district and village levels.
2. To maximize the training's effectiveness, use more interactive methods like games or simulations.
3. Simplify materials as much as possible in the use of language and format, such as use of comics or pictures, and removal of legal jargons.
4. Reduce the amount of material or increase the time.
5. Target the materials to particular groups and give opportunities for those from similar backgrounds to work together. In particular separate women from men so that they feel more confident to discuss their ideas.

Since 2005 the Women's Justice Unit has provided training on a number of women's rights topics, most recently, in 2010, on the newly enacted Domestic Violence Law. This training has been provided to doctors, nurses, lawyers, paralegals and police to assist them in understanding their obligations as professionals and the rights of victims of domestic violence. The training was designed in conjunction with law and public health academics from Charles Darwin University in Darwin, Australia. These academics will be evaluating the training and researching its effectiveness in changing the attitudes of professionals in relation to domestic violence.

Other Human Rights Education Activities

In 2010 the Legal Research Unit of JSMP has been conducting training on women's and children's rights and on the Timor Leste Penal Code. The training on women's and children's rights has been provided to secondary school students in a range of districts in Timor Leste. The aim of this training was to make secondary students become more aware of their rights as protected by the Convention on the Rights of the Child. The training on the new Timorese Penal Code has been provided to police and to village leaders (*Xefi Suku*). For the police, the objective of the training was to familiarize them

with the provisions of the new law, particularly with the provisions that relate to their work and which protect the rights of victims and those accused of crimes. For the village leaders, the objective of the training was to provide them with an understanding of the relevant provisions of the formal legal system so that these could be considered when local leaders were resolving problems at the local level.

In the same year, the Legal Research Unit disseminated information about the Timor Leste Demonstration Law which regulates how to legally hold public protests or demonstrations. The objective of this training was to enable people, particularly young people to understand their political rights in relation to holding or attending public protests and the processes for obtaining permit to hold such activities.

In 2010, JSMP also established its Parliament Watch Project, which seeks to improve parliamentary and legislative processes by monitoring and reporting on the National Parliament, contributing to the legislative process through advocacy activities and submissions, and assisting the public to understand and participate in the democratic process. As part of this project, JSMP held in the same year training on the role of parliament and democratic participation. The training was held with local communities in five districts. The objective was to assist members of the public to understand their new political system and the ways in which they can contribute to the protection of their rights through it.

Future

As a young nation with a history of human rights abuses, JSMP believes that it is very important that Timor Leste has its people provided with information about human rights and the mechanisms open to them to obtain protection of their rights, including the formal justice sector and the democratic process. Since the capacity of the government and schooling system to provide such education is currently limited, JSMP believes that it is important for civil society to step in and provide human rights education. JSMP intends to expand and continue its human rights training in the future. It will seek to further improve the public's understanding of women's rights and the formal justice system and will provide training on other important human rights issues as they arise. JSMP hopes that such training will con-

tribute to the development of a strong and sustainable justice system and democracy in Timor Leste.

Endnotes

1. The discussion in this section is largely drawn from the JSMP, *Justice In Practice: Human Rights In Court Administration - JSMP Thematic Report 1* (Dili: JSMP,2001), page 2.

2. Security Council Resolution 1272/99, 25 October 1999.

3. See for example the progress reports of the Secretary-General to the Security Council on the Transitional Administration in East Timor, especially that of 24 July 2001; See also Report of the Security Council Mission to East Timor and Indonesia, 20 November 2000; Hansjoerg Strohmeyer "Building a New Judiciary for East Timor: Challenges of a Fledgling Nation" *Criminal Law Forum*, (2000) 11/259-285; Suzannah Linton "Rising from the Ashes: the Creation of a Viable Criminal Justice System in East Timor," *Melbourne University Law Review*, (2001) 25/122-180.

4. UNTAET Regulation 1999/1 section 3.

5. UNTAET Regulation 2000/15 sub-sections 2.1, 2.3 and 2.4. It should be noted that in the original jurisdiction of the Special Panel granted by Regulation 2000/11, torture was subject to temporal restriction. Although Regulation 2000/15 clarified the position, recent amendments to Regulation 2000/11 have not resolved the inconsistency.

6. Fredrick Egonda-Ntende, "Building a new judiciary in East Timor: The first steps and missteps..." *Commonwealth Judicial Journal*, forthcoming. Judge Egonda-Ntende was a judge of the Court of Appeal of East Timor from its inception until November 2001.

7. *Justice In Practice: Human Rights In Court Administration*, op. cit., pages 9-12.

8. The discussion in this section is based on *Judicial System Monitoring Programme, JSMP Training in the Districts of Timor Leste 2005 - Report, Reflection and Recommendations* (Dili: Judicial System Monitoring Programme, 2006).

Strengthening the Justice System in Timor-Leste

Justice System Programme, UNDP Timor-Leste

TIMOR-LESTE is doing what few newly-independent countries have had to do in recent times: rebuilding the country's justice sector from the ground up. Firm government commitment backed by eleven years of sustained United Nations Development Programme (UNDP) support has delivered visible results.

After centuries of colonial rule under Portugal and a 24-year occupation by Indonesia, Timor-Leste gained independence in 2002. Independence came in the wake of widespread destruction of infrastructure, violence and displacement of the majority of the population, following a referendum vote in 1999. In post-referendum violence, 60-80 per cent of the country's infrastructure—including justice sector infrastructure—was destroyed. At this stage there was not a single judge in the territory; and only around seventy mostly young Timorese with some legal training.

It is against this background that UNDP, in 1999, provided initial first support to strengthen the institutional capacity of the Timorese justice system.

The current UNDP Justice System Program (JSP), which will run until 2012, focuses on upholding the rule of law and improving access to justice as preconditions to ensure sustainable peace and development.

Supporting Timor's Legal Training Center

The Program supports Timor-Leste's sole professional training institution for the legal sector, the Legal Training Center (LTC). The LTC provides quality post-graduate courses for Timorese judges, prosecutors and public defenders and private lawyers; and professional development programs for legal drafters, justice clerks, notaries and translators.

The LTC's comprehensive training plan focuses on a capacity-building strategy that strengthens the technical legal skills of justice sector actors. Those who graduate from the two-and-a-half-year training program are qualified to be appointed as district court judges, public defenders in

the Public Defender's Office (PDO) and prosecutors in the Office of the Prosecutor General (OPG).

Since 2007, fifty-one Timorese magistrates, prosecutors and public defenders have graduated from the LTC, thereby qualifying them to work for the state in their respective areas.

In order to ensure that ongoing professional education is available for judges, public defenders and prosecutors, follow-up training is also offered to LTC alumni.

Human rights and gender-related issues are part of all LTC training programs; and specific training sessions on human rights treaty obligations and conventions such as the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the Universal Declaration of Human Rights and International Covenants on Civil and Political Rights and Economic, Social and Cultural Rights have also been held.

However, an analysis of previous LTC capacity development training programs revealed a higher drop-out rate of women trainees compared to their male colleagues. The underlying cause was that women, especially single parents, struggle to provide for the needs of their families; and when feeling pressure at home, opted to withdraw from study rather than try and juggle both study and family responsibilities.

In order to combat this trend, the JSP, the UNDP gender advisor and the LTC has developed a gender strategy for 2011.

The three aims of this gender strategy are to support current LTC female students to continue with their studies; to present the law as an attractive career option for female secondary school graduates and encourage young Timorese women to consider a career in the law; and once women have graduated from law to encourage them to continue post-graduate legal studies at the LTC.

Most female LTC students are juggling their studies with transport difficulties, family commitments and work responsibilities. For example, during a focus group discussion with female law graduates who are doing the three-month LTC preparatory program, one student said: "My family support me [to study]. However, there is no one at home to look after the children when I am not there."

Other students also said they juggled study, family responsibilities and, in some cases, work from their offices, putting extra pressure on their studies.

The campaign will include financial support for existing female LTC students through a grant program and employing a student liaison officer. For secondary school students, there will be an essay competition. A short film and a brochure presenting the law as an attractive career option for young Timorese women will be developed and distributed nationally.

Training for Private Lawyers

In 2011, LTC offers its second professional accreditation course for private lawyers, with more than sixty-five new vacancies for law graduates.

This second intake of private lawyers is expected to join the fifteen-month program, after finishing a three-month preparatory program and passing written and oral entrance exams. The training course consists of classes in constitutional principles, civil law, penal law, ethics and deontology, Portuguese and Tetum, administrative law and human rights; and includes a nine-month probation period.

The new accreditation course for lawyers is important, as it will enable lawyers to be accredited before a deadline of 2012. In 2008, a private lawyers' bill was passed. This law allowed for a transition period of four years, during which time those lawyers who were already working as lawyers were allowed to continue working as lawyers. However, that transition period expires in 2012. In order to have as many lawyers accredited as possible by the deadline, LTC is making training for private lawyers a priority in 2011 and 2012.

In 2011, LTC continues current courses for translators, notaries and lawyers. It also plans to start various new training programs, including the fourth professional accreditation course for Timorese judges, prosecutors and public defenders, training for bailiffs and a course on the penal process for prison guards.

In order to implement its comprehensive legal training program plan, with JSP support, the LTC has six international lecturers—a training coordinator, a prosecutor lecturer, a judge lecturer, a lawyer lecturer, a translator lecturer, a notary lecturer. Portuguese language lecturers are also employed.

Access to Justice and Decentralization

Providing all Timorese citizens, particularly those in remote areas, with access to the formal justice sector continues to be a challenge across the sector.

By supporting courts, prosecutors and public defenders in district centers of Baucau, Suai and Oecusse, the JSP is assisting these district justice offices to deliver justice to people outside the capital Dili. With JSP assistance, national and international professionals have been deployed to the districts; houses have been leased for national and international justice actors; and material, transport, and information technology and communications provisions have been provided to district offices. In Baucau, for example, the JSP funds the salaries of three national interpreters who translate local languages into Tetum and Portuguese for the court.

One initiative, which was been warmly welcomed by local communities, is the mobile court project. Suai District Court, which is based in the south of the country, covers four of Timor's thirteen districts and takes in some of the poorest regions in Timor-Leste. The ability of the justice sector institutions to bring suspects, witnesses and victims from different regions in this jurisdiction to the court is also hampered by the very poor condition of major arterial roads in the area.

In order to respond to some of these issues, Suai District Court traveled to the two district centers of Same and Maliana in October and November 2010, holding court sessions in a local police station and a government building. The JSP supported both the Same and Maliana hearings.

The court heard seven criminal cases in the town of Maliana in November 2010 and five criminal cases in Same town in October 2010. Suai Court judge, Dr. Jose Maria de Araujo presided over the hearings.

Justice sector actors who took part in the mobile court hearings commented on how mobile court is a way of showing the community that the court is functioning, addressing transport and infrastructure problems; and educating the community about judicial procedures. The mobile court initiative also has the strong support of Vice-Minister for Justice, Ivo Valente.

Speaking after the Same hearings, local community member, Joao Fernandes said the mobile court gave the community immediate answers about cases. "We don't need to spend a lot of time going to Suai... Now we can see directly how the judge, public defender and prosecutor process our cases," he said.

In addition to the mobile court initiative, international access to justice officers have been deployed in the district jurisdictions of Suai, Oecusse and Baucau to work with local justice institutions, producing and distributing legal awareness materials. Each international access to justice officer works

with a national counterpart. These national officers are funded by the JSP for an initial two-year period and will then be fully transferred across to the Ministry of Justice (MoJ).

An equitable and accessible justice system requires a robust public defense service and the JSP continues to support Timor-Leste's Public Defender's Office (PDO). In 2010, the JSP assisted the PDO in access to justice workshops organized in two regional centers of Baucau and Ainaro. These meetings, which were facilitated by a national public defender, a judge and a prosecutor, helped raise awareness and understanding among citizens outside the capital Dili about the role and mandate of all justice institutions.

The JSP has also supported the PDO by providing it with infrastructure and equipment, security and transport support. JSP has recruited interpreters and translators for the PDO in Dili and in the districts. A JSP-supported public defender advisor has helped draft a legal aid law that allows the state to pay for legal representation provided to citizens who cannot afford or access a private lawyer.

In 2010, the JSP public defender advisor helped organize a three-month study mission to Brazil for three national public defenders. The public defenders were trained by Brazil's Superior School of the Federal PDO from August to October 2010. During the study tour, the Timorese public defenders learned about the Brazilian PDO, PDO institutional principles, human rights principles and other related judicial subjects and also strengthened their Portuguese language skills.

Developing Legal Awareness

In addition to supporting the work of the LTC, the JSP has run legal literacy and awareness activities, in cooperation with the MoJ, the OPG, the PDO and the Courts. The following communication materials have been produced and distributed:

- brochures explaining the role of the Public Defender's Office
- posters illustrating how to bring civil and criminal cases to the courts
- human rights booklets for Timor-Leste's police force (Policia Nacional de Timor-Leste - PNTL)
- JSP and MoJ newsletters
- bilingual (Tetum and Portuguese) Penal Procedure Code books

- bilingual (Tetum and Portuguese) Civil Procedure Code books (3,000 copies)
- bilingual (Tetum and Portuguese) copies of the Constitution
- information on citizens' rights to justice and customary law
- MoJ application forms for border passes and to register commercial and non-commercial entities
- MoJ information on applying for passports.

In the area of customary law—which is relied upon by so many Timorese to resolve a variety of disputes, both criminal and civil—the JSP has been working with the MoJ for over a year on a draft customary law.

The draft was developed following community consultations conducted around the country. During these consultations, participants made suggestions about incorporating local justice and customary law into the formal justice system; and received information about constitutional provisions related to the judicial system, customary law and the competencies of the judicial system, the police and alternative conflict resolution mechanisms. The draft law will be revised in 2011 before it is presented to the Council of Ministers.

Overall, Timor-Leste's justice system has expanded since 2001 when the first national justice institutions were established: one Court of Appeals in Dili, four district courts covering the whole country and three prisons. An independent Prosecution Service and Public Defender's Office were created and, during the following years, their district offices were also established. Registry and notary services were also established in 2001 and today there are offices for civil registration in all the thirteen districts. Though some justice institutions mentioned in the Constitution have not yet been established, most notably the Supreme Court, progress has been registered for the establishment of the High Administrative Tax and Audit Court through the JSP technical assistance. The oversight bodies for the Prosecution and Courts—i.e., the Superior Councils—are functioning; and the PDO's Superior Council is currently being constituted.

This has been a remarkable journey towards a functional justice system run by the Timorese. Government commitment to developing this sector, with international assistance from UNDP and other international partners, has remained steadfast despite three changes in government and several turnovers of UNDP leadership.

Annex A

Courses offered by Timor-Leste's Legal Training Center –2008-2011		
Year	Type of training	Beneficiaries
Courses commencing 2011 171 trainees	Fourth training for judges and public defenders	21
	Second and third training for lawyers	65
	First integrated training for bailiffs	25
	Penal procedure training for prison guards	60
2011 Ongoing courses 119 trainees	Complementary training for judges, prosecutors and public defenders (with Portuguese training for 14 of this group)	50
	First training for notaries	11
	First course for private lawyers	14
	First training for translators	14
	ICT training	30
2010 courses 138 trainees	Preparatory Portuguese language and training program for notaries	11
	Preparatory training for judicial clerks	56
	First preparatory training for the LTC admission examinations	38
	Preparatory Portuguese language training for legal drafters and advisors from the National Parliament and the Provedor for Human Rights and Justice	13
	Two three-day seminar for lawyers	20
2009 courses 62 trainees	Third training for magistrates and public defenders	14
	Complementary training for judicial actors and probationers (including Portuguese language training for 25)	37 (25 have attended Portuguese classes)
	Training of lawyers for the Ministry of Justice	11
2008 courses 123 trainees	Third training for magistrates and public defenders	14
	Three-day seminar for staff from the ombudsman's office (Provedor for Human Rights and Justice)	25
	Complementary education training for judicial actors (judges, prosecutors and public defenders) and Portuguese classes	37
	Civil procedure training for bailiffs	47

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UNDP and the National Human Rights Commission of Nepal

Tek Tamata

The National Human Rights Commission (NHRC) of Nepal was established on 26 May 2000 under the Human Rights Commission Act of 1997. The Interim Constitution of Nepal, 2007, elevated the status of the NHRC to a constitutional body and broadened its mandates relating to the protection, promotion and respect of human rights. The 2006 Comprehensive Peace Accord (CPA) and the twenty-three-point agreement and other consensual engagements between the Government of Nepal and the Maoist Communist Party Nepal (CPN-Maoist) provided NHRC with the responsibility of monitoring compliance with those accords from the human rights perspective. Article 132 of the 2007 Interim Constitution vests on NHRC the primary responsibility to protect and promote the human rights of the people in Nepal. It also provides that the NHRC may review constitutional provisions and those of other laws for the enforcement of human rights; and submit necessary recommendations for the effective implementation of such provisions. This responsibility encompasses review of international treaties and instruments on human rights and recommendations to the government on effective measures to implement them. Similarly, the NHRC can work jointly and in a coordinated manner with civil society to enhance awareness on human rights.

UNDP Intervention

Recognizing the need for capacity-building in the newly established NHRC, the United Nations Development Programme (UNDP) Nepal Office launched the first phase of the Capacity Development of the National Human Rights Commission (CDNHRC) in 2002. The first phase aimed at enhancing the capacity of the NHRC to fulfil its mandates and protect as well as promote the rights of the people in Nepal.

The implementation of the project resulted in the following output:

1. NHRC capacity developed in the areas of management and administration, infrastructure, human rights promotion and advocacy, and building alliance with civil society:

Operational capacity strengthened: Despite the problems, constraints and hurdles brought by the changing political scenario in the country, most of the NHRC staff remained highly committed to their work. The Project extended logistic support to the NHRC in order to make the work of the staff easier.

Organizational capacity strengthened: The project developed various guidelines, procedures, and manuals for the NHRC staff. These guidelines, procedures, and manuals cover tasks such as conducting investigations, reporting, and visiting detention centers. The NHRC has been applying the procedures such as the complaint handling manual and detention center monitoring. The NHRC has revisited its organizational structure based on the recommendations of a study conducted by the project. The project also developed policies, procedures and guidelines relating to personnel, leadership, and management and administration issues. The key policies, guidelines and procedures are listed in Annex A.

Management and Administration Systems strengthened: The project assisted the NHRC in developing its administrative, leadership and management capacity through external trainings, a research study, and on-the-job support from CDNHRC professional staff. As a result, the NHRC now has five divisions: protection, promotion, planning, legislative review and operations. The project also supported the establishment of NHRC special units and focal points to look after issues regarding children and women. Financial rules and regulations were also developed by the project.

The project introduced a computerized network system, which is currently being used effectively.

The project supported the opening of Regional Offices that have helped increase people's access to the NHRC. The Regional Offices are now able to receive complaints of human rights violations more promptly and effectively.

The project supported the NHRC in carrying out a Review of its Organizational and Management Structure, and a study for its Human Resource Development. The support of the project covered the implementation of the recommendations of the reviews.

Office of the National Rapporteur on Human Trafficking established and strengthened: The project supported the establishment of the Office of the National Rapporteur on Trafficking (ONRT) in the NHRC and the publication of annual reports on the overall situation of human trafficking. The annual reports for 2006 and 2007 were produced and disseminated to human rights

organizations. These reports draw the attention of policymakers and non-governmental (NGOs) working in the areas of human trafficking.

2. NHRC capacity developed to monitor the human rights situation, investigate serious violations of human rights, and take all the necessary actions within its power against human rights violations:

Investigation and Monitoring: The project strengthened the NHRC's capacity to receive complaints and monitor the human rights situation in the country. The project supported the NHRC in the tasks of investigating human rights violations, monitoring the human rights situation, case follow-up, litigation, and training. More than eight thousand cases have been received and more than two thousand cases were investigated during the 2002-2008 period. With the project support, out of the two thousand cases, the NHRC submitted two hundred twenty-five recommendations to the concerned government agencies. The project also supported the NHRC in carrying out follow-up interventions for the implementation of the NHRC recommendations. More importantly, the project supported the NHRC in investigating the Shivapuri case, which involved the suspected death of forty-nine detainees from the Bhairabnath Gan (army detention camp) and the cremation of their bodies by the army in Shivapuri National Park. The project also provided national and international human rights technical expertise that enabled the NHRC to execute its core protection functions with greater efficiency and effectiveness. In addition, the project developed several policies, guidelines and manuals on the following:

1. Complaint Handling System and Procedures Guidelines
2. NHRC Trainers' Manual on Monitoring & Investigation
3. Human Resources & Development, Gender, Internship Policy and Complaint Handling Manual
4. Revised Monitoring and Investigation Rules, and
5. Guidelines for Detention Centre Monitoring (DCM).

Monitoring of the Comprehensive Peace Accord: With NHRC mandate to monitor the implementation of the Comprehensive Peace Accord (CPA) from the human rights perspective, the project supported the NHRC in monitoring the implementation status of the accord at local and national levels and publishing periodic reports. The project also organized a series of interactions and seminars on this issue with the concerned government agencies

such as the Home Ministry, Ministry of Local Development and Ministry of Women, Children and Social Welfare.

Monitoring of the Constituent Assembly (CA) Election: The project organized a series of trainings for the NHRC staff on election monitoring from the human rights perspective. A checklist was developed by the project for the NHRC. The project supported the NHRC financially and technically to be able to monitor the CA election in sixty-nine districts out of seventy-five districts, with a focus on the access of the people to the poll.

Capacity-building of the NHRC Staff: With the technical support of the Office of the United Nations High Commissioner for Human Rights in Nepal (OHCHR-Nepal), the project organized several trainings for the staff of the NHRC and government, and human rights activists. The trainings mainly dwelt on basic human rights, international human rights standards, investigation, monitoring, documentation and reporting, socio-economic rights, treaty monitoring, and legislative drafting. It also included international exposure and study tours.

Building Partnership with NGOs: NHRC, with substantial support and advice from the project, has started to repair frayed relationships with NGOs. Outreach efforts including training, workshops, and joint seminars have helped NHRC win back the trust from NGOs that is essential to the NHRC's overall success. The NHRC Regional Offices have recently created effective networks of NGOs, especially in the Terai region. The Biratnagar Office, for example, has brought NGOs representing Madhesis and Dalits Janjatis together for joint workshops and conferences to help defuse tensions before they erupt into violence. The Regional Protection and Promotion Officers have worked together to try to build confidence across ethnic and caste divides so that people can claim their rights peacefully.

Legal Assistance and Review of Laws: The Project supported the NHRC's review of laws relating to security. NHRC reviewed the laws about the military, public security, and local administration, and submitted recommendations to the government. NHRC also reviewed the Terrorist and Disruptive Activities (Control and Punishment) Ordinance (TADO) and recommended its repeal. TADO was subsequently repealed based on the recommendation of the NHRC. The project provided technical assistance on the second draft Ceasefire Agreement between the CPN-Maoist and Government of Nepal (GON), which was later signed by both parties in November 2006. NHRC also

reviewed the Public Security Act and some of the contradictory provisions were amended as per its recommendation in 2006.

The project supported the NHRC Legal Assistance Division to organize the following programs:

1. Drafting the Human Rights Commission bill. While the NHRC has already submitted a draft bill of Human Rights Act 2007 for enactment, the OHCHR-Nepal provided technical advice and assistance in finalizing the Human Rights Commission bill.

2. Interaction on the implementation of the General Recommendation of the Committee on the Elimination of the Racial Discrimination.

3. Interaction on report on rights to life, liberty and equality and the response of the Supreme Court in light of international human rights instruments.

As mandated by the NHRC, the project also supported its review of a dozen laws and the making of recommendations on pertinent cases of human rights violations. Some laws were amended and repealed as per the recommendations of the NHRC. See Annex B for details.

Human Rights Promotion: The project supported the organizing of a series of seminars and workshops to facilitate the human rights education and advocacy role of the NHRC. The workshops mainly focused on the overall human rights situation, the role of human rights and peace education, the role of the law enforcement agencies in the enforcement of human rights, the role of political parties in the constitution-making process, the need for the ratification of the Indigenous and Tribal Peoples Convention, 1989 (ILO 169) of the International Labour Organization, the need for the ratification of the International Convention on the Rights of Persons with Disability and the International Criminal Court Statute, and the role of human rights defenders.

The project extended support to the NHRC to spread human rights education at the national level through audio, visual and print media on important issues such as social discrimination, witchcraft, and human trafficking. The project also supported the establishment of a “Human Rights Resource and Documentation Center” for human rights study and research, supported a study on “Secondary Level Education Curricula and Knowledge Attitude and Practices (KAP) study” for schoolteachers, helped develop a human

Rights Promotion and Advocacy Strategy and a Communication Strategy. To increase knowledge about human rights, the project also supported the publication of reports on the People's Demonstration (April 2006), on the NHRC's achievements and challenges over a six-year period (2006), on ceasefire monitoring (in Nepali and in English, 2006), on the human rights situation during the Emergency (2006), and on the human rights situation during the ceasefire 2006-2007. The project also supported preparation of brochures for the Human Rights Resource and Documentation Center.

To train students on human rights, the project supported the establishment of a human rights internship program in the NHRC. Eight degree-level students from marginalized communities were given training as human rights interns. They are now working with different human rights organizations.

The regional offices of NHRC in five regions of Nepal have very limited functions in terms of mandate. They are limited to monitoring the human rights situation, receiving complaints, investigating the complaints, and forwarding investigation reports to the central office for further action. The regional offices are not yet authorized to send recommendations directly to the concerned agencies of the government. However, the regional offices have a huge role in human rights promotion activities. They basically do the human rights promotion activities in coordination with the local civil society organizations.

The central office in Kathmandu develops the overall strategic plan of the NHRC in consultation with the regional offices. The central office also develops the policies, guidelines and procedures, while the regional offices have the responsibility of implementing them. Though the administration system is centralized, the regional offices have been very effective in facilitating human rights empowerment at the local level and in building the coordination system with human rights organizations.

NHRC plans to establish Human Rights Resource and Documentation Centers in the regional offices. UNDP has been requested by the NHRC to collect ideas and prepare an overall concept on it. At the moment, UNDP sees the need to establish the resource centers at the regional offices in order to provide information on human rights, provide online services on human rights issues, and also provide counseling service.

3 The Strategic Plan formulated in line with the additional mandates of the NHRC

The first crucial Strategic Plan of NHRC 2002-2004 was developed with the support of the project. As a newly established institution at that time, the NHRC Strategic Plan mainly focused on the internal capacity enhancement of the NHRC itself. The project supported the revision of this Strategic Plan in line with the emerging human rights situation and development of the new Strategic Plan 2004-2008. The new Strategic Plan has a focused response to the conflict situation in the country. After the promulgation of the 2007 Interim Constitution and the CPA, the project again supported the NHRC in developing the new Strategic Plan 2008-2010, taking the changing political scenario of the country into consideration.

Second Phase of the Project

The first phase project was completed in 2008. As a joint initiative with the Office of the High Commissioner for Human Rights (OHCHR-Nepal), the second phase of the project was launched in 2009, known as Strengthening the Capacity of the National Human Rights Commission (SCNHRC) Project, and covers six strategic interventions that draw on the 'Strategic Plan' of NHRC (2008-2010) as well as on the 'Functions, Duties and Power of the National Human Rights Commission' of the 2007 Interim Constitution:

- Formulation of strategies and human rights audit plan to ensure the respect of human rights by state actors
- Monitoring and comprehensive analysis of treaty obligations
- Ensuring Human Rights Friendly Constitution
- Promotion and protection of civil, political, social, economic and cultural rights
- Enabling NHRC to collaborate with civil society, including human rights NGOs
- Review of discriminatory laws.

Since the first phase of the project focused on providing institutional support to the newly established NHRC, the second phase of the project was developed using a programmatic approach. The second phase of the project focuses on developing substantive policies by scrutinizing the whole

government, its policies and programs from the human rights perspective. Likewise, the project has been focusing on the monitoring of the human rights obligations as one of the major interventions. Further, to assist the monitoring of economic, social and cultural rights, the second phase of the project has separately included the component to support the NHRC in this regard.

The project has been supporting the NHRC in monitoring the human rights situation through human rights treaty division. In addition, the project has been supporting the NHRC in developing the policies and guidelines on socio-economic rights. A training manual on human rights-based approach to development has also been developed to mainstream the issues of participation and non-discrimination.

Conclusion

The first phase of the project was implemented during a challenging period in Nepal's history, beginning in 2002 at the height of the conflict, supporting a fledgling NHRC to address a wide range of human rights issues. The project continued to work during the absence of Commissioners, supported the development of policies and guidelines, and facilitated the capacity development of the NHRC staff. The mid-term evaluation coincided with the appointment of new Commissioners in September 2007, and the project was able to provide further support, for example, through the funding of a Senior Human Rights Advisor, and regional human rights advisors.

With the changing situation and mandates of the NHRC through the 2007 Interim Constitution and CPA, the project revised the CDNHRC document (and renamed Strengthening the Capacity of the National Human Rights Commission) to support the undertaking of the NHRC's additional mandates. The project also supported the NHRC's work for the promotion of the human rights. As for legislative interventions, the project supported the NHRC's review of some laws from the human rights perspective. The project also supported the NHRC's review of the domestication status of international human rights instruments.

The NHRC needs further support, now more than ever, to fulfill its expanded responsibilities as a constitutional body, and further support the respect, protection, and promotion of human rights in post-conflict Nepal. The first phase of the CDNHRC focused on certain aspects of individual and

operational capacity development; the next phase should emphasize further institutional capacity development to strengthen the NHRC's ability to monitor human rights treaties, mainstream human rights in the upcoming Constitution, support legal reform and human rights education for law enforcement actors, collaborate with civil society and human rights institutions including the Women's Commission and the Dalit Commission, and protect and promote economic, social and cultural rights.

Human rights violations cannot be addressed by the NHRC alone. The NHRC is part of a broad array of institutions that must forge a coherent approach to the challenge of improving respect for and protection of human rights. Future support should help form and strengthen networks with other national and international institutions, and with civil society.

Annex A

- Human Rights Policy and Guideline, 2006
- Human Rights Commission Rules/Regulations (financial and organization management), 2002
- Detention Center Monitoring Guideline, 2003
- Complaints Receiving Policy, 2003
- Complaint Handling Guideline, 2004
- Do No Harm Policy, 2005
- Confidentiality Guideline, 2005
- Gender Policy, 2006
- Social Inclusion Policy, 2009
- Guideline on IDPs (Internally Displaced Peoples), 2005
- Guideline on Monitoring of Economic, Social and Cultural Rights, 2005
- Monitoring Guideline Against Unlawful Monitoring, 2004
- Human rights Monitoring Guideline for Elections, 2008
- Personal Security Guideline, 2004
- Promotion Strategy, 2007
- Communication Strategy, 2007
- Guideline on the Ceasefire Monitoring Mission, 2006

Annex B

- Civil Code, 1963 (2009-2010)
- Public Security Act, (2006)
- Public Crime Prevention and Punishment Act, 2006
- Civil Service Act, 2009
- Terrorist and Destructive Activities Control and Prevention Ordinance (repealed in 2006)
- Media Law (repealed in 2006)
- NGO Regulation Law, 2006

India: Strengthening Safety Nets to Counter Human Trafficking

United Nations Office on Drugs and Crime

SIX DAYS a week, ten-year-old Anima treks one kilometer to the only primary school in her village, in the border area of India adjoining Bangladesh. She walks barefoot with a torn satchel slung over her shoulders. Her father breaks stones in a nearby quarry while her mother works in the paddy fields. Anima is accompanied by her five-year-old sister. Braving the scorching heat, stone-filled roads and dust, they reach their school. The classroom is tiny and there are only two windows, an old table, a chair and a makeshift blackboard. Around a hundred eager children aged between five and twelve years attend class in this one room. Attending school may be an ordinary scene in cities, but in this remote village, it is a remarkable feat.

The children sit on the floor with books open on their laps and listen to the senior headmaster, who is from Kolkata, India. The headmaster dedicates all his time to helping the children stay in school and complete their education and, most importantly, to talk to them about human trafficking, why it occurs, its cause, who are the potential victims and how to take preventive steps.

The headmaster explains, “There have been several reported cases in this village, where girls as young as five years of age have been trafficked or sold by families. They become victims of sexual and labor exploitation in West Bengal. Approximately 7,000 girls and women are trafficked from Bangladesh to West Bengal annually. If we are to stop this crime, we have to teach them about human trafficking from the earliest age so that they do not become victims”.

Anima is the head girl of the class. Standing tall in front of her classmates, she urges them to recite in chorus a short poem in the local language. The poem centers around the heinous crime of human trafficking and how children are vulnerable but not helpless to act. In addition, Anima explains to the class “We should refuse to speak to strangers, especially men. If he offers us sweets and lures us with tales of a good life, we should report this to our elders or the police. Traffickers lure children like us. We are sold to brothels, sexually exploited and abused. We are forced to work in houses

and factories with no food and no money. This is not what we want. We want to be educated and aware.” The room fills up with claps.

“The children are always the best teachers,” adds the headmaster. He believes they are in a good position to help spread information on these issues and raise awareness among the whole community. Such initiatives, where life-saving messages are built into the education curriculum, help children grow safely and wisely in a world fraught with danger.

This initiative was undertaken by ATSEC (Action against Trafficking and Sexual Exploitation of Children), a network of over five hundred non-governmental organizations (NGOs) operating mainly in India with chapters in Pakistan, Bangladesh, Nepal and Sri Lanka, as part of their community policing intervention along the India-Bangladesh border. Peer groups from sixteen schools in the Basirhat sub division of the North 24 Parganas district of West Bengal state were formed, consisting of school teachers and students, from the primary, secondary and senior schools. Through discussions, posters, films and other education-communication tools, they were trained to educate each other on human trafficking and how to protect themselves from being trafficked. India faces both internal trafficking and cross border trafficking from the neighboring countries of Bangladesh and Nepal. India and Bangladesh share borders for thousands of miles, posing a challenge to law enforcement authorities to maintain vigilance over movements across the border. Illegal entries by traffickers, from Bangladesh into West Bengal in India, are common. The trafficked victims are usually kept in the border areas for few days and then sold to local traffickers, who in turn send them to different parts of the country or outside the country.

To bring together all stakeholders in the community and strengthen the safety net against this crime, ATSEC has been advocating the idea of community policing - a philosophy and an organizational strategy that encourages the police and community to work closely together to address the problems of crime and social disorder. The philosophy rests on the belief that law-abiding people in the community deserve to input into the police process. It also rests on the belief that solutions to contemporary problems demand freeing both citizens and the police to explore creative, new ways to address neighborhood concerns beyond a narrow focus on individual incidents of crime. It uses different approaches, such as foot patrol and problem-solving at the neighborhood level.

Under its community policing initiative in West Bengal, ATSEC India oriented the police and the Border Security Force (BSF) on human trafficking and law enforcement. It also trained members of the community, including school children, teachers, village council members, local NGOs, hoteliers, bus conductors and others. It regularly organized field level discussions in tea stalls, courtyards and even during village assembly meetings. Today, the entire community is more aware about the dangers of human trafficking. They work together in the border areas to ensure that any trafficker who brings women and girls is apprehended with the help of the police or BSF. Mr Manabendra Mandal, Chairman, ATSEC South Asia affirms, “Developing and strengthening community policing is essential to combat trafficking. Community policing gives us hope that we can prevent cross-border trafficking and also bring traffickers to book, so that they can be punished by the appropriate court of law”. This initiative was supported by the United Nations Office on Drugs and Crime, Regional Office for South Asia (UNODC ROSA).

The United Nations Office on Drugs and Crime (UNODC) has been established as the Principal United Nations (UN) agency to deal with the global challenges of drug trafficking and other forms of transnational organized crime, such as human trafficking, smuggling of migrants, firearms trafficking and terrorism. UNODC also works to address corruption and to ensure the implementation of universally accepted criminal justice standards, such as the fair treatment of prisoners. UNODC’s mandates are enshrined in five UN conventions like the UN Convention against Transnational Organized Crime and its three Protocols on Trafficking in Persons, on Smuggling of Migrants by Land, Sea and Air and on Illicit Manufacturing of and Trafficking in Firearms; the three UN Conventions on drugs; the UN Convention against Corruption, and the universal instruments against terrorism. These treaties and UN resolutions lay out comprehensive approaches to deal with the above mentioned issues that pose serious threats to human security and justice. With its headquarters in Vienna, Austria, UNODC operates in more than one hundred fifty countries around the world through its network of field offices. UNODC is present in South Asia since 1988, with its regional office based in New Delhi, India. The Office covers Bangladesh, Bhutan, India, Maldives, Nepal and Sri Lanka.

UNODC’s work primarily rests on three pillars: research; efforts to implement the international conventions; and capacity-building operations in

the field. These three pillars are critical to UNODC's role in assisting Member States to formulate and implement policies. It is also worth emphasizing that at the core of UNODC mandates is a commitment to human rights, to the construction of effective, transparent and accountable systems of criminal justice, and to a preventive approach to protect individuals, families and communities from drug addiction and HIV, from being trafficked or smuggled, from being abused by corrupt practices and harmed by terrorism.

In its role as guardian of the Convention against Transnational Organized Crime, UNODC helps governments create the domestic legal frameworks needed to investigate criminal offences and adopt new frameworks for extradition, mutual legal assistance and international law enforcement cooperation, enabling States to tackle organized crime, prosecute and convict offenders, and assist and protect victims and witnesses. The Protocol to Prevent, Suppress and Trafficking in Persons, Especially Women and Children is the major international legal instrument for combating human trafficking. Human rights measures, for example, aim to protect victims but lack effective law enforcement mechanisms to deal with traffickers. The Protocol, however, takes a comprehensive approach, attempting to safeguard victims while improving control measures to investigate, prosecute and punish offenders.

UNODC's Response to Human Trafficking in South Asia

In South Asia, human trafficking¹ is often referred to as one of the fastest growing transnational organized crimes. Over 150,000 people are trafficked within South Asia every year for sex work, labor, forced marriages, and organ trade. It is often the very poor economic conditions that contribute to the vulnerabilities of young people, women and children. Countries in South Asia serve as prominent origin, transit and destination countries for women, children and men being trafficked. In South Asia, the largest numbers of women trafficked are within or from the region, and child trafficking is a serious concern. Most of the trafficking takes place for commercial sexual exploitation where women are being forced into unprotected sexual acts with multiple partners. In addition, there has also been a growing demand for domestic help at a time when human labor is becoming expensive. For this reason families, particularly in urban centres, seek cheap labor supply

and villagers often willingly turn their children over to middlepersons who promise them a better life in cities.

Human trafficking threatens human security and hinders human development. It has an economic angle as a majority of the victims are economically vulnerable. It has a social and a gender angle, as unequal power relations in society makes certain people more vulnerable to human trafficking. It is a crime, as victims are stripped of their human rights and often lack access to redressal for the crimes committed against them. Human trafficking also has a strong health angle, particularly as victims who are trafficked for commercial sexual exploitation are at risk of HIV and other sexually transmitted infections.

In South Asia, UNODC in collaboration with governments and civil society partners provides technical assistance for various interventions designed to address human trafficking in the region with a focus on three Ps. The three Ps stand for the prevention of trafficking crimes, protection of victims of human trafficking, thereby ensuring rehabilitation of survivors and the restitution of their rights and the prosecution all the offenders, conspirators and abettors.

Prevention: Empowering Communities to Address Human Trafficking

Prevention activities, through awareness generation and education, play a key role in protecting individuals who are potentially at risk of being trafficked. For this UNODC develops Information Education Communication (IEC) materials which are distributed among partner NGOs in the geographical areas of intervention, for further dissemination and awareness among the target population. Prevention also constitutes research activities, in order to understand both the scope as well as the nature of trafficking in the affected areas. The third form of prevention involves the development of social and economic interventions which offer support to those potentially at risk of being trafficked. Some of the activities include job skills training programs to promote local employment opportunities; empowerment programs to develop self-confidence, especially in children and assist them in developing their careers; community enrichment programs to discourage out-migration; and crisis intervention programs to provide support for women and children in abusive homes or facing other crises that might otherwise push them to migrate.

For instance, as part of one of its India-based interventions, UNODC in partnership with an NGO, supported initiatives in Jharkhand (a high source state for trafficking in India), to impart livelihood skills to women from tribal communities. To this end, nearly one hundred seventy-five young women, many of whom are also survivors of trafficking from tribal communities of Jharkhand, were provided training to become security guards and house-keeping staff. These young women have been placed at various government and private institutions across the country and have become 'role models' for other similar women in their community. This intervention has not only provided trafficked women and girls access to secure jobs, but also helped them regain their lost confidence.

Similarly, at Kishanganj district, in the state of Bihar (another high source state for trafficking), UNODC supported an NGO to strengthen community vigilance and impart livelihood skills. Through sensitization trainings for the community, the NGO has created awareness about trafficking, child and fake marriages in the area. So far, one hundred two village vigilance committees and fifty-five self-help groups have been formed to counter trafficking. The NGO, through its vigilance committees has been successful in preventing two hundred thirty-three fake marriages and one hundred eight child marriages. It has also prevented two hundred twenty-two boys and girls from becoming child labourers. Additionally, two hundred nine women who were victims of domestic violence were counselled and fifteen trafficked victims have been sent to their homes. Through street theater, a medium of communication which is easily understood by all the people, the NGO has been able to reach out to nearly 65,000 villagers with key messages on human trafficking and how to prevent it.

Additionally, UNODC through its partner network reaches out to its stakeholders in South Asia through various initiatives like orientation and sensitization programs for policy-makers, police officers, judiciary, government officials, women and children in distress including trafficked women and children; training needs analysis for different target groups (police, border security force, media, local self governments, NGOs); facilitation of rescue operations and advocacy with national and international organizations on trafficking issues.

Protection: Rehabilitation and Support for Survivors of Human Trafficking

Recovery of trafficked persons is a long and complex process. A core element of UNODC's mandate under the UN Trafficking Protocol is to increase the level of protection and assistance provided to survivors of human trafficking. After a trafficked person is rescued, the man, woman or child should be protected, during their stay in shelter homes/vigilance homes, before re-integrating them into the society. Sometimes, this re-integration may not be the right answer, since it may place them back into the same scenario from which s/he had tried to escape earlier, continuing their earlier vulnerability. Thus, protection activities, especially of women and children require enhancing their life skills, re-building their emotional structures, providing them with some basic skills with which they can eke out a living once out in the world again. Police and criminal justice staff need standard working procedures to guarantee the physical safety of victims, protect their privacy and make it safe for them to testify against their abusers. Protection also involves ensuring that the shelter homes are safe and meet the needs of trafficked persons - that they have access to primary health care and counseling, along with legal and other assistance, and that they are effectively protected from harm, threats or intimidation, and so on.

In India, UNODC provides livelihood and psychosocial support to survivors of trafficking in shelter homes, especially women and children. It also strives to ensure quality care and support services to victims of human trafficking, in close collaboration with state governments and NGOs.

As part of its interventions with women living in shelter homes, UNODC in collaboration with the National Institute of Mental Health and Neuro Sciences (NIMHANS), a premier mental health institute in India, supported trainings for over seven hundred caregivers from government-run shelter homes for women in the states of Andhra Pradesh, Kerala, Karnataka, Tamil Nadu and Uttar Pradesh, on minimum standards for care and protection and psycho-social support. The caregivers were trained on issues of self-esteem and emotional intelligence while dealing with women and children, addressing inter-personal relationships in the shelter home and even dealing with their own feelings as caregivers. They were also motivated to adopt stress management techniques apart from orienting them to child and women's rights. Family counselling was introduced in the women's home to ensure a better reintegration of women into their families and society, along

with counseling sessions for young women. UNODC is further collaborating with NIMHANS, Bangalore, to develop a manual titled, “Psycho-social care for women in institutions”, which will be used as resource material for capacity-building of staff working in institutions for women in India. The overall aim is to improve care and protection for women in shelter homes, by laying down concrete intervention strategies.

UNODC also initiated a project titled “Reducing Children’s Vulnerability to Abuse and Rehabilitation of Survivors” to provide quality care and support services to vulnerable children at risk of physical and sexual abuse and to provide comprehensive rehabilitation opportunities to trafficking survivors. The initiative was aimed at strengthening community structures and building institutional capacity of non-governmental and governmental organizations working with children, and initiate training on child protection for care providers. UNODC, through its engagement with the Ministry of Women and Child Development at the Centre and state governments of Tamil Nadu, Kerala, Andhra Pradesh, Uttar Pradesh and Karnataka provided psycho-social training to more than 650 care givers from government run children’s (including juvenile homes) homes. This was done to enable care-givers to understand the needs and emotions of children who need care and protection.

In the state of Tamil Nadu, with an aim to understand the psycho-social needs of children (including those with mental disabilities), UNODC is supporting an organization in partnership with NIMHANS to conduct a quick assessment and develop a model to enhance the quality of life of children living in government-run children’s homes—to assess their psycho-social condition, to identify children with mental health problems and start early intervention. This initiative has been appreciated since it addressed an area that is usually neglected—the mental health of children in shelter homes.

In a first of its kind program, more than four hundred children from government-run shelter homes in Kerala, Tamil Nadu and Andhra Pradesh were provided career guidance counseling, many of whom were juvenile delinquents from broken homes, victims of alcoholic parents and had endured various kinds of abuse. This training enhanced the self-esteem of children, helped them understand the options available to them and thereby choose their disciplines of study based on self interest.

As part of its efforts to strengthen victim/witness protection, UNODC collaborated with one of its partners in the state of Andhra Pradesh, to sup-

port nearly four hundred witnesses/victims with the aim of protecting them from being coerced into withdrawing her/ his evidence, and with the following envisaged outcomes: increased conviction of traffickers, increased number of witnesses attending court, increase in charge sheets filed, reduction in instances of re-trafficking, reduced adjournments and speedy disposal of cases. In addition to that, the NGO was supported to provide training to the judiciary to ensure speedy disposal of cases, thereby reducing the chances of traffickers going free without punishment. As a result, the conviction rate of traffickers and brothel keepers in the state has increased.

Prosecution: Strengthening Law Enforcement for the Prevention of Human Trafficking

Much of UNODC's work centers on strengthening criminal justice responses to human trafficking. It helps countries to develop effective law enforcement and criminal justice institutions and legislation to combat trafficking in persons, effectively.

Between 2006 and 2009, UNODC, in collaboration with the Ministry of Home Affairs, Government of India implemented a project that aimed to strengthen the technical capacities of law enforcement agencies and officers in India to prevent trafficking in human beings. Over a three year period more than 13,490 police officers and prosecutors were trained through three hundred ninety training programs in the five project states - Bihar, West Bengal, Andhra Pradesh, Maharashtra and Goa. Eight Nodal Training Centers (NTCs) were established in all the project states. The NTCs started imparting training to law enforcement officials on a regular basis and have also been assisting NGOs who conduct trainings on human trafficking.

A highlight of the project was the establishment of nine Anti-Human Trafficking Units (AHTUs) in the four project states of Andhra Pradesh, Bihar, Goa and West Bengal. An AHTU is a special Task Force, constituted within the Police department with the partnership of several stakeholders, including officials from the departments of prosecution, welfare and health, agencies that run shelter, protective and children's homes, as well as from civil society partners and the media. The AHTUs also seek to strengthen inter-departmental collaboration among the police and all other government agencies and departments, such as women and child, labor, health, etc.

The combination of AHTUs and trained law enforcement officials has contributed to an increased awareness and knowledge of the issue, skill enhancement, inter-agency coordination, and better victim/witness protection. The training material/knowledge products prepared on anti-human trafficking (Training Manuals, Standard Operating Procedures, Posters and the Training Curriculum) have been widely disseminated to law enforcement personnel during the national training programs and to training academies for institutionalization. The Government of India has also appreciated the knowledge products and has advised the States to carry out training programs utilizing these Manuals/ Standard Operating Procedures/ Compendiums and other training tools. In response to the demand for documents to be made available in vernacular languages, all the knowledge products have been translated into the national language, Hindi for dissemination in the North Indian States.

Considering the rationale and efficacy of the AHTU as the appropriate model to address human trafficking in a holistic and comprehensive manner, the Government of India issued an advisory to all the states in India to institutionalize the gains made by the project in two important areas: (a) Training of trainers on anti-human trafficking and (b) Setting up Anti-Human Trafficking Units (AHTUS). Work to this end has already begun, with over 50 AHTUS being functional across the country to date.

Joint UN Initiatives to Address Human Trafficking in South Asia

On 1 July 2010 the Ministry of Tourism, Government of India launched a National Code of Conduct on Safe and Honorable Tourism for the country. This code was a result of a collaborative effort of the Government of India, UNODC, the Pacific Asia Tourism Association (PATA) and Save the Children India, and initiated under the United Nations Global Initiative to Fight Human Trafficking (UN.GIFT). The UN.GIFT is a joint initiative of different UN and international agencies to address human trafficking at a global level.

The Code of Conduct lays down a set of guidelines for the travel and tourism industry to ensure that all tourism activities in India protect the dignity, safety and right to freedom from exploitation of both tourists and the local population. The Code is of immense significance to India, as it is a dominant tourist destination in the South Asian region as well as an emerging international one with an estimated arrival of more than five million

tourists per year. While tourism has opened up new business opportunities all over the country, instances of crimes and human right violations in connection with tourism, especially relating to the commercial sexual exploitation of children and women as well as to human trafficking have also come to raise questions about - inter alia - the image of the tourism industry. In the light of this, the Code forms a strong basis for joint commitment and organized action by the government, tour operators and other stakeholders of the tourism sector to maintain proper standards and an honorable image.

On 27 September 2010, World Tourism Day, nearly two hundred fifty members of the tourism fraternity along with the Hon'ble Minister of Tourism and other officials came together in New Delhi to sign a pledge, thereby agreeing to abide by the Code. In addition, the Ministry of Tourism has also revised the national criteria for classification and approval of tour and travel companies, integrating points from the national Code. Therefore, companies are now encouraged to follow the provisions of the Code of Conduct in order to move from one level of classification to another or for approval of new businesses.

Moving ahead, the Ministry is keen to focus on training and capacity building of stakeholders from the tourism sector like hotel staff, tour companies, taxi drivers, etc and generating awareness about safe and honorable tourism through a mass communication campaign. It is envisaged that two persons of every hotel or tour operating company will be appointed as focal points to monitor that all norms and guidelines of the Code are respected and adhered to.

Under the vision of increased joint UN cooperation, UNIFEM and UNODC have committed themselves to address human trafficking issues collaboratively by thinking, planning and implementing programs together. Under a Memorandum of Understanding (MoU) between UNIFEM and UNODC with regard to the South Asian countries of Bangladesh, Bhutan, India, Nepal, Maldives and Sri Lanka, UNODC and UNIFEM have commissioned a 'Legal and Policy Review of Response to Human Trafficking in India, Nepal, Bangladesh and Sri Lanka' with an aim to highlight the gaps in legislative, policy and institutional responses to human trafficking. The findings will help the four countries move closer to the provisions of the UNTOC and the Trafficking in Persons Protocol. In this context, UNODC in association with ATSEC India, organized for the first time in South Asia a three-day regional workshop on "International Cooperation in Trafficking

in Persons/Smuggling of Migrants Cases” in Kolkata, India in March 2010. The workshop brought together officers and representatives from the executive and the judiciary power in Bangladesh, Bhutan, India, Maldives, Nepal and Sri Lanka, including police officers, prosecutors, judges and senior government officials, representatives from the International Justice Mission (IJM), International Organization for Migration (IOM), UNIFEM, ATSEC and UNODC experts in legal and criminal justice matters.

Currently, UNODC, in collaboration with IOM is developing a joint regional program to strengthen criminal justice responses to human trafficking in four countries of South Asia, namely, Bangladesh, Nepal, India and Sri Lanka. This program aims to strengthen responses of criminal justice actors, namely, the judiciary, public prosecutors and police officials to trafficking in persons in South Asia. Through a series of capacity-building and training programs, the project will, over a three-year period, raise the awareness of law enforcement officers, (i.e., police and public prosecutors) and judicial officers on the problem of human trafficking. The program aims to increase the number of cases filed in crimes of human trafficking and to better investigate and prosecute offenders perpetrating these crimes. It will also work on the development of tools for beneficiary countries on the basis of their identified needs, thus providing them with means to effectively self-implement their domestic laws. This, in turn, aims at further developing cross-border co-operation in identification of victims, investigation, victim - witness protection measures, repatriation of victims and extradition of criminals, through bilateral mechanisms between beneficiary countries.

Endnote

1. The United Nations Protocol on Trafficking defines human trafficking as:
 - The recruitment, transportation, transfer or receipt of persons, by means of coercion, abduction, deception, or abuse of power or of the exchange of payments or benefits to achieve the consent of a person for the purpose of exploitation.
 - Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.

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Feminist Legal Theory and Practice

Asia Pacific Forum on Women, Law and Development

I am able to re-look at how I have 'narrowly' been looking at the law as it stands. This training is an eye-opener to consider and look further beyond my 'bench'.

ERITE AWIRA, High Court of Kiribati, Kiribati, 2009

APWLD and Herstory

THE ASIA PACIFIC FORUM ON WOMEN, LAW AND DEVELOPMENT (APWLD) is one of the three 'women, law and development' networks in the world focusing on advancing women's human rights using the law as a tool of change in the global south (Asia-Pacific, Africa, Latin America-Caribbean).

APWLD developed from dialogues among Asia-Pacific women lawyers, social scientists and activists, which began at the 1985 Third World Forum on Women held in Nairobi, Kenya. Women participating in the dialogue recognized that while law is used as an instrument of state control over resources, rights and women's bodies, it could also be used to help effect political and socio-economic changes in one's society. They also recognized that gaining the capacity to mobilize people to understand the social, economic and political dimensions of women's oppressions and take collective action for change required a clear focus and strong organization. The outcome of this was the formation of APWLD, the first regional response to the challenges raised at the Nairobi conference. Followed by CLADEM¹ in Latin America and WILDAF² in Africa.

APWLD believes that law can be transformative as well as repressive, seeking to dissect, engage with and transform laws, legal practices and the systems that shape and inform them. APWLD believes that the fusion of patriarchy with militarization, fundamentalisms and neo-liberal economic globalization is responsible for gross violations of women's rights. Equality, development and the realization of human rights can only happen when

women, particularly marginalized women, are empowered to lead policy and legal debates and articulate solutions. Finally, APWLD believes a transformative form of democratic leadership can bring about the structural changes required to claim and advance women's rights.

The larger objectives of such a forum includes enabling women in the region to use law as an instrument of change for the empowerment of women in their struggle for justice, peace, equality and development; and promoting basic concepts of human rights in the region as enshrined in the Universal Declaration of Human Rights, the United Nations Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination Against Women, and other relevant international human rights instruments.

APWLD's programs and activities have focused on promoting women's rights as human rights as an analytical and strategic framework of engaging with the legal system to empower women. APWLD has primarily engaged in policy advocacy, education, training and other activities to address issues and concerns of women especially those belonging to rural, indigenous and other marginalized communities. It has lobbied at regional and international levels for the implementation of government commitments in international conventions and the integration of gender issues at regional and international forums. APWLD has developed partnerships with women's groups, human rights groups and development non-governmental organizations (NGOs) in the Asia-Pacific region to consolidate, expand and strengthen networks working on women, law and development.

This article outlines one of APWLD's capacity building programs called Feminist Legal Theory and Practice (FLTP), highlighting its process as a tool for human rights education.

Feminist Legal Theory and Practice – A Concept

Feminist Legal Theory and Practice (FLTP) is a part of a broader program called Feminist Law and Practice (FLP), which focuses on building the capacity of activists and lawyers to analyze and critique laws from a feminist and rights-based perspective and build campaigns to advance women's rights in the region. While other workshops focus on 'gender equality' APWLD's program is explicitly feminist. The program does not simply look at existing laws and international framework. It looks at what is behind the law,

what social, political and economic systems prop up discriminatory laws and practices that marginalize women. The feminist framework also imbeds a commitment to solidarity and movement-building within the program. While a good legal outcome, using international law is a positive outcome in an individual case, APWLD looks at what broader impact it has and how it can be used to raise awareness and to build a movement of people demanding rights.

FLP is one of APWLD's longest standing programs. The training component evolved from 'Beyond Law', a recognition that law must be assessed from the yardstick of women's realities from a feminist perspective if it was to be transformative, to FLT (Feminist Legal Training) to FLTP (Feminist Legal Theory and Practice) that recognized practice and various forms of applications as being part of the feminist practice and engagement with the law. The first training was organized in 1994 and since then FLTP has continued to be an integral and dynamic part of APWLD activities.

FLTP signifies a shift to practice-related ethics and strategies. The range of practice covered explains the inclusion of lawyers with other actors, as litigation and law reform are not the only forms of legal practice. The definitions and scope are inspired by how activists in the field use law for a range of things, including advocacy, education, and so on. For many activists and feminist lawyers, this training has been the only space where they are able to acknowledge their politics openly. The title itself is quite empowering for women, to be clear about the political standpoint from which they speak to human rights and the law. This influences the composition of participants to include case workers, social workers, activists, and the element of lateral learning that such a mix generates.

FLTP draws on the experiences and perspectives of the groups and individuals in the APWLD network and those they work within the Asia-Pacific region. In doing so it is able to encompass concepts, approaches, insights and concerns around law, human rights and strategies from feminists in the region. It integrates the processes of learning, challenging, contextualizing and areas advocating for change in the program.

FLTP is a framework that brings together training in feminist legal theory, women's human rights and feminist litigation strategies, and is intended for lawyers, activists, paralegals, policy makers, members of judiciary and public prosecutors. It is designed to enhance the capacity of national groups to effectively challenge discriminatory laws and practices in their countries

by applying international conventions and precedents. It also encourages the use of feminist litigation strategies by demonstrating how national and international mechanisms can be utilized in innovative ways.

FLTP provides an opportunity for women, human rights activists and lawyers to explore how the application of a feminist perspective to the law can transform women's situations. It challenges the traditional notion that law is a neutral, objective, rational set of rules, unaffected by the perspective of those who possess the power inherent in legal institutions. It seeks to address the social, cultural and political contexts that shape the legal system and tries to develop a feminist perspective into legal practice. It also allows for greater understanding of gender, discrimination, law and human rights that are crucial when identifying and discussing issues and dilemmas encountered by rights or legal advocates in their use of legal strategies to address gender issues. Moreover, FLTP provides a venue for people from around the region to share experiences in using the law when advocating for women's human rights.

The FLTP framework, thus, presents feminism as its core and human rights as its foundation.

The capacity building program takes an activist through the following process:

- The starting point is the recognition of the intersecting oppressions of women because of their sex, ethnicity, caste, class, religion, sexual orientation and other status.
- Evolving feminist theories and principles and human rights standards are used in the analysis of women's situations, taking into account issues around feminism and human rights.
- Law, as an institution, at the national and international level, is examined for its role in women's oppression and for what it can contribute to addressing it. Given the plurality of legal systems in many Asian and Pacific countries, customary and religious laws are also examined.
- Theories, concepts and issues around feminism, human rights and laws are considered in framing, planning and implementing strategies.

FLTP is therefore, a political strategy that involves challenging and influencing the power dynamics and relationships involved in rule-making and,

therefore, can be similarly used as an outline and guide for analysis, planning and action. Based on this framework, activists can frame principles and rules they consider 'feminist' and agree to be bound by them in their processes and work.

Feminist Legal Theory and Practice – the Training

Content

FLTP trainings are organized at the regional and national levels and are generally a five-day course. The program is adapted or extended to suit the participant group's interests, priorities, contexts and time constraints. The training comprises five broad sessions. Session I focuses on understanding the lived realities of women. The objective is to develop a common understanding of the oppression and systemic discrimination faced by women and especially by women belonging to rural, indigenous and other marginalized communities.

Session II focuses on developing an understanding of feminism(s) as a lens through which women's realities can be understood and analyzed. While there may be different schools of feminism, feminism as an ideology says that women are oppressed because they are born as women and actions need to be taken to address and challenge that oppression. This session also addresses intersectionality and identity politics and the multiple impacts of the increasing trends of globalization, militarization and fundamentalisms on women owing to their multiple identities.

Session III focuses on developing an understanding of law by deconstructing it and viewing it as a tool of oppression for women. The institution of law comprises three components, its substance (written law), structure (procedures), and culture (socio-cultural milieu within which it exists). Law needs to be viewed from a feminist lens to understand and analyze how each of these components or a combination of these can contribute towards women's oppression. This session enables activists to see the link between law and feminism and develop strategies that enable an interface between the two such that it raises concerns of women in both the domestic and international human rights law arenas. This is based on the belief that any intervention to change the law to advance the cause of women must be based on feminism otherwise there is a danger that the intervention could deteriorate the situation of women.

Session IV goes beyond change in the domestic arena to looking at the international arena as one of potential engagement, where one can use the international human rights system to promote women's rights as human rights. The session enables activists to link domestic campaigns and advocacy to international human rights mechanisms; enforce state accountability to human rights within a country; and use international human rights to strengthen work at the community level.

Finally, Session V focuses on various strategies employed by feminist activists and lawyers to change and challenge the law. The session helps one to develop an understanding of legal and non-legal strategies. While law needs to be analyzed using human rights as its foundation, it ultimately needs to be scrutinized through a feminist lens. Towards the end of the session, activists and lawyers are able to apply the FLTP framework to their existing work.

Methodology

FLTP is guided by feminist principles and goals and is premised on the tenets of participatory training and adult learning. The principles of adult learning recognizes that economic, political and educational structures are authoritarian, undemocratic and function in the interest of social, economic and political elites. As a result, those in disadvantaged groups are denied the opportunity to fully develop their potential effectively and critically participate. The adult learning approach is participatory, premised on the principle of 'dialogue,' addresses the 'culture of silence' and fulfils the goal of 'social transformation'.

Methods adopted under this approach facilitate experiential learning and include role-play, group discussions, case study analysis, moot court, panel discussion, open space learning, feature films, and so on.

Feminist popular education was developed in the 1980s as a critique to male-biased popular education that was dominant at that time. It is participatory, democratic, and non-hierarchical. It is premised on women's experiences and lived realities and also encourages creative and critical thinking.

Learning material

APWLD along with its network members have developed a training manual for the FLTP training. The manual is a resource book for FLTP trainers who can adapt the framework to suit the needs, priorities and context of the participants. The manual comprises a training module; session details

and facilitation tips for trainers; exercises for different sessions; films that can be screened to advance the learning process; and handouts that can be disseminated to the participants.

In addition, APWLD has also prepared two Readers for participants. The first Reader comprises articles and analytical papers on law, gender, feminism and human rights. The second Reader comprises international conventions and jurisprudence on women's rights.

APWLD also documents the process of FLTP trainings. While the broad framework may be the same, the experiences shared by each group of participants are diverse.

Outcomes of FLTP training

The outcomes of FLTP have been manifold, from strengthening existing work on women's human rights to initiating campaigns on gender responsive legislations. It is difficult to say whether the link between FLTP training and the outcome has been linear because there is an understanding that multiple factors contribute to change and in that context, the FLTP framework has influenced the environment wherein people and groups have advocated for change. This is reflected in some quotes collected over the past few years.

FLTP has given me new understandings and perspectives on domestic law and international human rights law. I have used the FLTP framework and materials in a book which I co-authored on economic rights and rural women; in my work on a project on Human Rights of Muslim Women and Children in Detention and in all the training I conduct on the law introducing a feminist critique of law including at the University and the bar association of Philippines. FLTP has opened 'new vistas' for learning for me that I actively share wherever I can.

- Ma. Luz S. Raneses-Raval, Integrated Bar of the Philippines, Philippines, 2006

FLTP has been really useful to me personally and professionally. It has helped my work immensely to be able to analyze issues using feminist lens. I have used skills obtained in FLTP to write submissions, [and undertake] campaigns and advoca[cies] such as for the Fiji Family Law Bill to improve the law for women and fight discrimination and inequality. For the Employment Relations Bill I have used skills learnt in FLTP to analyze the bill

and see its impact on women such maternity allowances, equal employment and equal pay, sexual harassment and equal employment opportunities and then decided on appropriate strategies.” —VIRISILA BUADROMO, Director, Fiji Women’s Rights Movement, Fiji, 2006

The FLTP framework enabled me to conduct training on CEDAW and the MDGs [Millennium Development Goals] with deputy directors, lawyers and programme officers from 8 ministries such as the Ministry of Women’s Affairs, Ministry of Health, Ministry of Agriculture, Forestry and Fisheries, Ministry of Planning, Ministry of Justice, Ministry of Labour, Cambodia National Council for Women, member organizations of NGO CEDAW Committee, and so on.—Mr. MY SAMBATH, Gender and Development trainer, Cambodia, 2007

APWLD’s FLTP ToT [Training of Trainers] Plus trainings have been useful as they have taught us to be more critical and systematic in approaching law reform and advocacy issues from a feminist perspective. After the training, I managed to strengthen existing networks with other young Malaysian women activists working on popularizing feminism and on writing for women’s rights, and have formed new networks with local gender scholars through the Southeast Asian Gender Studies Association (SAMA).—KAREN LAI YU LEE, Malaysia, 2008

I plan to conduct a four-day workshop for the members of my trade union and potential leaders to prepare them to stand for national-level elections in their countries. I will also work with the Tongan government to sign and ratify CEDAW.—Mele Amanaki, Trade unionist, Samoa, 2009

This training reminded me again why I became a feminist.—Natesan Burnad Fatima, Society for Rural Education and Development, India, 2010

One common outcome of Regional FLTP training is follow-ups at the national and/or sub-regional levels. For example, participants from Malaysia have organized FLTP with the future leaders of the Bar, with women writers

to encourage them to write on issues of social justice from a feminist perspective; participants from Fiji conducted FLTP with the Fijian judiciary and a group of lawyers, and awareness-building with other human rights activists at the national level.

Within the last two decades, the FLTP training has enabled women's rights activists and lawyers to challenge constitutional laws and discriminatory customary practices and traditions such as child marriages, sexual cleansing of women, forced marriages, polygamy, and so on. The training has also provided women with legal aid services; trained paralegals so that more women gain knowledge of the law and apply it; and encouraged women to pursue litigation as a means of challenging not just the substance and structure of the law but also the culture that condition women to be silent recipients of punishment and abuse. Women's rights groups in Kiribati, soon after the FLTP training in 1997-98, successfully led the advocacy against the corroboration rule in rape cases.

The outcomes seem most obvious at the domestic level but activists and lawyers have accessed international human rights mechanisms to strengthen their campaigns and have also utilized the framework to enforce state accountability to human rights. The impact of the intersection of globalization, fundamentalisms and militarization with patriarchy on women has enabled women's rights activists, across the global south, to raise and include rights and its violations at the international level. For example, activists are advocating for sexuality and reproductive rights and the exercise of choice as a part of international law with an objective of limiting state control over women's sexuality and morality.

Challenges Experienced

Challenges are experienced at the stage when activists and lawyers attempt to translate the FLTP framework into practice. Challenges are again viewed from the perspective of the substance-structure-culture framework, which makes it difficult for activists not just to advocate for a new law but to also build awareness in the community about the need to change the existing law. Some of the common challenges recorded are:

- Women fear litigation, especially in cases of divorce, and end up being forced to 'compromise'. The socio-cultural pressures and taboos around a 'divorced woman' prohibit women from using the law to exercising their rights;

- Litigation is perceived as reactive more than proactive;
- Some laws, in their written code or substance, are themselves discriminatory against women, such as the law against rape, which defines rape as penile penetration and specifically requires corroboration;
- The structure of the legal institution, that is, the procedures and law enforcement bodies are male friendly. Even in cases where a written law may support a woman's right, the procedures such as delays, apathy, counter questioning, insensitive behavior, corruption, misapplication and subjective application of laws, etc. contribute to creating an environment that makes it increasingly difficult for women to access justice;
- Legal aid meant to be provided by States does not reach out to women and survivors of violence;
- Society constructs and reinforces negative perceptions about women engaging with the law. Most women who fight domestic violence are branded as 'home-breakers' and 'husband-eaters';
- Mediation mechanisms, in most states, are governed by religion;
- Lack of safe spaces for women survivors of violence;
- Lack of lawyers who are sensitive to facilitate women's rights cases;
- Legal language is alienating and not easily understood;
- Lack of understanding of, resistance to or hatred for the term 'feminist', which makes women reluctant to use the term and concept;
- Lack of preparation of the women's movement to support women who face backlash when they exercise their rights in the community;
- Claiming and strengthening women's human rights means protecting against the erosion of rights the women's movements have already fought hard to establish.

Strategies and Responses Used

Some of the strategies employed to respond to the challenges include:

- Translation of legal documents into major languages used in the communities. In addition, simplifying the concepts and theories such that women from all backgrounds are able to comprehend and apply what they understand;
- Workshops with women from marginalized communities to become familiar with the law and understand how to access the law;

- Workshops with law enforcement bodies such as lawyers, judges and the police to be sensitized about women's human rights and laws;
- Raised awareness particularly of the result of some significant cases so that women are able to adopt the same strategies when they experience similar situations;
- Addressing challenges, questions and problems in making law as a tool for getting people to be more aware of what they are entitled to, and how they can be useful for their own benefit.

APWLD's Vision

APWLD believes that the FLTP offers a model that brings feminist insights and perspectives into legal practice. Through FLTP, APWLD has been able to reach out to many activists and lawyers who are attempting to utilize the framework to transform women's situations.

APWLD wishes to use the FLTP framework to further analyze the growing impact of globalization, militarization and fundamentalisms on different arenas of women's rights such as political participation and decision making; rights of rural, indigenous and migrant women; labor rights; reproductive and sexual rights; rights of women from religious minorities; rights of women in conflict situations, and so on. The integration of FLTP with other initiatives on women's rights will enable an all encompassing analysis of violations and strategy development to address those violations.

The framework of FLTP requires it to be a living, evolving program. APWLD is in the process of formalizing its monitoring and evaluation system to evaluate not just the impact of the program but also the efficacy of its strategies to be able to continually respond to women's rights issues in the region. As such the program shifts to analyze, critique and identify rights regressions. FLP has most recently shifted to provide greater space for campaigning. APWLD members saw the need to recognize legal strategies as one of their strategies to claim and advance women's rights. Awareness-raising, movement-building, constituent and government advocacy and lobbying are equally important and should be complementary to their legal strategies.

FLTP remains a core part of APWLD's work as women from the region continue to shape it, breathe it and practice it.

Endnotes

1. CLADEM (Comite de America Latina y El Caribe para la Defensa de los Derechos de la Mujer) is a women, law and development network in Latin America and the Caribbean; www.cladem.org.

2. WiLDAF (Women in Law and Development in Africa) is a women, law and development network in Africa; www.wildaf.org.

Child Rights Education in Japanese Schools*

Akihito Kita

CHILD RIGHTS EDUCATION in Japanese schools has not yet taken root, though a number of initiatives have been made in creating an environment where such education can flourish and become part of school education.

In Japanese schools, the difference between the conventional “human rights education,” as it is called, and “child rights education” has not been well understood. I present their respective definitions to highlight the difference between them.

Child Rights Education and Human Rights Education

Child rights education is part of educational and learning activities within the category of human rights education. At the same time, it mostly refers to the activities by children to learn about their own rights that are indispensable in their day-to-day lives. It can be said that such education is a crucial part of learning activities at present when children cannot live or study without feeling safe and secure.

Children the world over are affected by never-ending acts of violence and armed conflicts. In Japan, children fall victim to incidents such as “strangers entering schools,” kidnapping leading to murder/injury, school bullying and corporal punishment, group violence, domestic child abuse, local traffic accidents, bacteria infections (such as the E.coli O157), viral diseases (such as avian influenza), food-related hazards such as contaminated rice, and so on. In recent years, children have suffered from natural disasters such as earthquakes, tsunamis, torrential rains, flash floods and lightning strikes.

Against such a backdrop, topics such as “education on the rights of the child” and “study of rights” have become increasingly popular in the field of human rights education and in various violence prevention programs such

*This is an edited version of the 2008 report by the author. The original Japanese text was translated into English by Maya Sonozaki.

as those against bullying and child abuse. The 2004 recommendations of the United Nations Committee on the Rights of the Child, which monitors the implementation of the Convention on the Rights of the Child (CRC), called upon the Japanese government to make child rights education part of the school education curriculum.¹ The recommendation implied that children should learn their rights that are indispensable to their childhood lives, and apply what they have learned to their day-to-day lives. Therefore, such study should be clearly distinguished from what has been referred to as human rights education. Child rights education differs from human rights education because it focuses on the learning of “the rights of the child” that helps children exercise their rights during childhood.

From Human Rights Education to the Learning of Rights

In Japanese schools rights/human rights education has been promoted in a multifaceted way within the framework of the Constitution and the Fundamental Law of Education. For children, moral education and education on the Constitution and human rights in academic subjects such as social studies have been the major opportunities to learn about human rights. Human rights education has also been part of training for education officials and school administrators, and home education classes for parents. In the education and recruitment of prospective teachers, as well as in in-service training for teachers, human rights education is provided in line with Article 11 of the Fundamental Law of Education that prohibits corporal punishment. Article 11 on “Early Childhood Education” provides that²

[C]onsidering the importance of early childhood education as a basis for the lifelong formation of one’s personality, the national and local governments shall endeavor to promote such education by providing an environment favorable to the healthy growth of young children, and other appropriate measures.

However, in spite of such multidimensional human rights education in the education community, human rights violations in schools such as bullying, corporal punishment, child abuse, and group violence still remain. Human rights problems such as discrimination, prejudice, and exclusion of those different from the mainstream population are still left unresolved, too. Why is this the case?

Looking at the reality of Japanese school education, I think there are two major reasons for this situation.

The first is the gap between the knowledge and behavior regarding rights/human rights. Many children must have learned about rights/human rights in schools, but they cannot apply what they have learned when needed. When children experience bullying, corporal punishment, and/or abuse, they could not see them as human rights violations, and they would rather remain silent. The reality is such that children have been unable to make use of the knowledge in order to stand up and defend their own rights and/or those of their friends.

The second reason is that children have had few opportunities to learn, purposefully, about human rights and “the rights of the child” that are needed in childhood life.

In order to address such a gap, the “study of rights” appeared in Japan.

How to Achieve Human Rights Awareness and a Sense of Self-Approval

What kind of learning is needed for children to gain the ability to exercise their rights so that they can defend and respect their own rights as well as those of others, rather than learn about rights only as knowledge or information?

An educational material of UNICEF³ poses the question: How can young people be helped to learn about their rights? While knowledge is the first step, it is not enough “to ensure that young people develop a sense of personal involvement and commitment to action on rights issues.” Three steps are needed: 1) exploring, 2) responding, and 3) taking action. The key here is “responding” as it connects “exploring” and “taking action.” Regarding “responding,” the UNICEF material states that it refers to “becoming familiar with a range of perspectives, becoming sensitized to the human dimension of rights issues, cultivating a sense of empathy, and developing interest in becoming involved.”

In the “study of rights,” the sensitivity that stimulates inner motivation is emphasized as it links knowledge with the behavior to exercise rights, and it calls for “becoming sensitized to the human dimension of rights issues,” namely, the awareness of rights/human rights and respect. The Plan of Action for the “United Nations Decade for Human Rights Education” (1995-2004) adopted in 1994 also called for “the full development of the human

personality and the sense of its dignity” (Article 2b, definition of human rights education). Fostering the “sense of human dignity” as a human being is the foundation for the development of an independent citizen who is aware of rights/human rights, and uses such awareness in day-to-day life. The “sense of human dignity” is the fundamental “sense” that lays the foundation for all types of study of rights.⁴

What then is the origin of the sense of dignity, and its more concrete form, “the sense of rights/human rights”? According to Ralph Pettman⁵ and others, improving the sense of self-approval, or self-esteem, is the top priority in acquiring a sense of rights/human rights, while enhancing the sense of respect for self and others is equally important. By developing such empathy-based relationship through the acquisition of the sense of rights/human rights, a human being gradually builds up dignity and rights/human rights as his/her own, and becomes capable of integrating the knowledge of rights/human rights with behavior.

Development of Rights Education and its Significance

What societal context brought out the need for the study of rights?

Before the adoption by the United Nations (UN) of the CRC in 1989, the dominant view was that even though children were subject of rights, they were not capable of exercising their rights. Therefore, the state, parents/guardians, local governments and civil society organizations must exercise or guarantee the rights for them. According to this view, the adults need to become aware of the rights of the child, not the children themselves. The need for children to become aware of their rights was not recognized.

Of course, human rights education was seen in Japan as necessary to children as they were the future members of a rights-respecting society. Therefore, fundamental human rights set forth in the Constitution and relevant provisions in international human rights instruments such as the Universal Declaration of Human Rights, and study of the history of discrimination and human rights were included in the curriculum of school education.

The international community started to pay attention to child rights/human rights around the middle of the 1980s. Back then, many countries in the world began to develop programs for human rights education, and “human rights education in schools” started. Pettman,⁶ a researcher on hu-

man rights education in Australia, and others called on the UN to promote human rights education in primary and secondary schools. In the United Kingdom and Canada, David Selby and Graham Pike started to consider developing “human rights” programs.⁷ Around the same time Sally Cooper and Yuri Morita started developing the Child Assault Prevention (CAP) program in the US.⁸

In the 1980s, Japanese schools were in a great turmoil as incidents of student death due to corporal punishment (a Tokyo High Court ruling in 1981 tolerated corporal punishment within a certain limit in the “Mito Fifth School Case”), the issue of school rules and rule-oriented education, and incidents of suicide due to bullying (Fujimi Junior High School case in Tokyo, 1986) came to light one after another. “School Life and Child Rights” came to be viewed as a social issue.⁹ The pre-established harmonious relationship that “adults guarantee the rights/human rights of children” was in reality beginning to fall apart.

CRC and the Increased Need for the Study of Rights

With the adoption of the CRC by the UN in 1989, children were recognized legally as subjects who could exercise their own rights, not just subjects whose rights were guaranteed and protected. Prior to the CRC, there was a strong notion in Japan that adults should take the leadership role in securing the rights of children, and therefore children should be given what adults think was good, and protected from what adults believe was bad. But this notion alone did not make children happy. The UN incorporated in the CRC the rights of children to express their views (Article 12)¹⁰ with the belief that it was important to respect the will of children in judging what was good and what was bad for them. It also added, to the list of the rights of the child, civil rights such as freedom of expression and information, freedom of thought and religion, and freedom of association and assembly in order to open the opportunities for children as citizens to participate in and raise their voices to the adults who make the decisions in society. With the new perspective that children themselves are the agents to exercise their rights, the CRC also required State-parties to disseminate information about the rights stipulated in this instrument not only to adults but also to children (Article 42).

Without doubt, the fact that CRC provides that children have the right to express their views and exercise their civil rights, and that child rights should be promoted internationally to make children become aware of their rights, serve as the driving force for promoting “child rights education.”¹¹

Development of Child Rights Education and the Japanese Schools

With the growing societal awareness on the rights of the child, as discussed earlier, the need for child rights education surged in Japan in the early 1990s.

Japanese schools in the 1990s experienced repeated incidents of student death due to bullying (such as the 1994 Tobu Middle School Incident in Aichi prefecture) and corporal punishment (Women’s High School of Kinki University in 1996). In families, child abuse cases leading to death attracted attention as a social problem. Violence against children intensified. Even in communities, abduction and murder of children (serial murder and injury of primary school students in the Suma area of Kobe City in 1997) took place. These incidents led to the societal recognition that the children themselves should understand their own rights and serve as the agent of change to solve the problem of violence as it is a form of human rights violation, and, that learning and education for empowerment of children were indispensable for them to become agents of such change. The ratification of the CRC by the Japanese government in 1994 in particular stimulated 1) the work of the Japanese civil society on children through the non-profit organizations (NPOs) and citizens, and 2) the development of local government measures to support children from the viewpoint of the “rights of the child,” especially the enactment of “local ordinances on the rights of the child.”¹²

Development of the “Rights Education” by Citizens, Parents and Guardians

The U.S.-developed CAP program on rights education attracted a lot of attention in the Japanese civil society. Following the murder and injury of primary school students in the Suma area of Kobe City, the program spread nationwide. Thousands of workshops by many CAP groups in forty-seven prefectures of Japan have involved millions of children and adults over the years.¹³ The workshops included those held in schools, in local homes for children, and workshops for children with disabilities. The holding of these workshops reflect the anxiety of parents about their children’s life.

As has been discussed, in order for children to defend their own rights and those of their friends, real-life study of rights has to be facilitated and the sense of rights/human rights should be nurtured. What are needed are not only the conventional and dominant lecture-based education but learning experiences using the body and senses as seen in the CAP workshops, more specifically, participatory education using activities that encourage children to act on their rights.¹⁴

Furthermore, in late 1990s, help-lines attracted a lot of attention as a civil society effort to raise awareness on the rights of the child and to empower children. Help-lines exclusively for children have been established in more than thirty prefectures in Japan. In recent years, international non-governmental organizations (NGOs) such as Save the Children Japan have launched programs on child rights education designed for audiences within Japan.

Rights Education in Schools

While the civil society has been undertaking various activities to promote the study of rights, what have local governments and schools done?

The numerous initiatives on information dissemination, awareness-raising, and learning about the rights of the child (and the CRC) that gathered momentum since the ratification of the CRC in 1994, did not seem to lead to acceptance by the Japanese educational community, especially schools, of the concept of child rights and/or child rights education. Though Japanese schools were familiar with the idea that adults had to ensure that child rights were protected, it was totally unimaginable for them to see children themselves exercising their rights, or children learning about their rights with a view to exercising them. This was also true of the Japanese society as a whole. Schools, with their culture of rule-oriented education that prioritized guidance of children, were confused and even partly hindered from engaging in child rights education because of lack of experience.

Against this background, local governments started to compile various measures focused on child rights after the ratification of the CRC. In Kawanishi city, Hyogo prefecture, the local legislature enacted the “Kawanishi City Child Rights Ombudsperson Ordinance” in December 1998, in response to the incidents of bullying including those resulting in

suicide. The ordinance established an independent body for consultation and redress, and was meant to work closely with child victims.¹⁵

Parallel with the efforts in Kawanishi city, Kawasaki city in Kanagawa prefecture also enacted its “Ordinance on the Rights of the Child” in 1998. The enactment of “child rights ordinances” in the cities of Kawanishi and Kawasaki inspired other local governments to enact their respective child rights ordinances too. See Annexes A and B on some of the child rights ordinances that have been enacted.

Finally, the schools went beyond the framework of existing human rights education, and started to introduce the child rights education and empowerment education to address the problems of bullying and child abuse. But the schools suffered from confusion before getting the programs right.

The Case of Kawasaki City

Kawasaki city, along with other local communities, faced a huge obstacle in preparing the child rights bill. Public opinion still held the view that “teaching rights spoils children” and that “teaching responsibility before rights” was the need. Adults would say that children “should first do what should be done and leave imprudence behind” or would tell children “don’t talk about rights, when you can’t even fulfill your own responsibilities.” Such comment was enough to keep children silent. It was obvious that any rights education would not succeed if rights were not recognized and obligations were not fulfilled.

The committee in Kawasaki city that was studying the child rights bill posed a question to the local populace: Should rights and obligations always go side by side? Because of the assumption that they should go together, the logical consequence was that rights should be denied to a person if he/she could not fulfill his/her obligations, or one should fulfill his/her obligations if he/she wanted his/her rights granted. The committee communicated to the local populace the message that, in principle, the obligations corresponding to child rights rested with the adults in society, the government and the humankind. It pointed out that in CRC, generally speaking, the parties that have the rights and the parties that were under the obligation to guarantee the rights (such as the States and legal guardians) were different. The committee had to emphasize that children had to assume the responsibility (responsibility being more appropriate term than “legal obligation”)

not to violate the rights of others or rights pertaining to both of them when they exercised their own rights, and children were expected to learn the accompanying responsibility in their study of rights.

Junior and senior secondary schools, with high incidence of delinquency, strongly resisted child rights education. Schools expressed the view that “no rights are needed for children who have not even learned basic discipline,” “we have just managed to use school rules to bring order to our tumultuous school. Abolishing the rules that control the rights of the students because they go against the proposed ordinance would cause the school to fall apart,” and so on.

Schools were opposed to the proposed bill based on the belief that children could not exercise their rights, and that school rules and rule-oriented education (which developed their sense of obedience to norms and discipline) and guidance (which helped children acquire the sense of responsibility and good habits) must be the priority.

But this view was reversed by the words of a middle school principal when he said:

I believe too that for our students learning responsibility is more important than learning rights. But I cannot say this with confidence because we have not provided enough opportunities for them to learn their rights.

This remark drastically changed the direction of the discussion to “we should give the students an opportunity to learn” and “we cannot talk about responsibility without guaranteeing rights.” As a result, a social environment developed that accepted the ordinance on the condition that students studied their rights.

After the enactment of the ordinance, Kawasaki city set up “The Rights Education Material Compilation Committee” that compiled the “rights education materials” to support rights education in schools.

Child rights education has been undertaken in Kawasaki city by flexibly using a set educational materials (see list of the materials in Annex C).

Of special note is the fact that there are places for children to exercise their rights, namely opportunities for them to turn what they have learned about their rights into action to improve their school life. Kawasaki City has several committees such as the “Kawasaki City School Education Promotion Conference” and the “Kawasaki City Children’s Forum” that were created

according to the Child Rights Ordinance. A school education promotion conference (consisting of teachers, guardians, local residents and students) was established in every primary, junior and senior secondary schools in the city through which students take part in school management. The Kawasaki City Children's Forum is a committee that proposes children's views and opinions to the Kawasaki city government. In a survey of four thousand five hundred children between eleven and seventeen years old in 2005 on the reality and awareness about child rights, 72.9% of the respondents said they had a sense of self-approval, thanks to the advancement of the participation of children in society and the support measures. Similar surveys in other places had only about half of the respondents giving this response.

Conclusion

The effort in Kawasaki city is an isolated case in Japanese schools. Child rights education has not yet taken hold in Japanese schools in general. Here is an example that vividly illustrates the reality.

This happened in a CAP workshop offered in a class at the request of a local government in Tokyo prefecture. During the workshop, a staff member of CAP was talking about the basic concept of rights saying "rights are about feeling safe, strong and free. You have the right to feel safe." The homeroom teacher was observing the workshop from the back of the room. Suddenly the teacher approached a student who was falling asleep, and hit the student on the head shouting, "Listen!" The staff members on the platform flinched.

For school teachers in Japan, a sense of human rights and "education through human rights" are desperately needed in their teaching practice.

Annex A

List of Comprehensive Ordinances in Japan on the Rights of the Child

- (1) Ordinance on the Rights of the Child - Kawasaki city, Kanagawa prefecture (December 2000)
- (2) Ordinance on the Rights of the Child - Naie, Hokkaido prefecture (March 2002)
- (3) Ordinance on the Rights of the Child - Tajimi city, Gifu prefecture (September 2003)
- (4) Ordinance on Children's Rights - Meguro city, Tokyo (November 2005)
- (5) Ordinance on the Rights of the Child - Toshima City, Tokyo (March 2006)
- (6) Ordinance on the Rights of the Child - Uozu city, Toyama prefecture (March 2006)
- (7) Ordinance on the Rights of the Child - Memuro Town, Hokkaido prefecture (March 2006)
- (8) Ordinance on Children's Rights - Nabari city, Mie prefecture (March 2006)
- (9) Ordinance on the Rights of the Child - Gifu city, Gifu prefecture (March 2006)
- (10) Ordinance on the Rights of the Child - Hakusan city, Ishikawa prefecture (December 2006)
- (11) Ordinance on the Rights of the Child - Shime town, Fukuoka prefecture (December 2006)
- (12) Ordinance on Children's Rights - Imizu city, Toyama prefecture (June 2007)
- (13) Ordinance on Children's Rights - Toyota city, Aichi prefecture (October 2007)
- (14) Ordinance on Children's Rights - Nagoya city, Aichi (March 2008)
- (15) Ordinance on the Rights of the Child - Joetsu city, Niigata prefecture (March 2008)
- (16) Ordinance on Children's Rights - Hino city, Tokyo (June 2008)
- (17) Ordinance on Rights for the Best Interests of the Child - Sapporo city, Hokkaido prefecture (November 2008).

Annex B

Ordinances on Remedies for Child Rights Violations

- (1) Children's Rights Ombudsperson Ordinance - Kawanishi city, Hyogo (December 1998)
- (2) Children's Rights Ombudsperson Ordinance - Ginan, Gifu (March 2001)
- (3) Human Rights Ombudsperson Ordinance - Kawasaki city, Kanagawa (June 2001)
- (4) Saitama Prefectural Ordinance of the Committee on the Rights of the Child - Saitama prefecture (March 2002)

Annex C

Teaching and Learning Materials for Teachers compiled and published by Kawasaki City Assembly for the Promotion of Human Rights Education

- Kodomo to tomori Manabu Kodomo no Kenri-Gakushu (Learn with Children: Children's Rights Study) for primary school students
- Minna de Kagayaiteirukai (Are All of You Shining?) – a teaching material (revised each year)
- Kodomo no Kenri-Gakushu (Children's Rights Study) material for junior and senior secondary school students (revised each year)

Additional materials

- Koushite Dekita "Kawasaki shi Kodomo no Kenri ni Kansuru Jourei" (This is How the Kawasaki City Ordinance on the Rights of the Child was Born), a video prepared by Kawasaki City Comprehensive Education Center
- Pamphlets and other materials about the Ordinance on the Rights of the Child (for children)

Endnotes

1. Paragraph 21d, Concluding observations of the Committee on the Rights of the Child: Japan, CRC/C/15/Add.231, 26 February 2004, available at <http://tb.ohchr.org/default.aspx?Symbol=CRC/C/15/Add.231>.

2. Text taken from the website of the Ministry of Education, Culture, Science and Technology of Japan, available at www.mext.go.jp/english/lawandplan/1303462.htm

3. Susan Fountain, *It's Only Right! / Watashi no Kenri Minna no Kenri* (Tokyo: The Japan Committee for UNICEF, 1993).

4. Akito Kita, *Kodomo no Jinken-Kankaku wo Hagukumu - Korekara no Jinken-Kyouiku ni Mukete* (Develop Children's Sense of Human Rights - Toward the Future Human Rights Education); and Akito Kita, et al., *Jinken Kyouiku wo Tsukuru* (Create Human Rights Education), (Tokyo: Ootsuki Shoten, 1997).

5. Ralph Pettman, *Teaching for Human Rights: Activities for Schools / Jinken no tame no Kyouiku* (translated by Hiroshi Fukuda and Kiyoko Nakagawa), (Tokyo: Akashi Shoten, 1987).

6. Ibid.

7. Bob Hill, Graham Pike and David Selby, *Perspectives on Childhood: A Resource Book for Teachers/Kodomo no Kenri-Kyouiku Manual* (translated by Akito Kita, Noriko Kawauchi, et al.) (Tokyo: Nippon Hyoronsha, 1995; David Selby and Graham Pike, *Human Rights - An Activity File* (Tokyo: Nippon Hyoronsha, 1988); and *Children's Rights Kankou Inkai* (Tokyo: Nippon Hyoronsha, 1989).

8. Sally Cooper, *New Strategies for Free Children: Child Abuse Prevention for Elementary School Children / No wo Ieru Kodomo ni* (translated by Masumi Sunagawa, with supervision by Yuri Morita) (Nagasaki: Douwakan, 1995).

9. See the report on the 1986 Annual Human Rights Conference of the Federation of Japan Bar Associations.

10. Article 12 of the CRC provides:

1. States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.
2. For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law.

11. Following the spirit of the CRC, the author, as an advocate and educator of child rights, published the following books:

- *Watashitachi no Dokuritsu-Sengen* (Our Declaration of Independence), (Kyouyou-Bunko 27) (Tokyo: Poplar Publishing, 1992).
- *Manga de Gakushu - Yoku Wakaru Kodomo no Kenri-Jouyaku Jiten* (Learn through Manga - Easy-to-Understand Dictionary on the Convention on the Rights of the Child) (collective writing) (Tokyo: Akane Shobou, 1995).
- *Ikasou! Kodomo no Kenri-Jouyaku* (Let's Take Advantage of the Convention on the Rights of the Child!) (Tokyo: Poplar Publishing, 1997).

- *Minna no Kenri-Jouyaku* (Everyone's Convention on the Rights of the Child) (collectively written and compiled in Professor Kita's Seminar.), 1997, Tokyo: Soudo Bunka.
- "Sorette Jinken?" (Is That a Human Right?), volume 3, and "Jinken-Sengen" (The Declaration of Human Rights), volume 4, in *Jinken no Ehon* (Picture-Books on Human Rights) (Tokyo: Ootsuki Shoten, 2000).
- "Iken wo Itte Mawari mo Jibun mo Kawaru" (Speaking Out Will Change Me and Others), volume 3, in *Watashin no Jinken Minna no Jinken* (My Human Rights, Their Human Rights) (Tokyo: Poplar Publishing, 2004).

12. For further information on local government actions, see Kita, et al., *Kodomo ni Yasashii Machi-zukuri - Jichitai-Kodomo-Sisaku no Genzai to Korekara* (Child-Friendly Community Development - Now and the Future of the Measures and Policies of Local Governments) (Tokyo: Nippon Hyoronsha, 2004).

13. See CAP Center, CAP NEWS No. 14 (statistics on CAP workshops). Japan CAP has two regional training centers (Northern Japan CAP Regional Training Center, Japan CAP Training & Action (J-CAPTA) with forty-six CAP groups and five hundred specialists, and Southern Japan CAP Regional Training Center, CAP CENTER JAPAN (CCJ) with forty CAP projects and almost 2,000 facilitators. See ICAP (International Center for Assault Prevention) Member Projects, www.internationalcap.org/projects_projects.html.

14. Akito Kita, et al., *Irasuto-ban Kodomo no Kenri - Kodomo to Master suru 50 no Kenri-Gakushu* (Children's Rights: Illustrated Version - 50 Cases of Rights Study with Children) (Tokyo: Godo Shuppan, 2006).

15. See Akito Kita, et al., *Kodomo Ombudsperson Kodomo no SOS wo Uketomete* (Children's Ombudspersons: Receiving SOS from Children) (Tokyo: Nippon Hyoronsha, 2001); and Aramaki, et al., *Kodomo-Shien no Soudan - Kyusai* (Advice and Aids for Child Support) (Tokyo: Nippon Hyoronsha, 2008).

What Do Textbooks Teach – and How?

An Approach to Assessing Modes of Human Rights Education

Bettina C. Rabe

WITH large-scale projects such as the Programme for International Student Assessment (PISA), *Trends in International Mathematics and Science Study* (TIMSS) and *Progress in International Reading Literacy Study* (PIRLS), efforts to assess student achievement on an international level have gained much attention. While these programs focus on traditional core subjects and competencies, viable benchmarks for more socially oriented subjects have yet to be developed. This article describes a research proposal that aims to construct categories for an assessment of contemporary human rights education – in Japan or other countries.

After establishing a Headquarters for the Promotion of the Plan of Action for the United Nations Decade for Human Rights Education (hereafter referred to as “Decade”) in December 1995, the Japanese government initiated a cascade of top-down implementation measures to guarantee a consistent human rights education policy throughout society. Until the end of the Decade, lasting from 1995 to 2004, annual *Reports on the Implementation Stages of the National Plan of Action for the UN Decade for Human Rights Education* (『「人権教育のための国連10年」に関する国内行動計画の推進状況』) were published on the government’s website.¹ Under the auspices of the Ministries of Justice (MoJ) and of Education, Culture, Sports, Science and Technology (MEXT), *White Papers on Human Rights Education and Human Rights Awareness-rising* (『人権教育・啓発白書』) have been published for every fiscal year since 2001, initially with an abbreviated version on the internet and a full print version for sale.² Japan consecutively pledged commitment to the United Nations World Programme for Human Rights Education.³

Japan’s positive attitude towards this international movement for human rights education heralded a nationwide shift from education for social integration (同和教育, also known as *dōwa* education⁴) to human rights education per se. Yet, the historically grown mode of education for social integration is still a major issue in Japan and must on no account be neglected.

One way of evaluating Japan's contemporary human rights education policy would involve examining laws, plans and reports such as referred to above; another way would include analyzing educational materials used or devised for human rights-related education. When discussing human rights education as an element of compulsory education, the most important developments have to be seen in the issuance of government-approved materials for moral education (道徳教育) in primary and lower secondary schools, namely the *Kokoro no nôto* (『心のノート』, a series of four books – *Notebooks on Morality* – introduced in fiscal year 2002),⁵ and the *Guidelines for Human Rights Education Methodology* (the so-called *Torimatome*, 『人権教育の指導方法等の在り方について』, 第1~3次とりまとめ), which serve as important sources for human rights education benchmarking in Japan.⁶ The first of the so far three *Torimatome* was published in June 2004 by the Research Council for Human Rights Education Methodology (人権教育の指導方法等に関する調査研究会議). While on the one hand the *White Papers on Human Rights Education and Human Rights Awareness-raising* mention the *Kokoro no nôto* as a medium relevant for fostering appropriate values in children, on the other hand the series has received a lot of criticism that may or may not abate after a revision of its content.⁷

Accordingly, it may be assumed that Japan's human rights education policy impacted the delineation of the current national curriculum (現行学習指導要領)⁸ – and is going to impact future curriculums, as well as the composition and approval of textbooks – or the upcoming design of the *Kokoro no nôto*.

Rationale of the Present Approach

Once the researcher has ascertained the consistency of Japan's efforts to implement an educational policy for and about human rights, she has to look for an appropriate sample, as well as an appropriate method to “measure” human rights-related educational contents in teaching/learning materials. “Human rights” as a subject matter is expressly mentioned in Japan's national curriculum for Civic Education (社会科の公民的分野) during the third year in lower secondary school, which is also the last year of compulsory education. An examination of educational materials designed for students between approximately fourteen and fifteen years of age will provide an excellent profile of topical teaching/learning contents and methods.

Setting out from the first curricular period that is completely covered by the Decade's policy, the researcher has to identify the one Civic Education textbook with the highest adoption rate in order to obtain a representative specimen for an analysis of human rights-related teaching/learning contents and methods. Having been announced in December 1998, the curriculum was implemented on 1 April 2002.⁹ It was partially revised in 2003, and obviously designed to conform not only to general education benchmarks but also to certain requirements arising from Japan's current human rights education policy. Based on the given curricular timeframe, the first edition of textbooks approved for use from 1 April 2002 entered its approval cycle in 2000, i.e., well within the Decade. 1 April 2002 was also the key date for the employment of the *Kokoro no nôto*, the textbook series for moral education whose conceptualization was mandated by the MEXT. In accordance with the policy for approved textbooks, copies of this series were distributed to all primary and lower secondary schools for individual use.¹⁰

After identifying curricular timeframe, year level and subject, the latter two points have to be expanded on, because Civic Education and Moral Education are not equivalent subjects, nor is Moral Education as a subject the same as moral education in a wider sense. Civic Education, a subdiscipline of the "triple" subject (教科) Social Studies (社会科 or 社会), is a clearly defined lower secondary school subject and demands textbooks (教科書) approved by the MEXT. Moral Education, on the other hand, is not a subject with a subject teacher, but is usually taught by the homeroom teacher. Teaching/learning materials for Moral Education are therefore defined as supplementary materials (副教材 or 補助教材). For Moral Education, schools, teachers and educational councils are free to choose from a wide variety of supplementary materials, statistics for which are hard to find. Supplements are of course also allowed in addition to textbooks for regular subjects. The corpus of regular textbooks is publicly announced after approval; guidebooks for teachers (edited by the respective publishers and not subject to the approval process) have to be bought separately. It is different with the *Kokoro no nôto*: firstly, the series was conceptualized by the MEXT and distributed to students, the MEXT also published instructors' guidebooks and distributed them to teachers; secondly, the series is also commonly available as an International Standard Book Number (ISBN) edition; thirdly, the *Kokoro no nôto* have been designed for moral education (notice the lower case: here "moral education" signifies "overall moral education"

including the subject “Moral Education”) across subjects and even outside formal educational settings.¹¹ The latter is in accordance with the endeavor to teach about human rights-related values truly comprehensively. *Kokoro no nôto* for lower secondary schools (i.e., *chûgakkô*) was devised to be employed through all three years, and will therefore provide data about educational modes during the final stage of compulsory education. Lastly, it has to be pointed out that the *Torimatome* list Civic and Moral Education as model subjects for human rights education;¹² they also explain about a “sense of human rights” (「人権感覚」),¹³ clearly denoting the attitudinal mode of human rights awareness.

As to the measurement per se, the two textbooks in question, one being a representative sample for frequency reasons, namely *Atarashii shakai – kômin* (*New Social Studies – Civic Education*) for Civic Education, the other for reasons of relative importance, namely *Kokoro no nôto/chûgakkô* for moral education,¹⁴ were analyzed following a pattern of qualitative content analysis suggested by Lenhart.¹⁵

Taking a first step into basic education research about human rights-related contents and methods, the construction of the analytical instrument will necessarily follow a strictly qualitative pattern. Lenhart does not elaborate on his methodological inventory but explains about his categories by describing the teaching/learning contents and methods of the materials he examined. The analytical framework is based on the following eight major categories:

Year level (学年)

Variables would be: preschool (幼児教育), primary school (小学校), lower secondary school (中学校), higher secondary school (高等学校), etc. The present analysis deals with samples for lower secondary school education during the 1st to 3rd years for moral education and the 3rd year for Civic Education.

Target actor (対象者)

Variables would be: designed for instructing (instructor-oriented, 教師向け), designed for learning (learner-oriented, 生徒向け), designed for teaching and learning (designed for use by instructors and learners, 両方向け), etc. The present sample deals with textbooks designed as

learning materials to be presented to students and are therefore classified as learner-oriented.

The remaining six major categories are teaching/learning target, teaching/learning content, instructional design, account for methodological choice, values education approach, and assessment. They are explained in the following section.

Each of these categories demands a set of relevant variables, and again, each of these variables needs a set of operational rules for coding and recording. A classical analysis of textbooks or other educational materials requires, of course, a description of the material itself, its production, design or lettering, the utilization of specialized didactics, and an examination of its factual accuracy, visual language, vocabulary and style.¹⁶

Methodological Frame¹⁷

Sampling was conducted by relevance sampling.¹⁸ The population was known for Civic Education: all textbooks for lower secondary schools approved for use from academic year 2002 until the end of academic year 2005.¹⁹ Judging from its adoption rate, the best representative of the textbook corpus in question is Tōkyō shoseki's edition *Atarashii shakai – kōmin*.²⁰ For Moral Education (even more so for **moral education**) the population was unknown, because teaching/learning materials are defined as supplementary. *Kokoro no nōto/chūgakkō* was chosen because it represents the government's approach to human rights-related moral education.

The primary research question is: Which parameter values will result from applying a specified tool for qualitative human rights education-related content analysis to a sample of teaching/learning materials? The respective research direction aims to investigate and describe what is being communicated to students between approximately twelve and fifteen years of age – and how. Yet, in order to develop a feasible tool for analysis, its categories and variables have to conform to certain standards of reliability and validity. The present approach focuses on securing validity rather than reliability²¹ by means of communicative validation²² of the analytical construct and the preliminary data.²³

Although specific semantic and cultural differences between nations have to be considered carefully, the overall pattern should be applicable to relevant materials regardless of language and national background. Using Lenhart's suggestions as a framework, all categories were constructed deductively and scaled nominally in order to conduct a structuring content analysis²⁴.

Units of analysis²⁵ (分析単位) are defined for each variable as:

Sampling unit	Context unit	Coding unit
サンプリング単位	コンテキスト単位	コーディング単位
Single textbook	Teaching/learning unit as defined in table of contents	Proposition/phrase as identified by categorical pattern

If more than one parameter value could be identified per variable and teaching/learning unit, a maximum of two values was recorded for “educational domains”, “focus issues”, “selection criteria” and “account for methodological choice” in order to optimize the respective profiles of analysis. The average teaching/learning unit in *Atarashii shakai – kômin* consists of a two-page set (with one-page introductions and evaluative assignments in nearly all main chapters); *Kokoro no nôto/chûgakkô* mostly displays two-page or four-page sets per teaching/learning unit.

The classical way to assess textbooks would also imply a description of size and format, total number of pages and pagination, cover and binding, characteristics of print, graphics and design, language (e.g. usage of *da/de aru* or *desu/masu* style and *furigana* in Japanese materials), vocabulary, imprint and sources, etc.

The development of coding rules follows an interpretive quasi-hermeneutic spiral for each variable. As an illustration of this point may serve the construct for the cognitive domain (認知的領域): An extensional list²⁶ was created for each of its elements as stated by Bloom et al.²⁷, namely “knowledge (知識)”, “comprehension (理解)”, “application (応用)”, “analysis (分析)”, “synthesis (総合)”, “evaluation (評価)”. In order to secure intra- and intercoder reliability, an anchor phrase²⁸ or a set of such phrases has to be identified: For the given domain, the phrase 「考えた理由を言いましょう」²⁹ (“state the reason why you thought”) refers to “comprehension” and may be used as a semantic anchor. Procedures for dealing with ambivalent teaching/learning contents or methods would make use of identifying default parameter values and constructing coding rules from a set of educational standards, as

can, for instance, be read from the national curriculum or the *Torimatome*; they appear underlined in the following array of categories.³⁰

Major category: **teaching/learning target** (授業・学習目標)

variable: phrasing [yes/no] (明確化の有無)

- subcategory: level of abstraction (明確化のレベル) → general targets, specific targets
- subcategory: educational domains (教育領域) → cognitive, affective, psychomotor

Major category: **teaching/learning content** (授業・学習内容)

- subcategory: focus issues (主題) → conceptual definitions, specific problems, historical developments, rules, institutions
- subcategory: selection criteria (主題設定の根拠) → topicality, situational specifics, relevance, basics

Major category: **instructional design** (指導方法)

- subcategory: educational setting (指導形態) → e.g. group teaching, frontal teaching (= whole-class teaching), team teaching, cooperative learning, off-campus activities
- subcategory: teaching activities (指導活動) → e.g. presenting, explaining, assigning, facilitating
- subcategory: learning activities (学習活動) → e.g. formal learning, discussion, simulation, role-play, community activity
- subcategory: phasing (指導順路) → sequence of phases such as “cognize”, “express”, “gather”, “cooperate”, “answer”
- subcategory: materials (教材) → e.g. textbook/recommended supplementary textbook, worksheet, audio-visual media, pen and paper

Major category: **account for methodological choice** (指導内容・方法の理由づけ)

variable: developmental stage (発達段階)

variable: cultural background (文化的背景)

variable: situational background (状況の特性)

variable: individual vulnerability (特定のバルネラビリティ)

variable: societal conditions (社会上の背景)

Major category: **values education approach** (価値教育へのアプローチ)

variable: individual values-oriented approach (価値を自覚させるアプローチ)

variable: normative approach (教化的アプローチ)

variable: development-oriented approach (発達を指向するアプローチ)

variable: discursive approach (討議的アプローチ)

Major category: **assessment** (教育評価)

variable: formative assessment (形成的評価)

variable: summative assessment (総括的評価)

Neither of the two sample books displays regular assignments for evaluation within a given teaching/learning unit. The arrangement of assessment modules depends largely on the instructor's strategies.

After successful coding and recording, the resulting parameter values will convey information about patterns of instruction and about correspondences between teaching/learning contents and didactical modes. An analysis of selected sample pages is presented in the next section. When reading and digesting the following tables however, one should bear in mind that they show preliminary results from a tentative application of an analytical tool still under development. Coding procedures have to be optimized, larger samples of consecutive context units have to be analyzed before statements about educational modes can be made or conclusions about educational tendencies can be drawn.

Sample Analyses

Atarashii shakai – kōmin

The image shows two pages from a Japanese textbook. The left page is titled "2 人権と日本国憲法" (Human Rights and the Japanese Constitution) and "1 人権を考えよう" (Let's think about human rights). It contains several numbered cards (カード) with illustrations and text. The right page is titled "2 種類のロバ" (Two types of donkeys) and contains a story with illustrations of donkeys and a character, followed by a "読みの確認" (Check for understanding) section with a blank box for an answer.

Chapter 2.2—1, pages 30-31

Human Dignity and the Constitution of Japan – Human Rights and the Constitution of Japan – Considering Human Rights

Salient points and visuals	human rights games ³¹ ("Acceptable & Unacceptable Differences", "Two Donkeys"); unidentified male character ³²
Reference pages	n.a.
Terms explained	n.a.
Teaching/learning target	phrasing: none <ul style="list-style-type: none"> educational domains: cognitive, affective (albeit with a considerable psychomotor proportion)
Teaching/learning content	<ul style="list-style-type: none"> focus issues: specific problems, rules selection criteria: relevance

Instructional design	<ul style="list-style-type: none"> • educational setting: group teaching, <u>frontal teaching</u>, cooperative learning • teaching activities: presenting, explaining, assigning • learning activities: <u>formal learning</u>, discussion • phasing: gather—cooperate—answer—express; gather—cognize—express—cooperate • materials: <u>textbook</u>, pen and paper
Account for methodological choice	<u>developmental stage</u>
Values education approach	development-oriented approach
Assessment	n.a.
Other observations	<p>The 2002 edition presents card five in "Acceptable & Unacceptable Differences" with a different text: 「Bさんは中学校卒業後すぐ就職したが、Cさんは高校へ進学した。」("B-san found a job soon after graduating from lower secondary school, while C-san proceeded to higher secondary school.").³³ The topics may have been exchanged for various reasons – to offer just two of several possible explanations: Finding a job soon after graduating from compulsory education is neither better nor worse than proceeding to a higher level of formal education; one may also feel inclined to doubt that it is meaningful to rank educational levels according to their acceptability or "usefulness".</p>



Chapter 2.2—2, pages 32-33

Human Dignity and the Constitution of Japan – Human Rights and the Constitution of Japan – The History of Human Rights and the Establishment of the Constitution of Japan

Salient points and visuals	human rights timeline 1200-2000, French Declaration of the Rights of Man and of the Citizen, entry into force of the Constitution of Japan in 1947, Satoshi & Kaori, pinboard, triangle assignment ³⁴
Reference pages	French Declaration of the Rights of Man and of the Citizen, Meiji Constitution and modern Constitution of Japan; cross reference to unit about social rights
Terms explained	campaign for universal suffrage
Teaching/learning target	phrasing: none • educational domains: cognitive
Teaching/learning content	• focus issues: historical development, rules • selection criteria: <u>basics</u>

Instructional design	<ul style="list-style-type: none"> • educational setting: <u>frontal teaching</u> • teaching activities: presenting, explaining, assigning • learning activities: <u>formal learning</u> • phasing: gather—cognize—answer • materials: <u>textbook</u>
Account for methodological choice	<u>developmental stage</u>
Values education approach	normative approach
Assessment	n.a.
Other observations	<p>The idea of human rights is being depicted as a concept of definitely Western provenance. It would be a challenge to trace indigenous, historically grown human rights-related institutions and customs in Japan in order to examine those factors that sever the mainstream concept “human rights” from indigenous concepts about “freedom” or “justice”.³⁵</p> <p>The textbook makes use of simplified terms; to the Basic Law for the Federal Republic of Germany³⁶ (ドイツ連邦共和国基本法) for instance it refers as “Bonn Basic Law” (「ボン基本法」).</p>

8 国際社会と人権

人権の尊重という考えは、世界でも広く受けとられてきています。そのあらわれとして、国際的な人権条約が採択されてきています。国際的な人権条約とは、国連が中心となって行われており、ほとんどの世界人権宣言、1948年の国際人権規約が採択されました。

世界人権宣言は発布されたため、法的に拘束力はありませんが、世界の人権意識の発展となっています。国際人権規約は、条約の力からその効果を高めることで、法的にも約束の性質です。日本は1979年に加入しました。

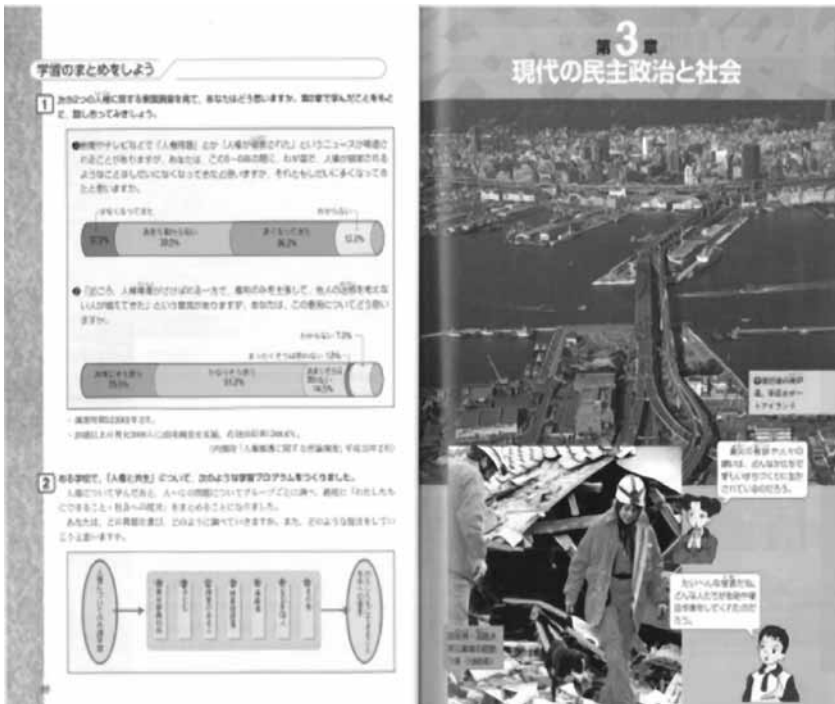
国際的な人権規約の採択は、人権を国際的に保障することが、なぜ重要なのかという点、これまでの人権の発展は、各国のなかで行われてきた点、今の国際社会によって、人権保障の水準が向上している点、人権の国際的な水準に引き上げられてきたこと、国際社会の発展を促していることなどが挙げられます。また近年では、アメリカの自由貿易協定が、国際的な人権条約の水準を向上させているという指摘も出てきています。

科学技術の発展は、わたしたちの生活を豊かにし、健康づくりに役立っています。医療技術の発展によって、科学技術の発展は、わたしたちの生命・健康や福祉・生活に重大な影響をもたらしかねません。遺伝子工学やヒトゲノム研究などは、倫理・道徳・環境に配慮しなければならぬ課題です。科学技術の発展を支える研究の自由と、生命・健康などの人権の尊重とは、どのように調整するかが問われています。

Chapter 2.3—8, pages 54-55
Human Dignity and the Constitution of Japan – Human Rights and a Harmonious Society – The International Community and Human Rights

Salient points and visuals	collage of photographs and illustrations pertaining to the unit's topic, Kaori & Satoshi, pinboard, short story, triangle assignment
Reference pages	Universal Declaration of Human Rights, International Covenant on Economic, Social and Cultural Rights, International Covenant on Civil and Political Rights ³⁷
Terms explained	n.a.
Teaching/learning target	phrasing: none • educational domains: cognitive
Teaching/learning content	• focus issues: specific problems, rules • selection criteria: <u>basics</u> , relevance

Instructional design	<ul style="list-style-type: none"> • educational setting: <u>frontal teaching</u>, cooperative learning • teaching activities: presenting, explaining, assigning • learning activities: <u>formal learning</u>, discussion • phasing: gather—cognize—answer; gather—cooperate • materials: <u>textbook</u>, newspapers
Account for methodological choice	<u>developmental stage</u> , situational background
Values education approach	normative approach
Assessment	n.a.
Other observations	Here, the topic of indigenous peoples is not explicitly raised for Japan; the authors cover issues like "Ainu people", " <i>buraku</i> discrimination", Okinawa's culture and nationality or ethnicity elsewhere in the textbook.



Chapter 2.3—*, page 56

(opposite page introduces a new chapter, featuring Kaori & Satoshi)

Human Dignity and the Constitution of Japan – Human Rights and a Harmonious Society – What We Have Learned

Salient points and visuals	two charts, explanatory diagram
Reference pages	n.a.
Terms explained	n.a.
Teaching/learning target	phrasing: yes (assessment) <ul style="list-style-type: none"> level of abstraction: general educational domains: cognitive, affective
Teaching/learning content	<ul style="list-style-type: none"> focus issues: conceptual definitions, specific problems selection criteria: relevance

Instructional design	<ul style="list-style-type: none"> • educational setting: <u>frontal teaching</u>, cooperative learning, group teaching • teaching activities: presenting, explaining, assigning • learning activities: <u>formal learning</u>, discussion, simulation • phasing: gather—cognize—cooperate; gather—(cooperate—) cognize—answer • materials: <u>textbook</u>, material of choice
Account for methodological choice	<u>developmental stage</u> , situational background
Values education approach	discursive approach
Assessment	summative assessment
Other observations	n.a.

Kokoro no nôto/chûgakkô



Chapter 4.0, pages 78-79

Living as a Social Being – 4th Set of Keys: Involvement with Groups and Society³⁸

Salient points and visuals	poetic introduction ("freedom"), colorful design
Reference pages	n.a.
Terms explained	n.a.
Teaching/learning target	phrasing: none <ul style="list-style-type: none"> educational domains: cognitive, affective
Teaching/learning content	<ul style="list-style-type: none"> focus issues: conceptual definitions selection criteria: none

Instructional design	<ul style="list-style-type: none"> • educational setting: <u>frontal teaching</u> • teaching activities: presenting, explaining, assigning • learning activities: <u>formal learning</u> • phasing: gather—cognize—answer • materials: <u>recommended supplementary textbook</u>
Account for methodological choice	<u>developmental stage</u>
Values education approach	normative approach
Assessment	n.a.
Other observations	Poetic citations about “freedom” appear out of context and might be interpreted in a tendentious way.



Chapter 4.1, pages 80-81

Living as a Social Being – 4th Set of Keys: Involvement with Groups and Society – After All, You Are Never Alone

Salient points and visuals	illustrations of units and their respective components
Reference pages	n.a.
Terms explained	n.a.
Teaching/learning target	phrasing: none <ul style="list-style-type: none"> • educational domains: affective
Teaching/learning content	<ul style="list-style-type: none"> • focus issues: specific problems • selection criteria: situational specifics

Instructional design	<ul style="list-style-type: none">• educational setting: <u>frontal teaching</u>• teaching activities: presenting, explaining• learning activities: <u>formal learning</u>• phasing: gather—cognize• materials: <u>recommended supplementary textbook</u>
Account for methodological choice	<u>developmental stage</u> , situational background
Values education approach	normative approach
Assessment	n.a.
Other observations	n.a.

縛られたくないのはみんな同じ

法やきまりというと、なんだか私たちを縛るだけのもののように感じる。だから、規則だとかきまりといわれると、どこか反抗したくなる。自由な自分の身なんだから。他人に迷惑をかけないでいいじゃないかーって。

門限

朝のせまり

友達との取り決め

法律

校則

条例

運動会の規則

クラスめきまり





もしもきまりがなかったら…

「社会の秩序と規律を高めるために」

ルールとは なののためにあるのだろう？

法やきまりは、スポーツのルールと同じこと。たとえば、ゴールの裏なる審判のホイッスルは、競技として成り立たないばかりか、観戦している私たちに感動を与えないことになり得る。

サッカーでも、バスケットボールでも、野球でも、これはスポーツ競技すべてに共通する。競技の中でルールはだれもが守るべきものとして定められ、もしこれに反する行為があったら、失格となり、罰せられる。世の中に目を向ければ、法やきまりは、つまり社会のルール。スポーツのルールと同じことなのだ。



だからきまりがなかったら…

多世の中に法やきまりがなかったらどうなるかあなたは考えますか？

授業時

年月日

法やきまりについて学んだこと、考えたこと

法やきまりについて学んだことや、いろいろな経験で感じたことなどを書く。感じたこと、考えたことを記録しておきましょう。

年月日

権利と義務ってなんだろう？

たとえば、やるべきことをやらずに自分の権利だけを主張する人がいたら、あなたはこう感じるだろうか。あるいは、他人の権利を認めないのに、自分の権利を押し通そうとする人がいたら、あなたは、なんと感じるだろうか。このとき、あなたが感じたこと、言おうとしたことに、「権利と義務」について考えるヒントがあるようだ。

他人の権利尊重

義務を果たすこと

権利の正しい主張

社会生活の秩序と規律



Chapter 4.3, pages 86-89

Living as a Social Being – 4th Set of Keys: Involvement with Groups and Society – No, We Do Not Want to Be Constrained, But ... – 15th Key: Towards a Law-abiding and Harmonious Society

Salient points and visuals	collage of illustrations and photographs ("rules & regulations", "rights & obligations")
Reference pages	n.a.
Terms explained	n.a.
Teaching/learning target	<p>phrasing: yes (given by key title/subtitle)</p> <ul style="list-style-type: none"> level of abstraction: specific (by key title/subtitle: <i>Towards a Law-abiding and Harmonious Society/ Understanding the Meaning of Laws and Rules, and Improving Public Order and Discipline</i>) educational domains: cognitive, affective
Teaching/learning content	<ul style="list-style-type: none"> focus issues: rules selection criteria: <u>basics</u>, situational specifics
Instructional design	<ul style="list-style-type: none"> educational setting: <u>frontal teaching</u> teaching activities: presenting, explaining, assigning learning activities: <u>formal learning</u> phasing: gather—cognize—answer materials: <u>recommended supplementary textbook</u>
Account for methodological choice	<u>developmental stage</u> , situational background
Values education approach	normative approach
Assessment	formative assessment (diary style)
Other observations	n.a.

One additional issue must be mentioned here, even if it may seem to constitute a digression from the given set of analyses: When dealing with human rights education or human rights-related education, the medium itself should abide by human rights standards. This point has to be emphasized with regard to a rather conspicuous citation in *Kokoro no nôto/chûgakkô*: One of its introductory chapters presents selected results from an international survey on young people's dreams for the 21st century.³⁹ What is rendered in the US version as "You want to find someone to love" reads in

Japanese: 「すてきな異性を見つける」 (“[You want to] find a nice person of the opposite sex.”). While the Japanese term “*isei*” definitely refers to a heterosexual partner, the English word “someone” is gender-neutral. The first flaw lies in an inaccurate translation (from Japanese to English), the second flaw consists in presenting a heterocentric choice option in a medium expressly devised for adolescents.

Perspectives

Valid and reliable instruments to assess human rights-related teaching/learning contents and methods could not only be applied to analyze materials across curriculums, subjects or publishers, but also across cultural spheres. While an analysis across curriculums, subjects and publishers would assist in identifying educational policies and trends within a given cultural or national entity, an international analysis and coherent interpretation could offer a first step towards a harmonization of educational benchmarks – and of the presentation of “self” and “other”. The self/other dualism for instance is only one cause of the ongoing international history textbook controversies.

For Japan, such an instrument could prove to be useful during the phases of textbook approval and adoption, or serve as an analytical tool to canvass the development of the *Kokoro no nôto* and the *Torimatome*. When applied to the national curriculums, even the extent of the current trend towards a stricter mode of education (with its catchphrase 「ゆとり教育からの脱却」, “policy to abandon the present rather permissive style of education”) would be identifiable if a comparative analysis “permissive vs. stricter style of education” were conducted.

It goes without saying that a qualitative content analysis of human rights-related educational materials cannot be realized by using one single, uniform analytical tool. Within the given paradigm, research rationale and methodological frame will remain congruent, but perspectives, levels of examination and variables have to be customized for each sample type. National curriculums, the *Torimatome* and similar documents do require a different set of variables than school textbooks and related materials. Moreover, after identifying the qualitative patterns of target samples, a meta-analysis of quantifiable (or quantified) data could result in an evaluation of profiles for teaching/learning contents, methods and education requirements.

In the approach described above, the construct for values education was derived from purely Western classification schemes. It would be most conducive to modify the given methodological frame and integrate elements from Mori Minoru's works⁴⁰ – or, more generally, notable elements of values education from all over the world – into the analytical pattern, in order to create a truly appropriate tool.

Endnotes

1 Reports from fiscal year 1997 to fiscal year 2004 at www.kantei.go.jp/jp/singi/jinken/index.html. [All URLs verified on 14 February 2011.]

2 The first online edition at www.kantei.go.jp/jp/kanpo-shiryō/2003/0423/siryō423.htm#mokuji1. Some of the print versions, the first of which appeared in 2003, were complemented by a CD-ROM. The current version is hosted at www.moj.go.jp/JINKEN/jinken129.html. Modes of publication have been altered over the years. Each *White Paper* recapitulates key events of the past and may announce those projected for the near future (even outside its reporting period), but the focus of these documents is on reporting about human rights education-related initiatives per fiscal year.

Note on behalf of the Editor: cf. Akuzawa Mariko, “Whither Institutionalized Human Rights Education? Review of the Japanese Experience”; in *Human Rights Education in Asian Schools*, 10, pages 175-184; at www.hurights.or.jp/archives/pdf/asia-s-ed/v10/17Whither%20Institutionalized%20HRE,%20Review%20of%20Japanese%20Experience.pdf.

3 Online at www.mofa.go.jp/Mofaj/Gaiko/jinken/kyoiku/index.html. A concise English language page about Japan's major human rights issues at www.moj.go.jp/ENGLISH/HB/hb-01.html (「啓発」 being translated as “encouragement”).

4 Note on behalf of the Editor: “Dowa education is defined as an umbrella concept referring to all forms of educational activities by both government and the Buraku movement to solve the problems of Buraku discrimination. It is now considered to be one pillar in the broad-based human rights education initiative in Japan.” Cited from Mori Minoru; Hirasawa Yasumasa, “Dowa Education and Human Rights”; in *Human Rights Education in Asian Schools*, 1, page 11; at www.hurights.or.jp/archives/human_rights_education_in_asian_schools/section2/1998/03/dowa-education-and-human-rights.html. [The authors decided not to indicate the long first syllable in “*dōwa*”]. Cf. also Shinpo Makiko (romanized: Makiko Shimpō), “Fifty Years of Human Rights Education in Osaka”; in *Human Rights Education in Asian Schools*, 7, pages 37-41; at www.hurights.or.jp/archives/human_rights_education_in_asian_schools/section2/2004/03/fifty-years-of-human-rights-education-in-osa-ka.html.

5 “The *Kokoro no nôto*” always refers to all four textbooks, whereas a single textbook is referred to by its specific title (cf. endnote no. 14). First editions according to NDL catalog data: 『こころのノート』: 小学校1・2年, 『心のノート』: 小学校3

・4年, 小学校5・6年, 中学校 (all Tōkyō: MEXT, 2002 [no statement about authors or editors]). “*Notebook(s) on Morality*” was suggested by Hirasawa Yasumasa of Ōsaka University; a more literal translation would read “*Notes to Take to Heart*”.

6 Cf. www.mext.go.jp/b_menu/shingi/chousa/shotou/024/index.htm. Following a suggestion by Hirasawa Yasumasa, “*Guidelines for Human Rights Education Methodology*” was recommended by the Editor; a more literal translation would read “*Reports on Desiderata for Human Rights Education Methodology*”.

7 The *White Papers on Human Rights Education and Human Rights Awareness-rising* usually refer to the *Kokoro no nôto* in their sections about “Children” (「子ども」) or “School Education” (「学校教育」). In July 2008 the MEXT established a Cooperation Council for the Revision of the *Kokoro no nôto* (『心のノート』の改善に関する協力者会議), cf. www.mext.go.jp/b_menu/shingi/chousa/shotou/055/gijiroku/08100908.htm.

8 Cf. www.mext.go.jp/b_menu/shuppan/sonota/990301.htm.

9 Cf. www.mext.go.jp/b_menu/shuppan/sonota/990301/03122602.htm.

10 About the distribution of the *Kokoro no nôto* cf. www.mext.go.jp/a_menu/hyouka/kekka/03073102/008.pdf, pages 36-37. About the provision of school textbooks cf. www.mofa.go.jp/POLICY/human/econo_rep2/article13.html.

11 In order to distinguish between the two terms in Japanese, 「道徳の時間」 may be used to explicitly refer to “Moral Education”, while 「道徳教育」 denotes “moral education”.

12 Besides Special Activities (特別活動), in keeping with the curricular guidelines for lower secondary schools (*Torimatome 1*, pages 10-11, and *Torimatome 2*, pages 30-31). The *Torimatome* also emphasize that moral education pertains to **all** subjects (*Torimatome 1*, page 10; *Torimatome 2*, page 29). *Torimatome 1* at www.mext.go.jp/b_menu/shingi/chousa/shotou/024/report/04062501.pdf; *Torimatome 2* at www.mext.go.jp/b_menu/shingi/chousa/shotou/024/report/06012408/001.pdf.

13 Cf. *Torimatome 1*, page 3. For further details cf. *Torimatome 1*, page 5; *Torimatome 2*, pages 7-8.

14 Textbook for Civic Education (*Atarashii shakai – kōmin*): 田邊 裕 (Tanabe Hiroshi), 著作者・代表, 『新しい社会・公民』(Tōkyō: Tōkyō shoseki, 2005; 平成13年3月30日検定済, 2東書公民902). Publishers update and revise the content of approved textbooks annually, even within a given textbook adoption period. The 2005 version differs slightly from the 2002 edition, but these differences do not bear any consequences for the rationale of the given analytical pattern. For details about sampling methods cf. “Methodological Frame”. “*New Social Studies – Civics*” was suggested by Hirasawa Yasumasa, while an alternative translation would read “*New Textbook for Social Studies – Civic Education*”; “*New Social Studies – Civic Education*” combines the two versions.

Recommended supplementary textbook for moral education (*Kokoro no nôto/chūgakkō*): 『心のノート・中学校』(Tōkyō: MEXT). No authors, editors or year of publication stated. Copy for use from academic year 2002 kindly provided by the Nara Prefectural Office/Department for Compulsory Education in December 2005.

15 Cf. Volker Lenhart, *Pädagogik der Menschenrechte* (Opladen: Leske + Budrich, 2003) pages 45-88; the present analysis is based on a slightly modified version of Lenhart's pattern.

16 Cf. Falk Pingel, *UNESCO Guidebook on Textbook Research and Textbook Revision. Studien zur internationalen Schulbuchforschung* Vol. 103 (Hannover: Hahnsche Buchhandlung, 1999).

17 Basic references were:

Benjamin S. Bloom; J. Thomas Hastings; George F. Madaus, *Handbook on Formative and Summative Evaluation of Student Learning* (New York: McGraw-Hill, 1971).

For a digest in Japanese cf. 梶田 叡一 (Kajita Eiichi), 「教育目標の分類体系 (タキソノミー)」. In: 梶田 叡一; 加藤 明 (Kajita Eiichi; Katô Akira), 監修, 『実践教育評価事典』 (Tôkyô: Bunkeidô, 2004) pages 248-249. Also: 多鹿 秀継 (Tajika Hidetsugu), 編著, 『認知心理学からみた授業過程の理解』 (Kyôto: Kitaôji shobô, 2002) pages 20-26.

Uwe Flick, *Qualitative Sozialforschung. Eine Einführung* (Hamburg: Rowohlt, 2005).

平山 満義 (Hirayama Mitsuyoshi), 編著, 『質的研究法による授業研究—教育学・教育工学・心理学からのアプローチ』 (Kyôto: Kitaôji shobô, 2003).

Klaus Krippendorff, *Content Analysis. An Introduction to Its Methodology* (Thousand Oaks/Ca., London, New Delhi: Sage, 2004).

Philipp Mayring, *Qualitative Inhaltsanalyse. Grundlagen und Techniken* (Weinheim, Basel: Beltz, 2003).

M. David Merrill, "Psychomotor Taxonomies, Classifications, and Instructional Theory". In: Robert N. Singer, editor, *The Psychomotor Domain – Movement Behaviors* (Philadelphia: Lea & Febiger, 1972) pages 385-414.

Paradigm for phasing (指導順路 or 発展方法): 南山 晃生 (Minamiyama Teruo), 「社会科の授業づくりと評価の実際」. In: 梶田 叡一; 加藤 明 (Kajita Eiichi; Katô Akira), 監修, 『実践教育評価事典』, op. cit., pages 120-123.

Fritz Oser; Wolfgang Althof (with a contribution by Detlef Garz), *Moralische Selbstbestimmung. Modelle der Entwicklung und Erziehung im Wertebereich* (Stuttgart: Klett-Cotta, 1992).

18 Rationale as described above. Cf. Krippendorff, pages 118-120.

19 About the scheduling of textbook production cf. www.mext.go.jp/a_menu/shotou/kyoukasho/kentei/06032710.htm.

20 Cf. 渡辺 敦司 (Watanabe Atsushi), 「前年度比15.3%増の4330万冊に一扶桑社は公民を合わせて1400冊: 新課程の中学校教科書採択状況—文科省まとめ」. 『内外教育』 No. 5251 (Nov. 20, 2001) pages 2-4. [Reported adoption rate of 60.1%.]

21 Cf. Krippendorff, pages 211-214.

22 Cf. Flick, pages 325-326; Mayring, page 112.

23 The overall research design has been discussed with educators and human rights education staff in Tôkyô, Kyôto and Nara City between Dec. 2005 and Dec. 2007. Further resources for ascertaining a higher level of reliability, e.g. intercoding, were not available.

24 Cf. Mayring, pages 82-99.

25 Cf. Krippendorff, pages 98-103.

26 Cf. Krippendorff, pages 133-135: “In such lists, the analyst enumerates all the instances that define each category.” (ibid., pages 133-134). Coding of the element “knowledge (知識)” for instance was operationalized by listing a set of synonyms in order to facilitate matching a unit’s nominal or verbal phrases with the analytical pattern.

27 Cf. Bloom, Hastings, Madaus (appendix), pages 271-277.

28 Cf. Mayring, pages 96-98.

29 Cf. *Atarashii shakai – kômin* (2005), page 30.

30 In the following array, the arrow symbol indicates a set of variables within a subcategory; the sequence of these variables does not signify any kind of ranking.

31 It is not clear whether these two games have been conceptualized by the authors or whether they have been adopted from third parties. Detailed information about the authorship seems to be inaccessible.

32 Besides chapter headings and page numbers, the table of contents (*Atarashii shakai – kômin* (2005), pages 2-4) gives additional information about integrated topical sections, such as “Challenges for Citizens” (「公民にチャレンジ」) and “Public Access” (「公民にアクセス」), and an explanation about symbols (pinboard, short story, pencil). It also introduces Yumi, Satoshi, Kaori and Yôsuke, four student-like characters, albeit by name only.

33 田邊 裕 (Tanabe Hiroshi), 著作者・代表, 『新しい社会・公民』(Tôkyô: Tôkyô shoseki, 2002; 平成13年3月30日検定済, 2東書公民902) page 30.

34 The triangle symbol appears frequently, but its meaning is not explained anywhere in the textbook (*Atarashii shakai – kômin* (2005)).

35 For background reading cf. 網野 善彦 (Amino Yoshihiko), 『無縁・公界・楽: 日本中世の自由と平和』(Tôkyô: Heibonsha, 1996). Such a project, however, would entail a shift of research paradigm and methodology.

36 Cf. www.btg-bestellservice.de/pdf/80201000.pdf.

37 These two covenants are referred to by a single Japanese term. Cf. www.mofa.go.jp/mofaj/gaiko/kiyaku/index.html.

38 *Kokoro no nôto/chûgakkô* explains about its contents on pages 2-3 and additionally on pages 8-9, where the concept of “sets of keys” and “keys” is illustrated.

39 Cf. *Kokoro no nôto/chûgakkô*, page 19: 「日本青少年研究所『21世紀の夢に関する調査』平成11年実施」. The official English title reads “Survey on Junior and Senior High School Students’ Dreams toward the 21st Century”. Cf. <http://essrc.hyogo-u.ac.jp/jedi/handle/10479/JEDI.102> for the US data set; <http://essrc.hyogo-u.ac.jp/jedi/handle/10479/JEDI.101> for the Japanese data set.

40 Cf. 森 実 (Mori Minoru), 「同和教育実践が人権教育をひらく」, pages 166-179. In: 森 実 (Mori Minoru), 編著, 『熱と光にみちびかれて・・・同和教育実践がひらく人権教育』(Ôsaka: Kaihō shuppan, 2002) ibid. (rendered into English: *Empowered by Warmth and Brightness – Pioneering Human Rights Education Via Practice of Dôwa Education*).

Evaluating Human Rights Education in Osaka Senior Secondary Schools

Shinichi Hayashi

ASSessment of students' understanding of human rights has been going on since 1980 through an association of educators in the Osaka prefectural senior secondary schools. The association, currently known as the Osaka Prefectural Senior Secondary School Human Rights Education Research Association (Furitsu Jinken), held its most recent assessment exercise in 2010. The annual assessment is carried out mostly during the first semester of the school term (April through June).

Furitsu Jinken¹ was previously known as Fuku Doken (The Osaka Prefectural Senior Secondary School Dowa Education Research Association).² Fuku Doken was founded in 1967 to study and develop Dowa education³ in the prefectural senior secondary schools (including special schools for students with disabilities) in Osaka. After the enactment of the *Human Rights Education and Enlightenment Act of 2000*, Fuku Doken changed its name to Furitsu Jinken in 2002. Furitsu Jinken adopted a broader agenda by focusing on research and exchange of experiences not only on the Dowa issue⁴ but also on human rights issues in general.

Furitsu Jinken has several sections and task-force groups. It has sections on curriculum development, case studies, and career guidance. Its task-force groups focus on developing teaching materials on ten human rights issues.⁵ It holds several exchange meetings in each school district. All public senior secondary school principals, vice principals and teachers in Osaka prefecture participate in the Furitsu Jinken activities. Furitsu Jinken provides its members with the opportunity to exchange experiences and research results on human rights education including Dowa education. Furitsu Jinken covers various issues including those related to teaching methods, students' voluntary activities, course guidance, in-service and pre-service training, part-time and night schools, students with disabilities, multicultural education, and women's liberation. Membership fees support the Furitsu Jinken activities.

Design of Survey Questionnaire

The then Fuko Doken developed a survey questionnaire in 1980 with the following main aims:

- To know the number of hours devoted to the teaching of the Dowa issue in primary schools and junior secondary schools;
- To know whether or not those issues were taught correctly;
- To know how well the awareness of the Dowa issues of the first year junior secondary students had improved before they entered the senior secondary schools.

The survey questionnaire focused on the Dowa issue because of its significance in Osaka prefecture and in the country as well. A 1965 report⁶ explained the importance of the Dowa issue:

The Dowa issue is Japan's most serious social problem since it constitutes discrimination against a specific group of the nation's people based on the historically-developed social class structure. The people concerned are forced into an economically, socially and culturally inferior position, and face both grave violations of their basic human rights and complete ignorance of their civil rights and liberties, which [should] be fully guaranteed to all Japan's people as a principle mechanism of modern society.

The survey wanted to address the problem of schools that either refused to teach the Dowa issue or incorrectly taught it despite the enactment in 1969 of the Law on Special Measures for Dowa Projects.

First Revision of the Survey Questionnaire

Less than a decade later, in 1989, Fuko Doken revised the survey questionnaire by including more questions to cover other human rights issues besides the Dowa issue. Dowa educators and activists cooperated with people working on other human rights issues in revising the survey questionnaire. At that time, more and more people saw the need to strengthen the cooperation among people involved in Dowa issue and other human rights issues to be able to eradicate discrimination and prejudice in Japan. This view promoted the revision of the survey questionnaire.

Thus the revised survey questionnaire was also meant to determine how far the students learned and understood specific human rights issues when they entered the senior secondary schools. Due to the problem of some schools not encouraging students to answer all survey questions, the number of survey questions was reduced from about fifty questions to less than twenty-five questions. The most important questions were retained to encourage more schools to properly administer the survey questionnaire.

As a result, many more teachers made good use of the results of the revised survey questionnaire in planning for effective human rights education.

Analysis and Dissemination of Survey Results

The results of the survey were disseminated to all surveyed schools. Fuku Doken prepared general reports on the survey results. But these reports suffered two problems.

First, since the schools could decide whether or not to hand over to Fuku Doken their respective survey results, the Fuku Doken reports were likely incomplete. Consequently, the over-all survey results could not have fully reflected the level of awareness of the students on the Dowa issue during the 1980-2004 period.

Second, for almost two decades since 1980 the survey results were disseminated with few analytical comments. Fuku Doken wanted the senior secondary school teachers to deeply analyze the data of their own schools by comparing them with the average data for all surveyed prefectural senior secondary schools. It also expected the teachers to use the survey results as a tool to know the extent of awareness of the Dowa issue of the first year students in their respective schools.

It was only in 1998 that the research team of Fuku Doken decided to provide a more comprehensive analysis of the survey results, upon the request of teachers. The teacher-members requested Fuku Doken to provide an overview of the survey results and give pieces of useful information to their schools. Being conscious of the development of psychology and cognitive science, the teachers realized the importance of using the survey results in developing teaching methodologies that effectively raise the students' awareness of the Dowa issue.

More Accurate Data Collection, Second Revision

Under a new organizational name, Furitsu Jinken's teacher-members and researchers saw the necessity of having a clearer and more accurate overview of the human rights awareness of the senior secondary school students every year.

In 2004, many parts of the survey questionnaire were revised. This second revision aimed at getting useful information about the relation between human rights awareness and the students' personal profile such as family background, attitude towards school life, lifestyle outside school, and self-esteem. It also aimed at collecting information on discrimination and other human rights violations that the students experienced inside and outside the school.

From that year, 2004, Furitsu Jinken has been requesting some schools in every school district⁷ to become survey sampling schools. These schools were chosen from among all types of senior secondary schools. The survey sampling schools included those with general and special curriculums, and also technical schools. The schools were selected based on the number of graduates who entered colleges or technical schools, or who started to work. By so doing, Furitsu Jinken was able to collect both the average annual data and a more accurate annual trend.

Measuring Effectiveness, Another Questionnaire

An analysis of the results of the 2004 survey using the revised questionnaire yielded several important elements in developing effective human rights education. The analysis showed that in order to raise the human rights awareness of students, the teachers should not only teach pieces of information on specific issues but also make the whole school life more conscious about human rights. The teachers understood that human rights awareness was closely related to the attitude and the self-esteem of the students. They also realized that it was necessary to use participatory methods in teaching human rights and to have more communication about human rights between the families of the students and the members of their own communities.

Teachers started discussing issues that many senior secondary students were much concerned about and were related to their school life but rarely taught in ordinary lessons. These issues included self-analysis, human rela-

tions and assertiveness, love and marriage, and career education (including the reality of part-time job, level of income necessary to support one's self, and workers rights). Teachers also tried to make their teaching and learning materials more interesting by using materials of singers and authors who were popular to many students. They spotlighted aspects of these people that the mass media rarely reported. They sometimes invited specialists and activists as lecturers. The students were impressed by the unique experiences, excellent skills and humanistic ideas of these people. The teachers also used more visual materials including photographs and movies. The lessons also had more activities including games, field-studies, discussion, writing reports and giving speeches. Teachers made the lessons more organized and well-planned. In brief, the teachers started developing human rights education into a more interesting educational activity for the students. With this situation, teachers became more anxious about the results of the survey and their analysis, which they could use to further develop their teaching methods.

But the revised questionnaire was not enough to measure the effectiveness of human rights education. Teachers needed a better tool for this purpose. Some teachers and researchers of Furitsu Jinken and officials of the Board of Education (BOE) of Osaka prefecture saw the necessity of developing another survey, this time for the third year senior secondary students. By administering this survey at the end of the school year, the effectiveness of human rights education on the third year senior secondary students could be measured. Consequently, the BOE decided to develop the attitude survey for third year senior secondary students.

Knowing that the Osaka prefectural government would adopt a policy supportive of human rights education, the BOE officials and Furitsu Jinken teacher-members developed in 2009 the new attitude survey questionnaire prior to the adoption of the new prefectural policy.

This New Public Administration Policy of the Osaka prefectural government adopted in 2008 provided an annual budget for the:

- Promotion of human rights education
- Increase in the number of teachers in schools with a significant number of minority students as well as problems related to human rights
- Schools designated for the development of human rights education and human rights teaching materials.

In the same year, however, the Osaka prefectural government not only completely stopped its annual subsidy to Furitsu Jinken (5,000,000 Japanese Yen or 62,500 US dollars) but also started examining the effectiveness and outcome of the new policy every year since then. Furitsu Jinken was forced to rely only on its membership fees collected from members from all the senior secondary schools in the Osaka prefecture (about 500,000 Japanese Yen or 6,250 US dollars) to continue its activities. The BOE, on the other hand, started developing an effective tool to evaluate human rights education.

The attitude survey questionnaire for the third year senior secondary students included questions similar to the attitude survey questionnaire for first year secondary students developed by Furitsu Jinken. The BOE collected data on third year students, while Furitsu Jinken collected data on first year students. The BOE and Furitsu Jinken then jointly compared and analyzed the two sets of data.

However, since Furitsu Jinken had been making annual changes on its survey questions, comparison of results of its survey with those of the BOE survey was problematic. The annual changes being made by Furitsu Jinken on its survey questionnaire made the comparison of common survey questions limited to few questions and the comparative results tentative. Comparison of responses of the first and third year students on common survey questions would have been more effective had such questions been maintained over several years in order to see a trend on the responses over a period of time.

The limitation of comparison of results to few common questions left out a number of issues in both 2007 and 2009 surveys that could have provided a more comprehensive understanding of the human rights awareness of senior secondary students during the 2007-2009 period.

This problem of getting a better understanding of the state of human rights awareness of the first and third year senior secondary students over a certain period of time led to the idea of having a consolidated questionnaire for these students. In 2009, the BOE and Furitsu Jinken developed a consolidated questionnaire called "Attitude Survey of First and Third Year Senior Secondary Students" to cover both first and third year senior secondary students. The new survey questionnaire started to be administered in the same year.

The consolidated questionnaire gave teachers and researchers a clearer overview about many issues. Needless to say, the consolidated questionnaire

provided a better measure for evaluating how good and effective was the human rights education of the senior secondary students by comparing the answers of the first year students with those of the third year students.

Though the BOE completely stopped its subsidy to Furitsu Jinken, it continued supporting about ten schools as schools designated for human rights education. The teachers of the designated schools administered the attitude surveys for the first year and third year students every year. An additional twenty schools have been asked by the BOE and Furitsu Jinken to take part in the attitude survey. They chose schools in each school district considering the number of students who entered colleges or who were employed by the companies after graduation so that the data of the survey would reflect the average responses of senior secondary school students. They asked for the return of completed questionnaires of sixty students per school. By so doing, the answers of about 1,800 students have been collected per year. Since the total number of students in one year level in Osaka prefectural senior secondary schools runs up to 45,000, the number of collected answers is equivalent to 4% of all the students for that year level.

Survey Results

The results of the 2009 consolidated survey questionnaire showed positive effects of human rights education in many of the schools with significant number of minority students and schools designated for developing human rights education. These schools, which have more students with disadvantaged background, have good results compared to other schools.

In addition to the BOE support for these schools, Furitsu Jinken has been giving many opportunities for the teachers in these schools to exchange experiences and teaching methods. It has been helping them develop teaching materials and resources. The results of the sampling survey in 2009 show the effectiveness of the BOE policy and the support from Furitsu Jinken.

Below are some highlights of the results of the sampling survey in 2009 with a comparison between average survey responses and those from schools with significant number of minority students and schools designated for the development of human rights education. See the full 2009 survey questionnaire in Annex A.

A. Attitude on different human rights issues

Question 13. How do you evaluate the following human rights issues after learning them?

A. The Dowa issue				
		Average	Designated schools	Schools with increased number of teachers
1	I thought it was a significant matter to learn	40	49	57
2	I could not understand it well	24	23	24
3	I did not learn it	27	17	11
4	I felt it was none of my business	9	10	9

B. Korean minority in Japan				
		Average	Designated schools	Schools with increased number of teachers
1	I thought it was a significant matter to learn	40	47	48
2	I could not understand it well	24	28	33
3	I did not learn it	27	17	12
4	I felt it was none of my business	9	8	8

C. People with disabilities				
		Average	Designated schools	Schools with increased number of teachers
1	I thought it was a significant matter to learn	63	69	68
2	I could not understand it well	16	16	20
3	I did not learn it	16	9	6
4	I felt it was none of my business	5	6	5

D. Gender equality				
		Average	Designated schools	Schools with increased number of teachers
1	I thought it was a significant matter to learn	54	60	60
2	I could not understand it well	20	22	24
3	I did not learn it	20	14	13
4	I felt it was none of my business	6	5	3

E. Internet and human rights				
		Average	Designated schools	Schools with increased number of teachers
1	I thought it was a significant matter to learn	51	52	50
2	I could not understand it well	24	27	27
3	I did not learn it	19	14	17
4	I felt it was none of my business	6	5	6

F. Bullying				
		Average	Designated schools	Schools with increased number of teachers
1	I thought it was a significant matter to learn	57	63	55
2	I could not understand it well	15	15	19
3	I did not learn it	21	15	19
4	I felt it was none of my business	7	7	7

G. Protection of human rights in job recruitment				
		Average	Designated schools	Schools with increased number of teachers
1	I thought it was a significant matter to learn	37	50	50
2	I could not understand it well	21	23	26
3	I did not learn it.	34	20	19
4	I felt it was none of my business	8	7	5

Generally speaking, the number of students in the designated schools and schools with increased number of teachers who answered "I thought it was a significant matter to learn" is more than the average number of students with such answer. While less than the average number of students in these schools answered "I did not learn it." These results may indicate effective teaching of human rights issues, as well as its positive effect on students.

B. Attitude in facing human rights violations and discrimination

(This is the question for those who answered "Yes" in Question 18.) Question 19. What did you do when you felt hurt or discriminated?				
		Average	Designated schools	Schools with increased number of teachers
1	I pointed out what was wrong and talked with him/her about it.	16	20	20
2	I tried to point out what was wrong	12	16	20
3	I did not point out what was wrong, and talked to him/her about another topic	19	17	20
4	I kept silent and took no action	45	40	36
5	I consulted the teachers /my parent(s)/ the human rights protection organization about it.	8	7	4

Question 20. What will you do when you feel hurt or discriminated?				
		Average	Designated schools	Schools with increased number of teachers
1	I will point out what is wrong and talk with him/her about it	10	11	11
2	I will try to point out what is wrong	30	36	37
3	I will not point out and will talk to him/her about another topic	12	12	11
4	I will keep silent	26	23	25
5	I will consult the teachers /my parent(s)/ the human rights protection organization about it	22	19	16

The number of students in the designated schools and schools with increased number of teachers who responded that they “took/will take positive actions when faced with human rights violations and discrimination” is more than that of the students in the other schools. This again may indicate effectiveness of the teaching of human rights issues in these schools.

C. Comparison of results of the 2007 and 2009 attitude surveys

To be able to find out if there had been a change in human rights awareness of students when they were in first year and when they reached third

year, a comparison of the results of the 2007 Furitsu Jinken survey of first year students was made with those of the 2009 BOE-Furitsu Jinken consolidated survey of third year students.

The data from the 2007 survey do not disaggregate the results from the designated schools and schools with increased number of teachers. Only average data for all students surveyed in 2007 are being compared to the 2009 third year students survey.

The following survey results cover similar questions in the 2007 first year students survey and 2009 third year students' survey.

Question 17. Are you interested in human rights?			
		2007 - First Year Students	2009 - Third Year Students
1	Very Much	8	19
2	Probably	37	51
3	Not much	44	24
4	No	12	6

(This is the question for those who answered "Yes" in Question 18.) Question 19. What did you do when you felt hurt or discriminated?			
		2007 - First Year Students	2009 - Third Year Students
1	I pointed out what was wrong and talked with him/her about it	20	16
2	I tried to point out what was wrong	14	12
3	I did not point out what was wrong, and talked to him/her about another topic	14	19
4	I kept silent and took no action	42	45
5	I consulted the teachers /my parent(s) /the human rights protection organization about it	10	8

Question 20. What will you do when you feel hurt or discriminated?			
		2007 - First Year Students	2009 - Third Year Students
1	I will point out what is wrong and talk with him/her about it 2007	14	10
2	I will try to point out what is wrong	26	30
3	I will not point out and will talk to him/her about another topic	29	12
4	I will keep silent and took no action	26	26
5	I will consult with the teachers /my parent(s) /the human rights protection organization about it	4	22

Generally speaking, the results show that teachers are able to raise the interest of students on human rights. But their effort does not seem to be sufficient to allow the students to develop skills in protecting themselves against human rights violations. Comparing the 2007 and 2009 responses, there is an increase in the number of students who were very interested or probably interested on human rights by the time the students reached third year (Question 17 responses). But this did not seem to translate into action or behavioral change since the number of third year students who pointed out or willing to point out what was/is wrong (or human rights violations) decreased compared to the number of first year students who would do the same (Questions 19 and 20 responses).

This data probably point to the need for senior secondary school teachers to develop the teaching methodologies, including the participatory method, that make the students learn how to point out and protect themselves against human rights violations and discrimination.

Under Question 20, the number of third year students who would consult others (including human rights organizations) to solve human rights violations and discrimination is higher than the number of first year students who would do the same. This result may mean that the negative attitude (not to consult with the proper people and organization and to put up with human rights violation when the students face them) has changed into a positive attitude to some extent. But this result may not clearly indicate whether or not the teaching of human rights in senior secondary schools has strengthened such attitude of consulting others. It is possible that the students were affected by the increased social awareness in society in general.

Other Observations on the 2009 Survey

The answers to Question 3 (“With whom do you consult when you are worried or troubled?”) of the consolidated survey questionnaire provide important information to the teachers. The answers of both first year and third year students show that few students consult their teachers when they are worried or troubled. Less than 5 percent in both sets of students consult their teacher. Consultation with “friends” has the highest percentage for both groups of students. Among the first year students, consultation with the parents (mother) has the second highest percentage, while consultation with “others” has the second highest percentage for the third year students.

These results show that few students regard their teachers as persons with whom they can discuss private matters. Probably too, few students expect their teachers to give good advice. If this is so, it is necessary for teachers to have “counseling mind” and that they try to support and guide their students besides teaching lessons. But due to their current development stage, senior secondary school students seem to welcome support from their friends more than from their teachers regarding their personal lives. It can be said that the senior secondary school teachers should give their students the opportunities to seek advice from school counselors. It can also be said that the teachers should try to build more cooperative and warmer relationship among the students to make them more helpful and supportive of each other.

Comparing the answers to Question 2 (“With whom do you feel relaxed and safe?”) and Question 3 (“With whom do you consult when you are worried or troubled?”) of the first and third year students provides a basis for understanding whether or not the senior secondary school students have successfully maintained good relations with each other in school.

Comparing the answers to Question 13 (How do you evaluate the following human rights issues after learning them?) between first and third year students provides a basis for analyzing the effectiveness of the teaching materials and methods developed by the senior secondary teachers. Comparing the answers between first and third year students to Question 20 (“What will you do when you feel hurt or discriminated?”) provides a basis for evaluating how well the senior secondary school students have been empowered and have developed their skills to promote human rights.

Question 18 has two versions, one for first year students (“Did you feel hurt or discriminated in your school life?”) and another for third year students (“Did you feel hurt or discriminated in your school life after entering senior high school?”). For the first year students, the phrase “your school life” refers to life in primary or junior secondary schools. For third year students, the question is clearly referring to “school life after entering senior secondary school.”

Conclusion

The surveys held by Furitsu Jinken and then by the BOE of the Osaka prefecture show the necessity of determining the effectiveness of human rights

education in the school system. The results of the surveys have provided teachers and education researchers with proper bases for improving the teaching of human rights not only inside the classroom but also in the whole school system (and also extending to the communities where the students belong). Seen in another angle, the surveys helped them know more about the relationship between the development of human rights awareness and the teaching of human rights issues and the school life of secondary school students.

It is therefore important that this type of survey continues and its results analyzed and disseminated to school officials, education officials, teachers and education researchers.

Annex A

Attitude Survey of First and Third Year Secondary Students

Tick an Answer

Question 1. Do your family members understand you well?

Answer

1. Yes _____
2. Probably Yes _____
3. Probably No _____
4. No _____

Question 2. With whom do you feel relaxed and safe?

Answer

1. Father _____
2. Mother _____
3. Brother(s) and Sister(s) _____
4. The Other Family Member(s) _____
5. Teacher _____
6. Friend(s) _____
7. The Other(s) _____

Question 3. With whom do you consult when you are worried or troubled?

Answer

1. Father _____
2. Mother _____
3. Brother(s) and Sister(s) _____
4. The Other Family Member(s) _____
5. Teacher _____
6. Friend(s) _____
7. The Other(s) _____

Question 4. Do you think that you decide your way of life by yourself?

Answer

1. Yes _____
2. Probably yes _____

3. Probably no ____

4. No ____

Question 5. Do you think that you are acting to realize what you have decided?

Answer

1. Yes ____

2. Probably yes ____

3. Probably no ____

4. No ____

Question 6. Was the study in your senior secondary school useful?

(Question for first year students: Was the study in your primary school and junior secondary school useful?)

Answer

1. Very Much ____

2. Probably ____

3. Not much ____

4. No ____

5. I don't know ____

Question 7. Do you feel that school life at your senior secondary school was fruitful?

Answer

1. Very Much ____

2. Probably ____

3. Not much ____

4. No ____

5. I don't know ____

Question 8. Do you feel that you are well taken cared of by the teachers in your senior secondary school?

(Question for first year students: Do you feel that the teachers treated you kindly in your primary school and junior secondary school?)

Answer

1. Yes, many teachers treat/treated me so ____

2. Yes, some do/did ____

3. Not many ____

4. Not at all ____

5. I don't know ____

Question 9. I am happy

Answer

1. Very Much ____
2. Probably ____
3. Not much ____
4. No ____
5. I don't know ____

Question 10. In my character I have many points that I dislike

Answer

1. Very Much ____
2. Probably ____
3. Not much ____
4. No ____
5. I don't know ____

Question 11. My friends like me

Answer

1. Very Much ____
2. Probably ____
3. Not much ____
4. No ____
5. I don't know ____

Question 12. Adults around me put their hopes on me very much

Answer

1. Very Much ____
2. Probably ____
3. Not much ____
4. No ____
5. I don't know ____

Question 13. How do you evaluate the following human rights issues after learning them?

A. The Dowry issue

Answer

1. I felt it was significant to learn it ____

2. I could not understand it well ____
3. I did not learn it ____
4. I felt it was none of my business ____

B. Korean minority in Japan

Answer

1. I felt it was significant to learn it ____
2. I could not understand it well ____
3. I did not learn it ____
4. I felt it was none of my business ____

C. People with disabilities

Answer

1. I felt it was significant to learn it ____
2. I could not understand it well ____
3. I did not learn it ____
4. I felt it was none of my business ____

D. Gender equality

Answer

1. I felt it was significant to learn it ____
2. I could not understand it well ____
3. I did not learn it ____
4. I felt it was none of my business ____

E. Internet and human rights

Answer

1. I felt it was significant to learn it ____
2. I could not understand it well ____
3. I did not learn it ____
4. I felt it was none of my business ____

F. Bullying

Answer

1. I felt it was significant to learn it ____
2. I could not understand it well ____
3. I did not learn it ____
4. I felt it was none of my business ____

G. Protection of human rights in job recruitment

Answer

1. I felt it was significant to learn it ____
2. I could not understand it well ____
3. I did not learn it ____
4. I felt it was none of my business ____

Question 14. Check all the topics that impressed you after learning them

Answer

1. Self-esteem ____
2. Importance of human relations ____
3. Training for assertive communication ____
4. HIV/AIDS ____
5. Aged people ____
6. Child rights ____
7. Child abuse ____
8. Domestic violence (Date DV included) ____
9. Multiculturalism ____
10. Cultural studies (the understanding of different cultures) ____
11. Sexual harassment ____
12. Sexual minority ____
13. Poverty ____
14. Hansen's disease ____
15. Rights of laborers ____
17. Racial discrimination ____
18. Discrimination against Okinawan people ____
19. Discrimination against Ainu people (the indigenous people in the northern part of Japan) ____
20. Pollution ____
21. Homeless people ____
22. Rights to learn and literacy ____
23. Education for Sustainable Development ____
24. Foreign minority in Japan ____
25. War and peace ____

Question 15. Do you think that your self-esteem has been developed through your school life?

Answer

1. Very Much ____
2. Probably ____
3. Not much ____
4. No ____
5. I don't know ____

Question 16. Did you learn the importance of assertive human relations through your school life?

Answer

1. Very Much ____
2. Probably ____
3. Not much ____
4. No ____
5. I don't know ____

Question 17. Do you have interest in human rights?

Answer

1. Very Much ____
2. Probably ____
3. Not much ____
4. No ____
5. I don't know ____

Question 18. Did you feel hurt or discriminated in your school life after entering senior high school?

Answer

1. Yes ____
2. No

(This is the question for those who answered "Yes" in Question 18.)

Question 19. What did you do when you felt hurt or discriminated?

Answer

1. I pointed out what was wrong and talked with him/her about it ____
2. I tried to point out what was wrong ____
3. I did not point out what was wrong, and talked to him/her about another topic ____

4. I kept silent and made no action ____
5. I consulted the teachers /my parent(s) /the human rights protection organization about it ____

Question 20. What will you do when you feel hurt or discriminated?

Answer

1. I will point out what is wrong and talk with him/her about it ____
2. I will try to point out what is wrong ____
3. I will not point out and will talk to him/her about another topic ____
4. I will try to change the topic of our talk ____
5. I will keep silent ____
6. I will consult with the teachers /my parent(s) /the human rights protection organization about it ____

Question 21. Do you think that it is wrong to say “No” on the pretext of his/her descent or birthplace?

Answer

1. Yes _____
2. Probably yes _____
3. Probably no _____
4. No _____
- 5 I don't know _____

Question 22 Do you think that we should reform all the public facilities for people with disabilities to use them with no difficulty?

Answer

1. Yes _____
2. Probably yes _____
3. Probably no _____
4. No _____
- 5 I don't know _____

Question 23 The cultures that the foreign people living in Japan should be respected.

Answer

1. Yes _____
2. Probably yes _____
3. Probably no _____
4. No _____
5. I don't know _____

Question 24 The idea “Men work outside and women do inside.” is wrong.

1. Yes _____
2. Probably yes _____
3. Probably no _____
4. No _____
5. I don't know _____

Endnotes

1. “Jinken” is the Japanese word for human rights.

2. “Fuko” is the abbreviation in Japanese language of “Osaka Furitsu Koto ” and “Doken” is the abbreviation in Japanese language of “Dowa Kyoiku Kenkyukai.”

3. “DOWA education is defined as an umbrella concept referring to all forms of educational activities by both government and the Buraku movement to solve the problems of Buraku discrimination. It is now considered to be one pillar in the broad-based human rights education initiative in Japan.” Mori Minoru and Hirasawa Yasumasa, “Dowa Education and Human Rights”; in *Human Rights Education in Asian Schools*, 1, page 11; at www.hurights.or.jp/archives/human_rights_education_in_asian_schools/section2/1998/03/dowa-education-and-human-rights.html.

4. The Ministry of Justice of Japan explains the Dowa issue (or Buraku discrimination) in the following manner:

Owing to discrimination which had been formed based on the structure of social status in the course of the historical development of Japanese society, some Japanese people have been forced to accept a lower status economically, socially and culturally, and they are subject to various kinds of discrimination in their daily lives even today. This is the Dowa issue, which is a unique Japanese human rights problem.

To solve the problem, the State, together with local public entities, has worked for 33 years since 1969 on regional improvements based on the Law for Special Measures for Dowa Projects. As a result, physical infrastructure developments to solve the poor environment of Dowa districts ... achieved steady results and the regional disparity with other districts has become considerably smaller.

However, discrimination in marriage and employment has not ended. The State is assertively promoting measures to solve Dowa issues and the human rights organs of the Ministry of Justice have also been developing affirmative human rights promotion activities aiming at resolving such problems. (Source: www.moj.go.jp/ENGLISH/HB/hb-03.html#3-5)

5. The ten research issues are the following:

- Education related to part-time and the correspondence courses
- Multicultural education
- Gender-free education

- Education related to people with disabilities
- Education related to the eradication of the Buraku discrimination
- Career guidance and education related to scholarship
- Education for promoting voluntary activities
- Education for protecting human rights in the internet society
- Research on the history of Buraku minorities
- Research on human rights awareness.

6. For further details, See *What is Buraku Problem?*, Buraku Liberation and Human Rights Research Institute, http://blhrri.org/blhrri_e/What_is_Buraku.htm.

7. There were nine school districts in Osaka in 2004. But they were decreased to four in 2007.

Reflections on a Master of Laws in Human Rights Program in Asia

Kelley Loper*

THIS ARTICLE provides some reflections on a specialized master of laws (LL.M) program in human rights based in the Faculty of Law at The University of Hong Kong. During the past decade, the LL.M program has worked within the relative freedom of the Hong Kong environment to promote the values of human rights, rule of law and democracy in Hong Kong and elsewhere in the region; to develop and enhance expertise in human rights law and practice; to engage with Asian scholars, lawyers, activists, advocates, independent human rights bodies, and government officials on human rights issues; and to create and promote a network of human rights experts throughout the Asia-Pacific region.

The article begins with some background about how and why the program was established in 1999 and the particular context of Hong Kong and Asia where it has developed. This context has influenced the approach taken by the program to teaching about human rights and the issues discussed with students both in and outside of the classroom. It then describes the program's curriculum, teaching philosophy, the background of its students, its impact in the region, and some issues encountered in its implementation.

Background and Context

The program was initiated in 1999 partly in response to Hong Kong's transfer from British to Chinese sovereignty in July of 1997 which created concerns about the future of human rights in Hong Kong under Chinese rule - especially in light of continuing criticism of China's human rights record and fears that the rights and freedoms of Hong Kong residents would be jeopardized. The program, therefore, provides an interesting case study of human rights education at the tertiary level in a particular post-colonial

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environment which is unique since unlike most former colonies the decolonization process in Hong Kong did not result in independence. Instead it involved the creation of a new political entity—a special administrative region—which was granted a high degree of autonomy within a sovereign state but without real consultation with the Hong Kong people on the terms and nature of the agreement.

In the immediate run-up to 1997, the colonial government paid greater attention to the legal framework for the protection of human rights than in the past, mainly in response to international and local pressure on the British administration after Beijing's crackdown on student protests in Tiananmen Square in June 1989. At that time, people in Hong Kong provided a great deal of financial and moral support for the students in Beijing and after the massacre on June 4th, one million people in Hong Kong protested on the streets against the Chinese government's actions. The recent treatment of Liu Xiaobo, a political prisoner in China, winner of the 2010 Nobel Peace Prize, and a prominent participant in the protest movement in 1989, demonstrates the continuing suppression of peaceful speech in China.

After the events of 1989, the colonial government in Hong Kong introduced limited political reforms and allowed direct elections for some seats in the local legislature. It also implemented the International Covenant on Civil and Political Rights (ICCPR) into Hong Kong law by enacting a Bill of Rights in 1991. This led to an enhanced role for the courts in the protection of human rights and the development of a body of human rights jurisprudence which has continued especially since the ICCPR's status was further reinforced by the Basic Law—Hong Kong's constitutional document—after 1997. The courts have demonstrated their willingness to invalidate legislation which contravenes internationally recognized human rights standards and have ruled against the government in a number of constitutional cases. Civil society organizations have relied on these standards to further promote human rights in Hong Kong and have advocated for more comprehensive democratic reforms and better protection of the rights of marginalized groups such as ethnic minority communities, refugees, and persons with disabilities.

The LL.M in human rights program has also developed amid growing interest in human rights and human rights education in the Asian region more broadly. The Asia Pacific Forum of National Human Rights Institutions, for example, was established in 1996 and the numbers of na-

tional human rights institutions in the region have grown significantly since the mid-1990s. Both local and regional developments led to greater need for human rights education in Asia, including Hong Kong, and the program was one response to that increasing demand for practical and theoretical knowledge about human rights.

This context of a small, post-colonial, capitalist, autonomous entity which enjoys a high degree of freedom within the world's largest state, notorious for its human rights violations, and its centrally located position within the Asian region, has influenced the make-up of the student body, their experiences and concerns, and the program's teaching methods and curriculum content.

Students

The program is one of the most internationally diverse in the university and attracts a range of students each year from Hong Kong, China and countries throughout the region as well as Europe, the United States and elsewhere. Students have come from a number of Asian countries, including the People's Republic of China, Bangladesh, Cambodia, India, Indonesia, Japan, Mongolia, Myanmar, Nepal, Pakistan, the Philippines, South Korea, Sri Lanka, Taiwan, Thailand and Vietnam. It has also attracted students from Europe (the Czech Republic, the United Kingdom, Romania, Turkey, France, and the Netherlands), the Pacific (Australia, New Zealand and Fiji) and the Americas (Canada, the United States, and Puerto Rico).

Students have included government officials, judges, prosecutors, practising lawyers, academics, journalists, doctors, civil society activists and staff of national human rights institutions. Not all have prior legal backgrounds, but most have encountered human rights issues in the course of their work and want to learn more about the legal standards and protection mechanisms available. Their participation deepens their knowledge and develops their skills, allowing them to work effectively at the forefront of the promotion and protection of human rights. After graduation, they have continued to contribute to human rights promotion and protection in many ways and form part of a larger community working to improve the quality of life in the region. Graduates regularly return to teach or speak about their work on human rights with current students. For example, Govinda Sharma Banda, a 2006 graduate of the program, a prominent human rights

lawyer in Nepal, and a senior legal advisor for the International Commission of Jurists spoke to students in January 2011 about Nepal's efforts to address past human rights violations.

The program has cultivated this diversity by securing funding for scholarships to support students from developing countries in the region who would otherwise not be able to participate. The use of English as a medium of instruction has also enabled the gathering of students from a variety of countries. The drawback, of course, is that it limits the program's ability to reach people who are not able to achieve the minimum English standard required for admission. The program has partly addressed this issue through collaboration with the University's English Center which has provided courses and individual instruction on writing a dissertation in English. It has also worked with an organization which runs academic English, Test of English as a Foreign Language (TOEFL) and International English Language Testing System (IELTS) courses for some students before they arrive in Hong Kong.

Students have reflected on their experiences during the program and its impact on their work and the development of their own values.¹ For example, Tek Kunwar, a judge in Nepal who graduated from the program in 2008, explained his belief that as a judge, he should obtain a fundamental understanding of human rights. He observed that during his time as a student on the program he enjoyed an "interesting range of subjects from both practical and theoretical perspectives", an "inspiring" method of teaching, and "abundant discussions, workshops, case studies and sharing [of] knowledge". He noted that "[s]tudents from diverse countries contributed to stirring ideas and academic interactions during and out of class."

Devi Novianti, a 2007 graduate who has worked with migrant workers in Hong Kong and is now a member of staff at the Hong Kong Equal Opportunities Commission said that she "grew both personally and professionally" during the program. She realized that her job involved "not merely assisting individual migrant workers with each of their problems but also the far more important task of helping to improve the plight of all migrant workers in accessing justice and getting the redress that they deserve". She reflected that the course gave her "more confidence in demanding protection and equal treatment" for her clients because she grew to realize "that the obligation to treat people from all walks of life with dignity and respect is not a charitable gesture by a country but rather a fundamental right of

every single human being and every country has the obligation to protect those rights”.

Jocelyn Reyes, a 2006 graduate from the Philippines, had been confident before embarking on the program that her knowledge of human rights was adequate to perform her job as an employee of the Commission on Human Rights in the Philippines. She realized once she began the human rights program, however, that there was more to human rights that she needed to learn. She observed that “the program taught [her] to think independently and analyze deeply, always referring to applicable laws”. She also realized that she “could never know enough about human rights: there are always new things to learn and apply”. The program allowed her to move forward from a more “solid foundation and have a deeper understanding” of what she was doing. She planned to not only base her work “solely on past experiences and practice but [would] also ... apply and refer to the laws and standards [she] learned about and discussed so thoroughly in class.”

Sharif Islam, a 2010 graduate and political science teacher at a university in Bangladesh, reflected that the program “left a deep imprint on [his] mind, in favor of the deprived, suppressed and oppressed people across the world”. He added that in his classes now, he “not only teaches [his] students to comprehend things in terms of political realism, but also inspires them to see things through a human rights lens.”

Curriculum and Pedagogy

The program aims to achieve this impact by equipping students with a thorough understanding of the relevant international, regional and domestic human rights norms and mechanisms, and how to use them effectively. The curriculum focuses on substantive and procedural law as it relates to the practice of human rights, but also draws on international relations, history, politics, philosophy, sociology and other disciplines to provide a complete and contextual grounding in the study of human rights. It also emphasizes practical skills related to conducting human rights research and advocacy. While the program is international and encompasses human rights developments around the world, it pays close attention to issues of particular importance in Asia.

All students are required to take a total of eight courses. Full time students complete the program in one academic year and part-time students

complete it in two years. There are three compulsory courses which are intended to provide students with 1) a solid foundation in international and regional human rights standards and mechanisms and their national implementation; and 2) an understanding of where human rights came from, including the history of the human rights movement, the philosophical foundations of human rights, and political considerations which human rights advocates inevitably encounter at the international, regional, national and local levels. In the first semester students complete International and Regional Protection of Human Rights, which focuses on the role and functions of international human rights law through the United Nations human rights system, and the African, Inter-American and European regional human rights systems. Selected rights are studied in detail with reference to international jurisprudence, including decisions by the human rights treaty bodies and regional courts. They are also required to take Human Rights: History, Theory and Politics which considers human rights in its historical, theoretical and political context, and uses some of the key issues in human rights today to illustrate the powerful influences that have shaped how we think about and act on human rights. In the second semester, students take National Protection of Human Rights which examines the domestic protection of human rights in constitutional, statutory and administrative frameworks and considers the important role of national human rights commissions, the courts, and other domestic implementation bodies, including civil society actors.

In recent years, the program has offered a wide range of electives, taught by visiting experts as well as permanent members of the faculty, which allow the students to study particular areas of human rights in greater depth. These include courses on Business and Human Rights; a Clinical Legal Education course which allows students to work with a non-governmental organization (NGO) that provides legal representation for asylum seekers in Hong Kong; Comparative Constitutional Law; Corruption in China: Comparative Perspectives; Current Issues in Human Rights; Dealing with Legacies of Human Rights Violations; Economic, Social and Cultural Rights; Equality and Non-discrimination; Ethnicity, Human Rights and Democracy; Human Rights and Governance; Human Rights in China; Human Rights in Cyberspace; Human Rights in Hong Kong; Human Rights Research, Sources, and Methodology; International Criminal Law; International Environmental Law; International Humanitarian Law; International Protection of Refugees

and Displaced Persons; Multiculturalism and the Law; Rights and Remedies in the Criminal Process; and the Rights of the Child.

The diversity among the student body and the combination of both breadth and depth in the curriculum have allowed for meaningful explorations of human rights issues in the classroom. One debate that frequently arises involves the universal applicability of human rights: whether the acceptance of human rights values depends on culture. Do human rights standards need modification in accordance with the situation and, if so, how? How can human rights be implemented at the national level given the variety of social, political, cultural and economic environments in states parties to core human rights treaties? Students ask questions about the applicability of human rights standards in the diverse cultural realities that exist in many Asian countries. These issues arise as they work to ensure human rights on the ground as activists and their efforts to raise the level of human rights education in their own countries. Therefore, methods of dealing with ethnic and religious diversity – and the appropriate role of human rights – become discussion points in the classroom. Although the “Asian values” debates have subsided to a large extent since their heyday in the 1990s, similar cultural relativist arguments continue to challenge human rights activists in the region as they seek to promote the realization of human rights on the ground.

In Hong Kong, undertones of relativism often find their way into conversations about human rights. This has led to opportunities for students and teachers to reflect on these issues and the obstacles a relativist perspective often poses to their work. Relativism in Hong Kong stems from several sources. For example, the business community has sometimes relied on relativist arguments to support a position against democratic reforms; in addition, traditional Chinese and Confucian notions of hierarchy - encouraged, in part by the previous colonial system—have continued to influence the education system.

Teachers on the program have drawn on materials and examples from Hong Kong and throughout the region which allow for reflection on these issues. For example, some classes discussed a Hong Kong judgment² handed down in October 2010 involving a post-operative transsexual woman who was denied the right to marry her boyfriend.³ Hong Kong’s marriage law defines marriage as a union between one man and one woman and post-operative transsexuals are not able to alter their birth certificates to reflect

their acquired sex/gender. The woman claimed that her fundamental right to marriage had been violated and that the term “woman” in Hong Kong’s marriage law should be interpreted to include a transgender woman. In a comprehensive review of comparative law the judge noted that all forty-seven member states of the Council of Europe, all but three US states, Canada, Israel, Brazil, Argentina, Uruguay, Australia, New Zealand, Japan, South Korea, China, Taiwan, and Singapore, all allow legal recognition of a change of gender and respect the right to marry of a post-operative transsexual person in his or her desired gender. In the end, however, the judge rejected her claim on the basis that the social conditions in Hong Kong are different and that there was a lack of consensus in society in favor of a transsexual woman’s right to marry a man.

Students were asked in class to analyze the case and respond to the judge’s arguments. The discussion quickly became a debate about human rights and relativism which was enriched by the diversity of the students in the class. It sparked a conversation about how human rights are implemented in the domestic context and how the social and cultural values of a community – or even a particular judge – can influence the acceptance or rejection of certain interpretations of human rights norms.

Other teaching methods include experiential learning opportunities. Both undergraduates and post-graduates can participate in a clinical legal education program in which they work with an NGO that provides legal representation for asylum seekers. Last year one of the human rights students from Burma, who had previous experience working with Burmese refugees in South Korea, collaborated with other students from Hong Kong and Australia to represent asylum seekers from Africa and South Asia. These students brought these experiences to bear on what they were learning in the classroom in their more academically-oriented course on international refugee law. The learning experience involved a mix of complementary approaches which helped students acquire practical skills, such as interviewing clients, working with interpreters, preparing legal briefs, and doing legal research, as well as theoretical knowledge of current debates in the field of refugee law.

Many of the LL.M students have worked with Hong Kong NGOs before and during the program and after graduation and representatives from NGOs have spoken with students as part of an informal series of “Rights Talks”. The strong interaction between the program and civil society was highlighted in

August 2009 when the LL.M program director joined a Hong Kong NGO delegation to Geneva to brief the United Nations (UN) Committee on the Elimination of Racial Discrimination on Hong Kong's implementation of its obligations under the International Convention on the Elimination of All Forms of Racial Discrimination. The delegation included four graduates of the program and met with three other graduates: two of whom were working with the UN Office of the High Commissioner for Human Rights and one with an international NGO based in Geneva.

The LL.M program also organizes events outside the classroom that supplement seminar discussions. For example, students benefit from the series of Rights Talks and human rights-related conferences that are regularly organized by the Faculty and the Centre for Comparative and Public Law,⁴ as well as visiting experts who conduct research and contribute to the program through talks and guest lectures.

To celebrate its tenth anniversary, the program held a symposium on "Alternative Visions of Human Rights" during the 2009-2010 academic year. The premise underlying the event was that it is not sufficient to teach students about human rights mechanisms and legal standards in a vacuum; it is also necessary to recognize that the proliferation of human rights norms and the growing accession by states to core human rights treaties has occurred alongside continuing human rights violations. It is crucial for both students and teachers to honestly and critically consider the foundations of human rights – especially when the concept of human rights is under threat. The event intended to contribute to the development of coherent theories of human rights that can suggest solutions grounded in greater legitimacy and a clearer understanding of the obstacles faced by human rights advocates.

A few weeks before the symposium, *Newsweek* magazine published a cover story called "The Death of Human Rights". For many in Hong Kong this headline called to mind another infamous cover story published in 1995 by *Fortune*, just two years before Hong Kong's handover to Chinese sovereignty, entitled "The Death of Hong Kong". In that article, the journalist, Louis Kraar, compared Hong Kong to the emperor with no clothes and wrote that "the naked truth about Hong Kong's future can be summed up in two words: 'It's over'". "The Death of Human Rights" may conjure similar images. Apparently Kraar had originally proposed adding a question mark to the end of the title of his article on Hong Kong ("The Death of Hong Kong?"), but the editors rejected this suggestion. Without question marks

at the end, both of these headlines invoke a sense of finality and fatalism rather than hope.

The handover in 1997 did not mark the death of Hong Kong or its freedoms, however. Human rights are also, arguably, still alive despite the discouraging conditions and lack of human rights protection in so many countries around the world. Many of the LL.M students and graduates face such conditions in their countries but seek to redress violations through meaningful, effective human rights work. Indeed the importance of pursuing human rights advocacy especially in such an environment and the passion and hope of the students who undertake the challenge have provided the inspiration for the LL.M program and fuel its efforts to enhance expertise in human rights law in the Asian region.

Endnotes

1. The quotes from graduates of the program are drawn from “Master of Laws in Human Rights: Student Insights” available at: www.hku.hk/ccpl/human_rights/documents/studentinsightllmhr_000.pdf.

2. *W v Registrar of Marriages* [2010] 6 HKC 359.

3. The case was also the topic of a human rights seminar attended by nearly one hundred people from the university and the broader Hong Kong community.

4. See www.hku.hk/ccpl.

Human Rights Education at Curtin University: The Interconnections of Education, Research and Advocacy

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IN THIS PAPER, we discuss the human rights education program provided by the Centre for Human Rights Education (CHRE) at Curtin University in Perth, Australia. Although we are providing an overview of the curriculum and the pedagogical processes, we also focus on the broader purposes of human rights education in creating awareness that contributes to social change. Drawing on policy examples from Australia, the interconnections of education, research and advocacy in tertiary education will be explored.

Human Rights Education in Australia

Human rights education is often portrayed as a means of rectifying all that is evil in society through its focus on communicating the importance of human rights to the populace. Indeed, human rights education may well be able to engage members of society on the important issue of how we should treat one another, and promote a human rights framework as the guide to this treatment. However, for human rights education believers like ourselves, the road is a hard one and what we do within the cloisters of an academic environment is only part of the solution. Although we focus in this paper on prospects, there are barriers to human rights education from outside and within the academy.

One of the biggest problems, and this does not just include the Australian context, is that there is not much value given to human rights per se. Despite Australia having ratified most of the international human rights treaties, little of the contents of these treaties have been enshrined in Australian law. There is also the common assumption that given Australia's democratic system of government, it must be a strong protector of human

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rights. But in many spheres we do not adhere to international human rights norms, including realizing the rights of Indigenous peoples and asylum seekers (Fleay 2010). One only has to hear the robust debates of the human rights students at Curtin University to know that all is not well in Australian society.

Reflecting some community concerns that a greater focus on human rights was needed in Australia, in 2009 the federal government ran a robust consultation to establish the level of community support for introducing human rights legislation. Indeed, the level of support from those who participated in the consultation was relatively high but the government eventually announced that it would not introduce a charter of human rights, causing disappointment to many advocates. This means Australia stands out as the only western country without human rights legislation. To have had a human rights charter would have provided greater hope that human rights thinking would develop across areas of concern in Australian society. However, the federal government did announce an intention to introduce greater legislative scrutiny for compliance with Australia's international human rights obligations (Australian Government Attorney-General's Department 2010). The government also announced investment would be made into human rights education, with A\$12.4 million to be spent on programs to support such education in primary and secondary schools, the community, and the Commonwealth public sector (Gillard and McClelland 2010). As the former Australian Minister for Education, Julia Gillard, declared:

The Consultation Committee's report noted that: "Human rights can be protected and promoted effectively only if an understanding of and commitment to human rights have become a part of everyday life for all in the community." That is why we are...investing over \$12 million in a comprehensive suite of education initiatives to promote a greater understanding of human rights across the nation (Gillard 2010).

While falling short of government support for human rights legislation, this support for legislative review and human rights education is at least some development towards a greater national focus on human rights. But it remains to be seen how this proceeds, and the impact this emphasis on human rights education will have on community education programs, the public sector, and primary, secondary and tertiary education curriculums.

This is the national context within which the CHRE at Curtin University operates. We now turn to the work of the CHRE to explain our approach to human rights education.

CHRE: Curriculum and Pedagogical Framework

Human rights is a powerful framework for engaging with the world as it articulates a utopian vision on how human beings ought to treat each other. Tertiary education can help to both promote, as well as critique, such a framework by engaging with students on human rights in a dialogical manner. In Australian universities we have seen some ad hoc developments of human rights education programs. Some are located in law faculties while a few others (including at Curtin University, University of Sydney and RMIT) have developed from a multi-disciplinary paradigm.

The CHRE at Curtin University was established in 2003 to conduct research, education and advocacy in human rights. Since this time, the CHRE has engaged in education in its broadest sense, including community education, public sector consultancy and education, raising awareness about particular human rights issues, promoting understanding and debate around human rights issues, as well as education in the more formal setting of the university. At the university level, the CHRE offers postgraduate coursework degrees in human rights, as well as a Masters by Research and PhD program. The CHRE is multi-disciplinary, drawing on research and expertise from disciplines and professions such as philosophy, political science, sociology, education, health sciences, social work, law, international relations, psychology, anthropology, business and media studies. Much of the work of the CHRE also seeks to bridge the gap between scholarship and practice, a gap that has too often inhibited the effectiveness of both. A major focus is to develop a sound theoretical and conceptual base for human rights practice and education, as well as undertaking research and scholarship that is grounded in the reality of practice and people's day-to-day experience of human rights.

Accordingly, the curriculum offered by CHRE reflects a commitment to:

- The achievement, protection and promotion of human rights;
- The promotion of multi-disciplinary understandings of human rights;

- The promotion of dialogue across communities, cultures, nations and religions about human rights;
- Engaging in teaching, research, consultancy and community education to realize these commitments.

We have developed a scheme to guide our education endeavours, reflecting various levels of engagement in human rights (Briskman and Fiske 2008).

First we engage students in a *philosophical* reflection on human rights. We explore human rights ideas that have developed over centuries in order to provoke students and others to think beyond their own contexts. Through critical reflection, students engage with such questions as whether we can consider that human beings have certain rights, such as the freedoms of thought and conscience and rights to adequate food, clean water and shelter, and where these rights might stem from.

Next we explore an understanding of the *political* aspects of human rights thinking, acknowledging that the causes and solutions of most human rights issues stem from the political realm. This is beyond an understanding of party politics and instead delves into the heart of ideological beliefs and how they are played out in politics, including those areas where there are the most rugged critiques of governments such as anti-terror laws, Indigenous rights and asylum seeker rights in Australia.

An understanding of *history* is also explored. This includes, for example, understanding how the United Nations was established and how the Universal Declaration of Human Rights came into existence, as well as the international human rights conventions that followed. Understandings of the Holocaust, the World Wars and Cold War politics are interrogated as part of this examination. Closer to home in Australia, an understanding of the impact of colonization on Indigenous peoples and how the Indigenous rights and land justice movements evolved is focused on.

Then there are what might be termed *anthropological* questions investigated to seek out human rights perspectives and approaches from a non-western worldview. Human rights are often seen as western constructs with a neo-colonial agenda with little regard that human rights are vested in many cultures and religions. Debates about universal constructions of human rights (same rights for all) as opposed to cultural relativist approaches are explored here. This includes encouraging students to engage in contentious debates, such as those in relation to the wearing of the *burqa* and fe-

male circumcision, to develop an appreciation of multiple perspectives and to go beyond the public debates on these issues that are often polemical and unreflective.

Human rights from a *legal* perspective is also examined, highlighting the development of international and domestic human rights institutions and instruments, their prospects and limitations. This includes gaining an understanding of the role of non-governmental organizations in the United Nations system to demonstrate how actors other than states can contribute to human rights deliberations.

Finally, there is an emphasis on the *practical* throughout the CHRE curriculum where students are encouraged to not only understand the world through theory, but to contemplate ways to change it. Human rights spans both theory and practice. This approach recognizes students as change agents and throughout the courses offered by the CHRE they have opportunities to engage in practice-based ways that may include theater production, media involvement or immersing themselves in a human rights campaign. For example, some students work with CHRE staff on a human rights advocacy project that seeks to raise the awareness of Australian Members of Parliament regarding gender violence, and promote the adoption of a National Plan of Action to stop violence against women. Other students choose to complete an internship as the final project component of the Master of Human Rights, engaging in human rights work in the field in a variety of organizations.

The curriculum of our postgraduate courses in human rights reflects all of the above. Units are offered in human rights theory and philosophy, and human rights across cultures and religions, to explore a wide range of approaches to human rights as well as the major debates within the discourse. Particular aspects of human rights theory and practice are explored in units on human rights and development, community education and consciousness raising, human rights activism and advocacy, and human rights instruments and institutions. (See Box 1: Master of Human Rights Coursework Units). For the Master of Human Rights, the final component of the program is project-based where students can opt to complete a dissertation, or an internship with a human rights organization.

Box 1: Master of Human Rights Coursework Units

Human Rights Theory and Philosophy

This unit begins with a general discussion of what we mean by human rights, followed by an examination of the foundations of conventional human rights discourse in western philosophy. The unit then examines the development of the post-Holocaust human rights tradition, in particular the Universal Declaration of Human Rights, and some contemporary human rights perspectives including human rights norms and regimes and socialization theories. Critiques of universalism are also explored from the cultural relativist, postmodern, postcolonial and feminist perspectives.

Community Education and Consciousness Raising

This unit looks at education's potential power to transform both personal and social-political realities. It looks at education as a tool for changing deeply held (and sometimes denied) prejudices such as racism, sexism or homophobia. It covers theories and examples of consciousness-raising, dialogue and non-traditional community education; techniques which can be used in working with community groups; and theater, storytelling, problem posing education, critical pedagogy, sentimental education, dialogue and other methods.

Human Rights and Development

This unit explores development by critiquing dominant models of economic development and exploring the relationship of human rights to development issues and development practice. It also focuses on colonialism and anti-colonialist practice; human rights abuses of Indigenous populations in the name of "development"; Indigenous understandings of human rights and Indigenous challenges to colonialist development; human rights, development and environmental issues; gender and development; and the role of international financial institutions in development.

Human Rights History Across Cultures and Religions

This unit provides an overview of the development of the idea of human rights and related concepts in a range of cultures and religions. Topics covered include the Enlightenment tradition and human rights; non-western traditions of human rights; the debate about cultural relativism; the role and practice of

dialogue; ideas of human rights in different religious traditions; colonialism and human rights; Indigenous understandings of human rights and perspectives on human rights protection, practice and education; and human rights in the context of globalization.

Human Rights Instruments and Institutions

This unit covers human rights treaties, conventions and declarations; the role of the UN, international law, and national law in defining, protecting and upholding human rights; the recognition of Indigenous rights, racial and ethnic minorities, women's rights, and rights of other groups; the investigation and reporting of human rights abuses; tribunals, truth commissions, etc; and the role of non-governmental organizations (NGOs), such as domestic NGOs, Amnesty International and Human Rights Watch.

Human Rights Activism, Advocacy and Change

This unit explores the role of social movements and advocacy groups in bringing about change. It covers theories looking at power, identity politics, social movement theory, post colonial theories and others as well as exploring specific movements and methods such as Gandhi's non-violence and *satyagraha* campaigns, Fanon and the Algerian independence movement, the US civil rights struggle, Indigenous people's struggles for recognition and land, trade unions and women's movements. It also looks at political lobbying, monitoring, letter writing and other strategies.

Human Rights Issues – two optional units

These units cover one or more specific human rights issues and the issue(s) chosen for study will vary from year to year. Issues which may be covered include: refugees, Indigenous rights, women's rights, environmental rights, world poverty, children's rights, labor rights, prisons, rights of people with disabilities, aged care, etc.

A dialogical approach is adopted in the classroom for all of these units. Individual and collaborative learning (both students and lecturers) emerges through group discussions, engagement in case studies and role plays. This recognizes the high level of motivation of postgraduate students to partici-

pate in their learning, as well as the rich experiences of many of the students in the human rights field. Students are expected to prepare for classes by reading appropriate academic and non-academic literature in relation to weekly topics, encouraging them to go beyond their existing perceptions and knowledge of particular human rights issues even prior to classes. Students are also encouraged to participate, and are assessed, both verbally in class presentations as well as through their written explorations of particular topics. Half of the program units are also now offered online, providing a challenge to the CHRE to engage distance education students at the level that internal students engage in the learning process. From 2011 all of the CHRE's human rights programs will be available online.

CHRE lecturers all engage in both the theory and practice of human rights and are experienced educators. All are also engaged in ongoing human rights activism and advocacy. This reflects a shared belief that we should not just rest on the laurels of our formal postgraduate degree programs, but extend this to embrace contributions through research, advocacy, activism and public engagement, particularly with the media. In addition, we provide guest lectures to other Curtin University programs, and regularly employ guest lecturers with expertise in particular aspects of human rights to further engage and promote the knowledge base of the students in our own programs.

What is important to us is that human rights education is not passive. Although it is important to have the foundations of human rights covered at a theoretical level, the main benefit from our perspective is what we in the university sector can contribute to the creation of just societies. Part of this is exposing human rights abuses and providing an educational program that supports students who seek to be policy and civil society activists. As a number of students commented upon completing their studies:

The Master of Human Rights course has given me the opportunity to not only become more aware of human rights issues, but to develop skills to be able to do something about it!

When you have a desire to make change finding an academic 'home' is not easy. Curtin's Master of Human Rights not only provided a home, it provided a framework for all those 'good ideas' that sound fine over red wine but lack substance in practice.

Thus formal education within this framework is seen here as both an intellectual and transformative approach (Evans 2006).

Our own human rights education program brings together experienced students (for both our postgraduate coursework degrees and the Masters by Research and PhD program) from Australia and abroad. Many have worked in organizations that are involved in human rights, and others wish to do so. Our programs are framed around respectful dialogue, recognizing that we all learn from one another, students and lecturers alike. If there are two things we identify for tertiary students to gain while they are with us, apart from the academic content, it is how to engage in respectful but persuasive dialogue and how to be effective activists from both inside and outside organizational structures.

Beyond the Classroom

The formal side of education—what we teach, who we teach and how we teach—is only one part of the CHRE's human rights work. When our Centre was reviewed in 2008, we were delighted that the external reviewer praised us for three levels of activity—teaching, research and activism—acknowledging the importance of an engagement in human rights beyond the classroom.

One of the most important aspects of human rights education is giving people the courage to work towards change, even though for some it can be a risky business. Human rights educators need to be actively engaged in working towards change and to be role models to those we want to take with us. The CHRE has actively participated in a range of human rights projects to this end. Ongoing research is conducted by the CHRE into the treatment of asylum seekers and refugees in Australia, including the mandatory detention of asylum seekers who arrive by boat. This research has informed a great level of CHRE engagement with the media and general public to raise awareness around these issues, as well as the lobbying of government. CHRE advocacy has also supported calls for stopping violence against women in Australia through commencing a lobbying project aimed at educating Members of Parliament about this issue, and bringing about the adoption of a National Plan of Action to stop this violence. In addition, the CHRE is involved with the disability rights movement both locally and nationally, challenging new forms of welfare governance that are increasingly puni-

tive, especially for women with disabilities. Working with a diverse range of disability civil society groups, the CHRE has supported the development of policy submissions to national inquiries into disability and immigration, and disability support. The Centre has also helped to found the Australian Sociological Association–Critical Disability Studies group to ensure these human rights issues are captured within research agendas across Australia.

The activism of students, both past and present, continues to be a source of inspiration to CHRE staff. International students often arrive having had considerable experience as human rights advocates in their own countries and return after their studies to continue their work, sometimes at great risk to themselves. Similarly, local students often bring to the classroom their experiences in human rights work both here and overseas. Some students commence employment with international and national organizations after their studies with us, equipped with a human rights framework that they proceed to apply to their work. What is clear from many of our students is the ongoing collaborations they enjoy with their former classmates. As a former student remarked,

working towards a more peaceful and just world can sometimes feel like a lonely journey. I found the connections I made, and the encouragement I received enabled me to continue this work with renewed hope and even excitement!

For example, in Perth a number of former students continue to work in the feminist collective they established while studying at the CHRE. In this sense, the CHRE human rights programs provide the space for the development of new human rights collectives, helping to further the growth of a human rights culture in Australia and beyond.

Contributing to a Human Rights Culture

Developing a human rights culture in Australian society is a tall order, especially without legislation to back up this activity. Despite this limitation, there are a few priority areas that need the engagement of human rights educators. The first is the professions where there is a need to ensure that professional practice is consistent with a human rights framework. Although most people would think there was such compliance there are examples to show this is not the case. For example, the complicity of doctors in the Nazi

regime in Germany is well known (Kater 1989). A lesser known example is the complicity of health professionals in immigration detention practices in Australia, including force-feeding and the use of chemical constraints for deportation (Briskman et al 2010).

Social work is one profession that operates in controlled settings where people have their rights stripped away – such as child protection, criminal justice and mental health systems. Human rights educators have a role to play in professional development in the crafting of professional codes of ethics and in encouraging critically reflective practice as one way of fostering change (Nipperess and Briskman 2009). One of the CHRE's PhD projects is actively engaged in such an endeavour in relation to social work.

Organizations are where human rights educators can play another role. In Victoria (as in the Australian Capital Territory), unlike at the national level, there is a charter of human rights and all public authorities are required to comply with its provisions in law and in practice. Thanks to the vision of Mmaskape Sejoe, who heads the Human Rights Unit at the Victoria Police, there have been endeavours to move beyond the legal framework to enabling the police to see how the development of a human rights culture can produce human rights compliance. Through the CHRE's educational programs with the Victorian Police, we have observed marked shifts in the approach of participants in courses who grapple with issues as far-flung as traffic offences, police cell practices and multicultural approaches. The CHRE also hosts regular public events on human rights issues, helping to raise public awareness of these issues and contributing to a better informed human rights community. To date in 2010 these events have highlighted the abuses of women in Papua New Guinea, Afghanistan, and Australia, the debates around the human rights consultation process in Australia, the treatment of asylum seekers and refugees, the engagement of the resources sector in human rights, and transnational activism in relation to China, Okinawa and Guam. These events are often collaborative exercises with other human rights organizations such as Amnesty International, asylum seeker and refugee support agencies, and other Curtin University schools.

Further Contributions to Social and Political Change

Influencing government is perhaps the key way to foster social and political change but this is the hardest to achieve especially when we position our-

selves as activist scholars, research activists or policy activists. It is important that human rights educators have a strong knowledge and experiential base if they do not want their views discredited. One example in relation to the CHRE is asylum seeker advocacy. From 2005 to 2008 our Centre was involved with the Australian Council of Heads of Schools of Social Work in the convening of the People's Inquiry into Detention which produced *Human Rights Overboard: Seeking Asylum in Australia* (Briskman, Latham and Goddard 2008). This activity took some courage as we did not have any authority to conduct this citizen's inquiry except by virtue of being citizens of a democratic nation. From this project, we amassed first hand material from people experienced in detention matters—former detainees, professionals, advocates—to present to government and others. We started off as subversives but ended up in the mainstream, particularly as the book received a human rights award in 2008. It was the sort of activity that seemed out-of-left field for academic educators but ended up putting social work human rights academics to the forefront.

Braving the media can also take courage, another endeavour the CHRE engages in. Most educators are not media savvy and are even media shy. But the experience of CHRE staff has proven it is worth taking the risk because it sparks debate. With the increasingly negative rhetoric being reported in the media around the arrival of asylum seekers by boat to Australia leading up to the 2010 federal election, the CHRE actively engaged with media sources to increase the dissemination of well-informed opinions on the issue. Online media outlets were particularly good for this as they generate strings of responses and help gauge community opinion, although one needs a "thick skin" when reading the replies.

Future Prospects for Human Rights Education

The experiences of the CHRE highlight that there is a place for human rights education in the university in both the narrow and broad senses of the term. Our vision would be to see human rights education spread so that it is a core unit in all university courses but this is unlikely to happen in the foreseeable future. In the meantime we can do our best with our own students, guest lectures and promoting human rights in other educational activities and education sectors. Challenges for our future lie in responding to increasing numbers of students wishing to engage in our courses online, allowing for

our educational programs to reach beyond the limits of Perth. These students nudge us towards an increasing engagement with new technologies that define new forms of interpersonal communication and collaboration between students and staff.

Most importantly we will continue to perform what some call a public intellectual role but what we would prefer to call a public advocacy and activist role. This role continues to be the very reason for the CHRE's engagement in research and education. It reflects our belief that engaging in research and education in the human rights field brings with it a responsibility to use this knowledge through participating in processes of social and political change. Given the continued social and political reticence in Australia to further embrace a human rights framework at the federal level, there is much work to be done.

Note:

For more information on the Centre for Human Rights Education at Curtin University, please visit the following website: <http://info.humanrights.curtin.edu.au/>

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Promoting International Human Rights Standards*

Jefferson R. Plantilla

DIVERSE HUMAN RIGHTS EDUCATION initiatives in Asia and the Pacific indicate continuing promotion of human rights at various levels and for different groups of people in the region. These initiatives maintain the hope of a better understanding and realization of human rights for most societies in the Asia-Pacific. And yet, there is an equal presence of anxiety about the sustainability of these initiatives, or the capacity of these initiatives to maintain their impact as their respective political, social and economic environments change over time.

Another area of concern is the content of human rights education. To what extent are the international human rights standards being conveyed to the people? And how are they represented—global ideas, commitments of governments, values that people already have, or local ideas?

To be able to answer these questions, one needs to reflect again and again on the human rights education experiences.

Domestic laws have in one way or the other been amended or enacted to reflect changing local needs and challenges. In some cases, the change in laws occurred due to the recognition of the need to adopt new ideas including the international human rights standards. In some cases, specific movements of people (lawyers, academics, workers of non-governmental organizations, or members of affected groups or communities) led to such changes in laws.

Similarly, jurisprudence changes over time particularly when the courts are presented with new issues that require different perspectives. Once in a while the highest courts of the countries adopt new ideas that have probably been influenced by the international human rights standards or ideas similar to what these standards stand for.

The following sections highlight some court decisions that apply international human rights standards, particularly those statements that exemplify human rights restatements in national or local contexts. The follow-

*Sections of this article are from the paper of the author entitled *Human Rights Education: Some Notes* prepared for the Propagation and Implementation of Human Rights Conference held in Taipei, Taiwan on 3-5 December 2010.

ing sections also discuss how these court decisions support human rights education.

Importance of Court Decisions

The citation of international human rights standards by the courts in various countries in Asia and the Pacific lends great weight to the argument that human rights are not “alien” concepts in the domestic legal system. The courts, in adjudicating cases presented before them, restate human rights principles as they apply to specific issues and contexts. Some courts have clarified the meaning of particular human rights drawing from recommendations or observations of human rights treaty monitoring bodies, whose competence in interpreting the appropriate meaning of human rights under particular human rights treaties is hardly assailable.

The courts therefore are authoritative promoters of the international human rights standards by finding their relevance and applicability in specific situations at the national level. Their decisions constitute important local resources that explain the practical and appropriate meaning of the international human rights standards. As such, they are important materials for human rights education.

Consequently, courts have the influence in defining legislative and executive agendas that implement their decisions. Thus, court decisions are important content of human rights education programs that support policy or law reform.

There should, however, be serious consideration of the fact that some court decisions are not supportive of the application of international human rights standards for a variety of reasons. Such stance covers the dismissal of the UDHR as a valid reference to international law that should bind countries, the strict application of the rule that ratified international human rights instruments do not bind the courts without domestic enabling legislation.

Some court decisions are criticized for going beyond the pale of judicial function. As declared by a law professor in relation to progressive Indian Supreme Court decisions,¹

The role of judiciary in the protection of human rights is certainly commendable. However, in the quest for socio-economic justice the judiciary seems to overstep the limits of its judicial function and trespass into the areas assigned to the executive

and the legislature. The need of the hour is to properly balance the judicial activism with judicial restraint!

But these views should be seen as challenges to be overcome by presenting better arguments for the application of international human rights standards as they relate to particular cases. Persistent use of international human rights standards in court cases has the possibility of getting court attention, as much as strengthening of existing judicial support for them.

In the same vein, the international human rights standards should be taught as compulsory subject in law schools and judicial training institutions. Lawyers and judges should have enough familiarity with the international human rights standards to be able to apply them in their respective work.

Legal Education and Human Rights

There has been a long-standing observation that international human rights law has hardly been given space in law education curriculums. This results in lawyers failing to argue cases based on international human rights standards and judges seeing human rights as irrelevant unless contained in domestic laws. In other words, there is no room for human rights unless couched as domestic legal provisions.

Thus the initiatives on incorporating human rights education in the curriculums of law schools and judicial training academies are most welcomed. The *Manila Declaration for a 21st Century Independent Judiciary*² of the Judicial Reform Network in the 21st Century (JRN21)³ states as its principles the reaffirmation of the “core judicial independence and accountability principles enshrined in the [U]niversal [D]eclaration of [H]uman [R]ights, the United Nations Basic Principles on the Independence of the Judiciary, the International Covenant on Civil and Political Rights and the Beijing Declaration on Independence of the Judiciary, and recommit ourselves to their speedy and effective implementation.” This statement mainstreams human rights into the functioning of the judiciary. But does human-rights-based judicial independence extend to the application of the international human rights standards in the decisions of the courts? If so, are the members of the judiciary ready to do so?

The Beijing Statement of Principles of the Independence of the Judiciary in the LAWASIA Region adopted by a significant number of Chief Justices of

Asia-Pacific in Beijing in 1995 and then amended in Manila in 1997 provides a view on what judicial independence means in the context of the region. As a component of judicial independence, its provision on objectives of the judiciary is an important guide on the relationship of the judiciary and the international human rights standards. It states:

OBJECTIVES OF THE JUDICIARY

10. The objectives and functions of the judiciary include the following:

- a) To ensure that all persons are able to live securely under the rule of law;
- b) To promote, within the proper limits of the judicial function, the observance and the attainment of human rights; and
- c) To administer the law impartially among person[s] and between persons and the State.

Subject to appropriate consideration of the different systems and views among the judiciaries in Asia and the Pacific about the application of the international human rights standards on cases before them, JRN21 is in a proper position to translate its human-rights-laden principles (and guided by other human-rights-related declarations of the chief justices in the region) into concrete activities that support the incorporation of the international human rights standards in court decisions. This can be done in the context of JRN21's promotion of judicial reform and its aim at making

links to existing constitutional and legal databases, ongoing and planned judicial reform projects and resource and key contact information for reformers and organizations worldwide. In addition, it will include resource links to other relevant regional and global electronic networks, databases, electronic training programs and websites, as well as key [non-governmental organizations] NGOs, regional and global organizations, donors and professional associations.⁴

JRN21 can very well facilitate the compilation and analysis of court decisions that discuss human rights. Many court decisions that applied the international human rights standards have already been summarized and published. Some of these court decisions are available online.⁵ They constitute appropriate materials in understanding the views of the judiciaries in

the region about human rights, and in finding ways of further promoting, “within the proper limits of the judicial function, the observance and the attainment of human rights.”

Some law schools in South Asia (Bangladesh, India, Nepal, Pakistan and Sri Lanka) established the South Asian Law Schools Forum for Human Rights (SALS Forum) in 2004⁶ because of their desire to bring

qualitative changes in our legal education systems through promoting and strengthening the understanding of the human rights education, and developing a congenial environment for a progressive outlook for mainstreaming of the human rights education at all levels with special emphasis on university legal education.

The Charter of the SALS Forum states the following objectives of the network:

- 1) To strengthen the quality of legal education and promote exchange of ideas and experiences among South Asian law schools and similar institutions in matters of legal education in general and human rights studies in particular;
- 2) To promote consistent development of regional human rights jurisprudence through active participation of faculties by developing common understanding on human rights issues, curriculum of the universities and teaching methodologies;
- 3) To ensure that legal education's vision is socially responsive to the needs of the community;
- j) To promote a pro-active attitude towards the development and implementation of the international and regional human rights instruments;
- 4) To develop and promote human rights education for the empowerment of marginalized and vulnerable sections of the society;
- 5) To strengthen social commitment and develop the standard of legal professionals in matters of human rights violation.⁷

The rationale for the establishment of SALS Forum is very clearly embodied in these objectives that emphasize the role of the academe in addressing issues affecting the community/country. These objectives recognize the

teaching of human rights (in various forms and comprehensiveness) in at least some South Asian law schools and state the need to learn from and improve on these experiences. SALS Forum is an appropriate response to the need for more effective incorporation of human rights education into formal legal education.

In Southeast Asia, a similar initiative was established in 2009 though not exclusively for law schools. The Southeast Asian Human Rights Studies Network (SEAHRN) is a “consortium of academic institutions which provide human rights education through study programs, research and outreach activities within the Southeast Asian region.”⁸ Its members include faculties and schools of law in several Southeast Asian universities.

This network has the following main objectives:

- To strengthen higher education devoted to the study of human rights in Southeast Asia through faculty and course development
- To develop deeper understanding and enhancement of human rights knowledge through collaborative research
- To achieve excellent regional academic and civil society cooperation in realizing human rights in Southeast Asia
- To conduct public advocacy through critical engagement with civil society actors, including inter-governmental bodies, in Southeast Asia.

For 2011, SEAHRN focuses on capacity-building training for emerging scholars, academics and network members through the following activities:

- Human Rights Textbooks and Teaching Guides: development by experts from different fields of human rights, development of educational materials that facilitate a more holistic learning and understanding of human rights in colleges and universities.
- Human Rights Training Workshop for Emerging Scholars: a series of capacity-building seminars for a selected number of students, educators, civil society workers, and activists from Southeast Asia to help them improve their skills and knowledge in human rights research.
- Human Rights Training for Academics and Network Members: aimed at increasing the capacities of network members and academics in doing research on human rights in Southeast Asia.

For East Asia (covering Northeast and Southeast Asia), a network of legal scholars has the potential of providing studies that relate to human rights. This network considers that the law and society in “East Asia are currently in the midst of rapid and fundamental changes... [and thus provide] fertile grounds for socio-legal research.”⁹ The Collaborative Research Network East Asian Law and Society (CRN-EALS) was formed in 2010 “within the Law and Society Association (LSA)¹⁰ to provide a forum for promoting research on East Asian law and society, and disseminating its findings to a wider community of socio-legal scholarship.”

Another initiative with a much broader legal education agenda provides an important opportunity in the development of law curriculums with human rights content. The Asian Law Institute (ALI), established in 2003 by several leading law schools in Asia, aims to foster Asian legal scholarship and facilitate greater interaction among legal scholars in Asia and those working on Asian law-related issues.¹¹

A new Asian network that has a role in the human rights education of members of the judiciary is the Asian Consortium for Human Rights-Based Access to Justice (HRBA2AJ). It was established in 2010 as a network of national judicial and human rights institutions, civil society organizations and academic institutions in Asia. Its members include judicial academies. And it has project on capacity-building on application of the human-rights-based approach to access to justice.¹²

Despite these existing initiatives, formal education on the application of human rights to specific issues remains underserved. Kelley Loper, Caroline Fleay and Linda Briskman report in their respective articles in this publication on the need for universities to offer human rights programs at both undergraduate and graduate levels. For the non-formal education programs, Kathryn Choules and the Asia Pacific Forum on Women, Law and Development provide examples of training initiatives for NGO workers and even members of the judiciary on how they can apply international human rights standards in their respective fields and contexts.

The Pacific experience on legal education with human rights content provides concrete proof of the importance of education in ensuring application of international human rights standards.¹³

One report states that human rights training for judges, magistrates and lawyers have contributed to the use of international human rights standards in court decisions. The report explains that¹⁴

[T]hese cases have resulted in numerous court decisions in which judicial officials have shown intolerance to domestic violence, greater willingness to order more realistic financial settlements to deserted women and children and to apply human rights conventions to decision making. Judgments in Fiji, Vanuatu, Samoa, Solomon Islands and Kiribati indicate that lawyers, magistrates and judges use human rights language more often and as guidance in decision making or as the basis of arguments.

The courts in these Pacific countries have cited a number of human rights instruments such as the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), Convention on the Rights of the Child (CRC), International Covenant on Civil and Political Rights (ICCPR), and the International Covenant on Economic, Social and Cultural Rights (ICESCR).

While courts in Asia and the Pacific exist within different legal systems and socio-cultural and political contexts, upholding human rights constitutes by and large a developing common field. A few of these court decisions are presented below to illustrate their support for human rights, and show their importance as content of human rights education.

Some Court Decisions

A limited review of decisions of the highest courts in a number of countries in Asia and the Pacific shows the application of the international human rights standards at the national level. One study of northeast Asian courts asserts diverse coverage of human rights, not preferring one set of rights (such as economic, social and cultural rights) to another set of rights (such as civil and political rights):

There has never been any particular judicial agenda or preference of some rights over the other in adjudication of rights in the three countries (Japan, South Korea and Taiwan). Rather, human rights cases in these courts spanned from rights to vote, religious freedoms, freedom of speech, freedom of association, gender equality, to economic freedom, right of property, labor rights and right to education.¹⁵

A number of court decisions in the Asia-Pacific region have either explicitly upheld the application of international human rights standards or ruled in favor of protecting human rights by referring to corresponding constitutional rights and freedoms. It is also true, however, that there are court decisions that favor a less welcoming view of human rights and their international instruments.¹⁶

A report from the Philippines explains the support that the Philippine Supreme Court has extended to the application of the international human rights standards in the country. It explains:¹⁷

As early as 1951, three years after its inception, the UDHR [Universal Declaration of Human Rights] was invoked in an alien deportation case¹⁸ by the Supreme Court as an essential component of the “constitutional structure of world community” to characterize the freedom from arbitrary and unnecessarily prolonged detention as a customary norm. Quite radically, in another case half a century later the Supreme Court recognized the latent superiority of the UDHR over the Constitution, and its active role as a limit on the exercise of governmental authority “during the interregnum when no Bill of Rights or Constitution existed.”¹⁹ In that case of *Republic v. Sandiganbayan* the Court held that even though the Constitutional proscription was unavailing during the period that the 1973 Constitution had been abrogated on February 25, 1986 up to the promulgation of the Freedom Constitution weeks later, the UDHR obligated the government to respect this right of individuals, among others found in the UDHR, as subjects of international law.

In the words of the Philippine Supreme Court:²⁰

The [UDHR] ... provides in its Article 17(2) that “[n]o one shall be arbitrarily deprived of his property.” Although the [UDHR was not intended] as a legally binding document, being only a declaration, the Court has interpreted the [UDHR] as part of the generally accepted principles of international law and binding on the State. Thus, the revolutionary government was also obligated under international law to observe the rights of individuals under the [UDHR].

On a specific right to travel and movement, the Philippine Supreme Court stated that²¹

The right to travel and to freedom of movement is a fundamental right guaranteed by the 1987 Constitution and the Universal Declaration of Human Rights ... That right extends to all residents regardless of nationality. And “everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the Constitution or by law.”

The right to return to one’s country was also discussed in another case:²²

The right to return to one’s country is not among the rights specifically guaranteed in the Bill of Rights [in the Philippine Constitution], which treats only the liberty of abode and the right to travel, but it is our well-considered view that the right to return may be considered, as a generally accepted principle of international law and, under our Constitution, is part of the law of the land [Art. II, Sec. 2 of the Constitution.] However, it is distinct and separate from the right to travel and enjoys a different protection under the International Covenant of Civil and Political Rights, i.e., against being “arbitrarily deprived” thereof [Art. 12(4).]

The Indian Supreme Court has likewise provided rules in applying international human rights standards domestically.²³ In one case,²⁴

[T]he Supreme Court rejected the argument that the woman, as a foreigner, was not afforded certain constitutional protections. Some provisions of the Indian Constitution refer to “citizens” while others refer to “persons”. Regardless, the Court held that “life” as used in Article 21 must be interpreted consistently with the Universal Declaration of Human Rights. Thus, Article 21 protections protect both citizens and non-citizens. Since rape is a violation of Article 21’s fundamental right to life, the victim was entitled to compensation.

In a class action by Indian social activists and NGOs regarding the gang rape of a social worker, the Indian Supreme Court “looked to international law and designed rules to combat sexual harassment.” A report further states that the court stated that “[A]ny International Convention not inconsistent

with the fundamental right and in harmony with its spirit must be read into these provisions to enlarge the meaning and content thereof, to promote the object of the constitutional guarantee.” The report concluded:

Thus, in India, in the absence of domestic law, gender equality should be interpreted in light of international conventions and norms. The Court looked to CEDAW when it said that “[g]ender equality includes protection from sexual harassment and the right to work with dignity.” The Court then drafted a detailed sexual harassment code and imposed a duty on employers (ostensibly both public and private) to prevent sexual harassment in the workplace and to provide a grievance option for employees.

The Indian Supreme Court grounded its decision on the basis of standards set in unincorporated international agreements, as these conventions “elucidate and go to effectuate the fundamental rights guaranteed by our Constitution [and therefore] can be relied upon by Courts as facets of those fundamental rights and hence enforceable as such.”

The Commonwealth Human Rights Initiative reported²⁵ a case of a mother who

wrote a letter to the Supreme Court of India, requesting monetary compensation for the death of her 22-year-old son, who died in police custody. She claimed that her son was beaten to death. The Supreme Court took up her case.

The Indian Supreme Court was quoted to have ruled:

“Article 9 (5) of the International Covenant on Civil and Political Rights, 1966, lays down that anyone who has been the victim of unlawful arrest or detention shall have an enforceable right to compensation. This Covenant has been ratified by India, which means that the State has undertaken to abide by its terms . . . The State has a “duty of care” to ensure that the guarantee of Article 21 is not denied to anyone. This “duty of care” is strict and admits no exceptions the Court said. The State must take responsibility by paying compensation to the near and dear ones of a person, who has been deprived of her/ his life by the wrongful acts of its agents. However, the Court affirmed that the

State has a right to recover the compensation amount from the wrongdoers.”

One should also note in this case the exercise of the so-called “epistolary jurisdiction” that allows people to file a petition to the Indian Supreme Court by simply sending a letter of request, which is then treated as writ petition. Justice P.N. Bhagwati of the Indian Supreme Court explained this novel judicial procedure:²⁶

The Supreme Court of India also felt that when any member of the public or social action group espouses the cause of the poor and the underprivileged he should be able to move the Court even by just writing a letter. It would not be right or fair to expect a person acting pro bono publico to incur expenses from his own pocket in order to go to a lawyer and prepare a regular writ petition to be filed in Court for enforcement of the fundamental rights of the poor and deprived sections of the community. In such a case then, a letter addressed by him to the Court can legitimately be regarded as an appropriate proceeding within the meaning of Articles 32 and 226 of the Constitution [of India]. The Supreme Court thus evolved what has come to be known as epistolary jurisdiction where the Court can be moved by just addressing a letter on behalf of the disadvantaged class of persons. This new strategy which we evolved was a major breakthrough achieved by the Supreme Court in bringing justice closer to the large masses of the people.

The Indian Supreme Court has acted on a number of cases under its “epistolary jurisdiction.” It also stated that a strict application of the rule that only affected person can seek judicial recourse would not serve justice since this rule²⁷

breaks down in the case of a person or class of persons whose fundamental right is violated but who cannot have resort to the court on account of their poverty or disability or socially or economically disadvantaged position and in such a case, therefore, the court can and must allow any member of the public acting bona fide to espouse the cause of such person or class of persons.

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This provision conferring on the Supreme Court power to enforce the fundamental rights in the widest possible terms shows the anxiety of the Constitution makers not to allow any

procedural technicalities to stand in the way of enforcement of fundamental rights.

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It is not at all obligatory that an adversarial procedure, where each party produces his own evidence tested by cross examination by the other side and the judge sits like an umpire and decides the case only on the basis of such material as may be produced before him by both parties, must be followed in a proceeding under Article 32 for enforcement of a fundamental right. (*emphasis mine*)

The Nepali Supreme Court has likewise in recent years been issuing judgments that support human rights. In a case filed by an association called Friends of Needy Children (FNC) in 2004, the Nepali Supreme Court clarified the obligation of a state regarding fulfillment of child rights. The Nepali Supreme Court ruled that²⁸

42. It is a legal and constitutional obligation and duty of the Respondents to protect the rights of the child in line with the provisions of the Bonded Labor (Prohibition) Act, 2002 A.D. (2058 B.S.) and the CRC [Convention on the Rights of the Child]. It is also an international commitment of Nepal pursuant to Nepal Treaty Act, 1990 A.D. (2047 B.S.) and Article 26 of the Constitution of the Kingdom of Nepal, 1990 A.D. (2047 B.S.).

The court also saw the importance empowering the children through education in order to help realize their rights, as the following paragraph explains:

44. Mere formulation of an Act and provisions of the Act cannot provide facility of education in a country like ours where poverty, illiteracy and ignorance [are] rooted with traditional and conservative ideas. Hence the provisions of the Act and the CRC alone cannot eradicate child labor. As the stakeholders and target groups of the Children Act, Bonded Labor (Prohibition) Act and the CRC are the children themselves, it is essential for the Government to facilitate them from higher level, and the stakeholders themselves should be aware towards their rights from the grassroots level. Only then, the Conventions including the CRC protecting the rights of the child and the Child Labor

(Prohibition and Regulation) Act, 2000 A.D. (2056 B.S.) could be implemented effectively.

The Bangladeshi Supreme Court has ruled that it is now “an accepted rule of judicial construction to interpret municipal law in conformity with international law and conventions when there is no inconsistency between them or there is a void in the domestic law.”²⁹ But it also clarified this rule:

Our courts will not enforce those Covenants as treaties and conventions, even if ratified by the State, are not part of the *corpus juris* of the State unless those are incorporated in the municipal legislation. However, the court can look into these conventions and covenants as an aid to interpretation of the provisions of Part III, particularly to determine the rights implicit in the rights like the right to life and the right to liberty, but not enumerated in the Constitution. In the case of *H.M. Ershad v. Bangladesh, 2001 BLD (AD) 69*, it is held: “The national courts should not ... straightway ignore the international obligations which a country undertakes. **If the domestic laws are not clear enough or there is nothing therein the national courts should draw upon the principles incorporated in the international instruments.**” In the case of *Apparel Export Promotion Council v. Chopra, AIR 1999 SC 625* it is held, “In cases involving violation of human rights, the courts must for ever remain alive to the international instruments and conventions and apply the same to a given case when there is no inconsistency between the international norms and the domestic law occupying the field.” (emphasis mine)

A report from Hong Kong states that its courts cite “extensively and regularly from other common law jurisdictions, including the European Court of Human Rights as well as the jurisprudence of the United Nations treaty bodies (in particular the Human Rights Committee) authorities.”³⁰

From the Pacific, several court decisions show a variety of application of international human rights instruments. Several volumes of the *Pacific Human Rights Law Digest*³¹ provide a review of court decisions in a number of Pacific countries that uphold human rights or restrict them.

In relation to the application of international human rights standards, one case that provides an important ruling is presented as follows:³²

Life/International standards

The Tongan case of *R v Vola* was the first verdict in a murder case in Tongatapu in over 20 years. The court did not hesitate in applying international cases and the International Covenant on Civil and Political Rights, notwithstanding that they did not apply directly to Tonga or that Tonga had yet to ratify the covenant. It was recognised that the principles set out in the covenant and in the numerous authorities cited were reflective of the circumstances exercised in relation to the death penalty. The court was not hindered by the kingdom's non-ratification. The case illustrates the philosophical concerns of the judiciary in particular, and the wider community in general, in relation to the irreversible nature of the death penalty. Like Solomon Islands in the Kelly cases in this digest, this case marks the first clear departure from traditional non-enforceability approaches to international law in Tonga, and the growing influence of international human rights law on domestic courts.

The Kelly case in Solomon Islands involved the prosecution of a child soldier for murder in the context of the inter-ethnic fighting between the people of Malaita and Guadalcanal in 2000 that followed a coup d'état by a civilian militia against a democratically elected government of Bartholomew Ulufa'alu. The parents of the child contested the decision to prosecute the child on ground that it was unfair and in violation of CRC. The court ruled against the appeal of the parents. While the court ruled that CRC applied only in cases of child soldiers of the "the armed forces of a country and not into an illegal paramilitary group," it emphasized the constitutional responsibility of ensuring fair trial for the child accused at every stage of the proceedings:³³

While Article 37 of the CRC provided safeguards for the children, it was for the court to ensure the procedure and process conformed to the provisions of the CRC. The Solomon Islands Government had the responsibility to enact legislation that would give effect to relevant international conventions. In the absence of legislation, the court would do all within its powers to protect juveniles under the CS1 [Constitution of Solomon Islands] and the JOA [Juvenile Offenders Act].

Some court decisions have significance beyond the country concerned such as the so-called Mabo case in Australia³⁴ that settled the issue of native title in 1992. The High Court of Australia discussed the limit of the doctrine of exclusive Crown ownership of all lands in the Australian colonies. It did not support the claim that the “interests of indigenous inhabitants in colonial land were extinguished so soon as British subjects settled in a colony, though the indigenous inhabitants had neither ceded their lands to the Crown nor suffered them to be taken as the spoils of conquest.” The court explained:

Whatever the justification advanced in earlier days for refusing to recognize the rights and interests in land of the indigenous inhabitants of settled colonies, an unjust and discriminatory doctrine of that kind can no longer be accepted. The expectations of the international community accord in this respect with the contemporary values of the Australian people. The opening up of international remedies to individuals pursuant to Australia’s accession to the Optional Protocol to the International Covenant on Civil and Political Rights (68) See Communication 78/1980 in Selected Decisions of the Human Rights Committee under the Optional Protocol, vol.2, p 23 brings to bear on the common law the powerful influence of the Covenant and the international standards it imports. The common law does not necessarily conform with international law, but international law is a legitimate and important influence on the development of the common law, especially when international law declares the existence of universal human rights. A common law doctrine founded on unjust discrimination in the enjoyment of civil and political rights demands reconsideration. It is contrary both to international standards and to the fundamental values of our common law to entrench a discriminatory rule which, because of the supposed position on the scale of social organization of the indigenous inhabitants of a settled colony, denies them a right to occupy their traditional lands.

In sum, the court ruled that

[N]ative title to land survived the Crown’s acquisition of sovereignty and radical title. The rights and privileges conferred by native title were unaffected by the Crown’s acquisition of radical title but the acquisition of sovereignty exposed native title to ex-

tinguishment by a valid exercise of sovereign power inconsistent with the continued right to enjoy native title.

This decision echoes a 1909 decision of the United States Supreme Court regarding the right of an indigenous person in the Philippines to his land.³⁵ It ruled that³⁶

[E]very presumption is and ought to be against the government in a case like the present. It might, perhaps, be proper and sufficient to say that when, as far back as testimony or memory goes, the land has been held by individuals under a claim of private ownership, it will be presumed to have been held in the same way from before the Spanish conquest, and never to have been public land. Certainly in a case like this, if there is doubt or ambiguity in the Spanish law, we ought to give the applicant the benefit of the doubt.

This decision became the basis of the 1997 The Indigenous Peoples Rights Act, which defines native title as follows:

Sec. 3 [I]. Native Title-- refers to pre- [Spanish] conquest rights to lands and domains which, as far back as memory reaches, have been held under a claim of private ownership by ICCs/IPs [Indigenous Cultural Communities/Indigenous Peoples], have never been public lands and are thus indisputably presumed to have been held that way since before the Spanish Conquest.

Some court decisions, however, promote a limited application of the international human rights standards. The courts may not apply the international human rights standards to particular issues (such as issues on political structure and sovereignty,³⁷ national security laws³⁸) or limit the meaning of human rights (the rights under the Universal Declaration of Human Rights are considered merely declaratory in nature and thus non-binding).³⁹

Constitution as Basis of Human Rights

One author floated the idea of “human rights constitutionalism,” which is a set of normative standards by which to “assess the quality of a constitutional

system and its day-to-day operations – the human rights of each individual in the community.”⁴⁰ It is grounded on the “recognition of the equal inherent dignity and nobility of each individual and a comprehensive notion of human rights.” According to this perspective, a “government of human rights constitutionalism” would include the following:⁴¹

(1) a constitutional division of governmental power among two or more basic organs or “branches”;

(2) some form of independent judicial system, with jurisdiction including cases on civil rights and liberties;

(3) regularized limits on the amount of governmental power possessed by anyone and generally, on the length of time power may be legitimately possessed. (A few Asian constitutional monarchies present partial exceptions.) Democratic elections using the secret ballot assure peaceful, routine passage from one national leader or group of leaders to the next, and encourage public agreement on the legitimacy and composition of the leadership;

(4) government authority and means of coercion under law sufficient to maintain public peace, security of person, and national security, within limits defined by the human rights of citizens and those of other countries. Rigorous restraints on military power and military involvement in government politics;

(5) government involvement in socioeconomic problem-solving in order to meet citizens’ subsistence needs (e.g., food, clothing, shelter) and a life compatible with human dignity, insofar as the private sector fails to meet these needs. Property rights and economic freedom are protected insofar as they do not result in such inequitable distribution as to deny the socioeconomic rights of other citizens, particularly the least fortunate;

(6) legally protected and encouraged freedom of peaceful expression of personal and group beliefs about the meaning of human life and the universe, insofar as such expression is compatible with respectful treatment of other people in the circumstances of the specific society;

(7) a system of local autonomy showing the maximum respect for regional desires for self-governance that is compatible with human rights claims in other affected territories;

(8) procedural rights in criminal and civil justice for each citizen equal to those of all others within the national community; the stan-

dard for treatment of the most privileged members of society is applied to the least fortunate;

(9) acceptance of the constitution and human rights as the supreme law of the land, by the government and by the general public.

Many constitutions in Asia would probably contain many of these characteristics. In the case of a few Constitutions, human rights have been explicitly provided. The 1947 Japanese Constitution can be considered to be the first such document that uses the words “human rights” instead of the usual terminologies such as constitutional rights, fundamental rights, or basic rights which indicate their national (rather than international) character. Because they are “human rights,” they are considered “pre-constitutional” rights.⁴² This view, in effect, means that the Japanese Constitution protects the existing and “inviolable” rights, and does not create them. This idea relates to a Philippine Supreme Court decision on the “right to a balanced and healthful ecology” found in the 1987 Philippine Constitution. The court declared that⁴³

Such a right belongs to a different category of rights altogether for it concerns nothing less than self-preservation and self-perpetuation—aptly and fittingly stressed by the petitioners—the advancement of which may even be said to predate all governments and constitutions. As a matter of fact, these basic rights need not even be written in the Constitution for they are assumed to exist from the inception of humankind.

In the case of Hong Kong, there was a deliberate act of making human rights gain domestic law status through the enactment of the Bill of Rights Ordinance (BORO) in 1989. BORO incorporates most of the rights provided in the ICCPR. But more importantly the Constitution of Hong Kong (Basic Law, 1990) incorporates international human rights instruments by providing that

The provisions of the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, and international labour conventions as applied to Hong Kong shall remain in force and shall be implemented through the laws of the Hong Kong Special Administrative Region.

The rights and freedoms enjoyed by Hong Kong residents shall not be restricted unless as prescribed by law. Such restric-

tions shall not contravene the provisions of the preceding paragraph of this Article. (Article 39)

It has been observed that while rights under ICCPR have been incorporated into domestic law through BORO, this is not so in the case of the rights under ICESCR.⁴⁴

However, there are practical problems that should be noted. People may appreciate the Constitution as the only standard of rights and consequently ignore the international human rights standards. One author argues that in Japan, the courts do not regard the international human rights standards with appropriate respect. As he explains:⁴⁵

Japanese courts assume that the meaning, scope and effect of human rights provided under international human rights law are the same as those under the Japanese Constitution. Accordingly, if a governmental action is found to be lawful under the Japanese Constitution, it is automatically regarded as lawful under international human rights law as well.

Without proper examination of ratified international human rights instruments, the Japanese courts may virtually disregard their application or their necessity at the domestic level.⁴⁶

This somehow reflects the observation on the character of judicial review in Northeast Asia:⁴⁷

The Constitutional Courts of South Korea and Taiwan have both earned acclaim for their respective judicial activism in steering democratic transitions and guarding human rights. Both courts have on average denounced legislative enactments or ruled against government actions in about one third of [their] decisions ever since democratization began in the late 1980s. Thus, a common understanding of judicial review in East Asia is that the Japanese Supreme Court is relatively conservative while the Constitutional Courts of South Korea and Taiwan are very active and even aggressive.

But the authors do not see this situation as suggesting “judicial activism,” rather they see courts in Korea, Taiwan and Japan as merely reacting to the “social and political circumstances and majority demands in a rather cautious way.”⁴⁸

It is also necessary to understand that not all human rights, as internationally defined, have their corresponding counterparts in the Constitutions. A case in point is the right to education, which is not explicitly provided in the Indian Constitution. And if not for the interpretation of the Indian Supreme Court, such right would not have been properly recognized. As a report explains⁴⁹

The [Indian] Supreme Court held that although the right to education as such has not been guaranteed as a fundamental right under the Constitution, it becomes clear from the Preamble of the Constitution and its Directive Principles, contained in section IV, that the framers of the Constitution intended the State to provide education for its citizens. The court then relates the Directive Principle of Article 14 which requires that the state attempt to implement the right to education within its economic capacity. The court then reasons that this principle creates a constitutional right to education because education is essential to the fulfillment of the fundamental rights of dignity and life. The court links the right to education to the right to life by reasoning that to sustain life a human being requires the fulfillment of all the enabling rights which create life of dignity.

In Kiribati, the Constitution of Kiribati “does not contain an equal rights clause or a non-discrimination clause clearly making discrimination against women illegal.”⁵⁰ But the ratification of an international human rights instrument (CEDAW) “may provide the only short term opportunity” to urge it (CEDAW) as basis of argument in court cases. This then provides the Kiribati courts the chance to support the non-discrimination principle that is absent in the Constitution of Kiribati.

The concept of “human rights constitutionalism” provides a set of criteria for examining Constitutions and the extent of their subscription to the international human rights standards. Court decisions, on the other hand, can provide the constitutional bases of human rights that have no explicit constitutional counterpart.

Application of Court Decisions

In 2004, the Supreme Court of India⁵¹ declared that there is “no reason why these international [human rights conventions] and norms cannot, therefore, be used for construing the fundamental rights expressly guaranteed in the Constitution of India which embody the basic concept of gender equality in all spheres of human activity.” It went on to state that

16. In view of the above, and the absence of enacted law to provide for the effective enforcement of the basic human right of gender equality and guarantee against sexual harassment and abuse, more particularly against sexual harassment at work places, we lay down the guidelines and norms specified hereinafter for due observance at all work places or other institutions, until a legislation is enacted for the purpose. This is done in exercise of the power available under Art. 32 of the Constitution for enforcement of the fundamental rights and it is further emphasised that this would be treated as the law declared by this Court under Art. 141 of the Constitution.

And thus the Indian Supreme Court proceeded to state as part of its decision the guidelines more popularly known as “Vishaka Guidelines against Sexual Harassment in the Workplace.”

The guidelines refer to the definition of human rights under the Protection of Human Rights Act, 1993 of India. The court declared that the guidelines “would be binding and enforceable in law until suitable legislation is enacted to occupy the field.”

Since then, non-governmental organizations have been lobbying the government for the drafting of a law on sexual harassment.

The Vishaka Guidelines, aside from being a concrete basis for pressuring the government to enforce international standards on women’s rights, is an example of a judicial “legislation” that should be complied with by the people.

In 2008, the Supreme Court of Bangladesh⁵² declared its own set of guidelines on sexual harassment following this decision of the Indian Supreme Court. It ruled that

[P]rotection from sexual harassment and right to education and work with dignity [are] universally recognised as basic hu-

man rights. The common minimum requirement of these rights has received global acceptance. Therefore, the International Conventions and norms are of great significance in the formulation of the guidelines to achieve this purpose.

This is one example of a court decision of a country being recognized and adopted for its significance by the court in another country.

Court decisions are also important in questioning existing laws that run counter to international human rights standards. As the cases earlier cited show, laws are not only declared unconstitutional but also in violation of ratified international human rights instruments.

The power of the courts to define how international human rights standards apply in concrete cases is helpful in addressing issues that have just recently been given attention as human rights issues. The campaign for the recognition of the rights of people living with HIV/AIDS and those belonging to the gay, lesbian, bisexual, transgender and intersex communities is an example.

Court decisions can pave the way for policy review or law reform. The Commission on AIDS in the Pacific,⁵³ the current negative public perception of people belonging to the gay, lesbian, bisexual, transgender and intersex communities facilitate HIV transmission, and violate the rights of these people. Another study⁵⁴ revealed the existence of repressive legal environments in majority of the Asia-Pacific region that affect men-having-sex with men and transgender people. One court decision in Fiji addressed this issue stating that⁵⁵

In my view the Court should adopt a broad and purposive construction of privacy that is consistent with the recognition in international law that the right to privacy extends beyond the negative conception of privacy as freedom from unwarranted State intrusion into one's private life to include the positive right to establish and nurture human relationships free of criminal or indeed community sanction.

This decision subsequently led to the enactment in Fiji of a penal law that decriminalized sex between male adults.⁵⁶ This is one example of how court decisions lead to law reform particularly the enactment of laws that uphold the international human rights standards.

Implications for Human Rights Education

As earlier stated, court decisions have to be considered in promoting human rights, particularly in explaining how the international human rights standards and principles apply to concrete, local issues.

Though there is no agreement so far among the judiciaries in Asia and the Pacific on how they should treat human rights, existing significant court decisions or judicial principles that rightfully uphold human rights should be given weight as examples of domestic application of the international human rights standards.

The following views on human rights, for example, from the court decisions cited earlier constitute important content for human rights education:

- a. The UDHR should be treated as part of international customary law and thus binding upon all members of the international community of states;
- b. In cases of crisis situation, such as the lack of an operating Constitution, the UDHR is a basis for enforcement of human rights;
- c. Human rights as declared in the UDHR and provided for in ratified international human rights instruments and the Constitution are for all persons, regardless of nationality;
- d. Human rights are state obligations under both Constitution and ratified international agreements, and should be given practical support for their effective implementation.

The Constitution and human rights are closely linked and should be discussed together in human rights education:

- a. There are constitutional concepts that can enrich human rights principles, giving human rights greater importance to the people whose Constitutions have such provisions;
- b. While constitutional provisions may not cover some human rights, judicial interpretation based on the international human rights standards can provide support for the judicial declaration that such rights exist;
- c. Constitutional provisions should not be assumed as the same as the international human rights standards, to the extent that the fulfillment of constitutional rights becomes automatic fulfillment of state obligations under international human rights treaties.

Linking constitutional rights to the international human rights standards avoids the problem of a narrow view of legal education – that is, education on all existing laws and the duty to follow them without fail. Equating legal education with human rights education requires the explicit inclusion of the international human rights standards as educational content. This, in turn, means a critical understanding of laws based on the international human rights standards should be part of the educational objectives.

This is the kind of legal education promoted by many Asian legal resources groups. They do not assume that laws are perfect. And when evaluated against human rights standards, some laws may turn out to be violating human rights. In this regard, jurisprudence that supports the application of the international human rights standards at the domestic level would be most useful in evaluating laws.

This approach likewise points to the necessity of reviewing jurisprudence, old and new, and promoting those that have established

- a. The principle that international human rights standards apply at the domestic legal systems;
- b. That international human rights treaties should be faithfully and effectively implemented through national programs of governments;
- c. That absence of laws should not prevent recognition of human rights in order to address issues of injustice.

It is also important to note that international human rights standards should not be seen only from the so-called legal positivist perspective in order not to limit their domestic application. Some court decisions have reached out to the international human rights standards to be able to give justice to victims of human rights violations, despite the absence of explicit supporting legal provisions. One observation is worth mentioning in this regard:⁵⁷

we may think that if human rights laws are not codified into our national laws, there will always be a problem to its implementation in our country. We may be led to think that human rights need that element of legal enforceability; otherwise human rights will remain pure fiction.

Added to this concern [would] be that inexorable challenge from that school of lawyers inclined to adopt a legal-positivist approach to say that the only rights are those that are legally

enforceable. They urge the courts not to look at the declarations, instruments, protocols, conventions, and treaties which have not been ratified, acceded or introduced into our domestic laws and harmonised with our legal system. It sounds desirable that human rights should be legally enforceable so as to ensure that they are clear and precise. However this view also misrepresents the character and distorts the true picture of human rights and its advocacy. The very concept of human rights suggests that they should not assume a character of legal enforceability alone. To do so could have dangerous implications to human rights.

If the entire corpus of human rights is legally enforceable we would be appealing only to legal rights instead, and would not need to appeal to human rights. If legal positivism were true there is no way to criticise unjust legal systems and unjust laws. It is vital that human rights have to stand outside that system of legal enforceability (SLE) to launch its barrage of criticism in order to be rights effective. To stand inside SLE would be appealing to legal rights instead and the consequences of doing that would be some steps backward for human rights and its advocacy in a many instances.

The evolution of the international human rights standards is a fulfillment of the international community's mandate of continuing search for measures to protect people who suffer injustice. The failure of national laws to immediately adapt to such development in the international community is also a failure of the countries to give justice to their own people. Thus, judicial power should be able to address injustice using the international human rights standards as basis.

Conclusion

Human rights education aims to make human rights a reality in people's lives—to ensure their well-being as much as protect their freedom to do what they see fit with due regard for the rights of others or the community.

Court decisions, particularly those that support the application of the international human rights standards are important bases to claim human rights regarding issues that affect ordinary people in both ordinary and extra-ordinary situations, concerning both basic individual needs as well as pursuit of community or national interests.

In many cases, courts are seen from a distance and their decisions mainly known by lawyers and magistrates. This is even more so in the case of human-rights-related court decisions.

In light of the diverse and numerous human rights education initiatives in the Asia-Pacific, it is important that relevant court decisions take their proper place in these educational activities. And one indispensable step includes the incorporation of human rights education in the education of would-be and current officers of the court (lawyers, magistrates and judges).

Endnotes

1. This is the view of H.G. Kulkarni, *Judicial Process: Development and Creativity*, in relation to the Supreme Court of India decisions that constitute “progressive judicial activism for the protection of human rights” regarding issues affecting women (such as the Vishaka decision), workers and other marginalized sections, and the introduction of novel procedures such as the epistolary jurisdiction.

2. Text of the declaration available at http://jrn21.judiciary.gov.ph/forum_icsjr.html.

3. The new network was formed during the International Conference and Showcase on Judicial Reforms held in Manila in 2000 with the theme “Strengthening the Judiciaries of the 21st Century,” see http://jrn21.judiciary.gov.ph/forum_icsjr/ICSJR_Conference_Guide.pdf

4. JRN21 aims to facilitate networking and access to relevant judicial reform information, including treaties, laws, lessons learned and best practices reports, pilot programs, case studies, and country, regional and global research papers. It will also include links to existing constitutional and legal databases, ongoing and planned judicial reform projects and resource and key contact information for reformers and organizations worldwide. In addition, it will include resource links to other relevant regional and global electronic networks, databases, electronic training programs and websites, as well as key [non-governmental organizations] NGOs, regional and global organizations, donors and professional associations. These links and easy access to related web pages and regional and global networks will enable JRN21 participants to access a wide range of documents, organizations and individuals around the world. (Source: http://jrn21.judiciary.gov.ph/jrn_about.html)

5. See for example HURIGHTS OSAKA's Human Rights and Jurisprudence section in its website (www.hurights.or.jp/english/human_rights_and_jurisprudence/) that features some of the court decisions from a number of Asia-Pacific countries that applied the international human rights standards. The website of the Pacific Regional Rights Resource Team has downloadable publications on Pacific court decisions and human rights, see www.rrrt.org/page.asp?active_page_id=82. Full text of court decisions in Pacific countries can be found in the website of the Pacific Islands Legal Information Institute, www.paclii.org/. The websites of the highest courts in the different countries also provide the full text of court decisions. The website of the

Asian Legal Information Institute (AsianLII) also provides information on databases on Asian laws and court decisions, which include human rights issues among other issues. Visit: www.asianlii.org.

6. “South Asian Law Schools’ Forum: An initiation for regional cooperation,” Kathmandu School of Law website, www.ksl.edu.np/extra_curricular_activities.asp#sal. The SALS Forum was established in June 2004 in Nepal.

7. Article 1, Charter of the South Asian Law Schools Forum for Human Rights, in Yubaraj Sangroula, editor, *Social Responsive Human Rights Legal Education South Asian Law Schools Forum for Human Rights SALS Forum - A Compendium of Conference Proceedings and Papers* (Bhaktapur: Kathmandu School of Law, 2004), page 5.

8. See the website of the Southeast Asian Human Rights Studies Network (SEAHRN) at www.seahrn.org/content/about.html.

9. For more information, visit the website of CRN-EALS at www.crn33-eals.org/Main.htm.

10. The Law and Society Association (LSA) was founded in the United States over forty-five years ago as a group of scholars from many fields and countries, interested in the place of law in social, political, economic and cultural life. It has both American and international members. For more information visit: www.lawandsociety.org/.

11. Visit the website of the Asian Law Institute (ASLI) at <http://law.nus.edu.sg/asli/about.html>.

12. For the meantime, further information on the HRBA2J-Asia is available at: www.facebook.com/pages/Asian-Consortium-for-Human-Rights-Based-Access-to-Justice-HRBA2J-Asia/134340173310986?sk=wall.

13. See P. Imrana Jalal, UNDP/Regional Rights Resource Team (RRRT), *The Situation of Human Rights Defenders in the Pacific Islands* (Suva: Pacific House, 2005).

14. *Ibid.*, page 26.

15. Jiunn-Rong Yeh and Wen-Chen Chang, “The Emergence of East Asia Constitutionalism: Features in Comparison,” *ASLI Working Paper Series*, No. 006 (Singapore: Asia Law Institute, August 2009), page 29.

16. See Jefferson R. Plantilla and Salbiah Ahmad, editors, *Law, Jurisprudence and Human Rights in Asia*, (Kuala Lumpur: HURIGHTS OSAKA and SIRD, 2011) for the different examples of court decisions that either favor or oppose the application of international human rights standards. This publication is the full report of HURIGHTS OSAKA’s multi-country research project, with the support of the United Nations Office of the High Commissioner for Human Rights, on the application of the international human rights standards in several countries in Asia to determine the extent of use of such standards in local laws and jurisprudence. The research project covered eight countries: China, Indonesia, India, Japan, Nepal, the Philippines, South Korea, and Thailand. The issues included child rights, right to health, criminal procedure, rights of indigenous peoples, women’s rights, and the rights of (domestic and foreign) migrant workers. Each case study presented distinct social, political and economic contexts. Each country covered by the research project has its own legal and judicial systems that interact differently with the interna-

tional law system. The case studies present challenges to the domestic application of the international human rights standards. They likewise help draw the opportunities for human rights education.

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19. *Republic of the Philippines v. SANDIGANBAYAN*, Major General Josephus Q. Ramas and Elizabeth Dimaano, GR 104768, July 21, 2003, available at <http://sc.judiciary.gov.ph/jurisprudence/2003/jul2003/104768.htm>.

20. *Republic of the Philippines v. SANDIGANBAYAN*, et al., *ibid.*, as cited by Adolfo S. Azcuna, former Justice of the Supreme Court of the Philippines in his paper entitled *Constitutional Standards for Civil, Political & Socio-Economic Rights*, presented at the Fifth Conference of Asian Constitutional Court Judges, 9-11 October 2007, Seoul, Republic of Korea.

21. *Kant Kwong and Yim Kam Shing v. Presidential Commission on Good Government, Secretary Ramon A. Diaz and Commissioner Mary Concepcion Bautista*, G.R. No. L-79484, December 7, 1987. Quoted from Azcuna, *ibid.*, pages 5-6.

22. *Ferdinand E. Marcos, et al. v. Raul Manlapus, et al.*, G.R. No. 88211, September 15, 1989.

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Sixty-fifth session

Item 69 (b) of the provisional agenda*

Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms**Final evaluation of the implementation of the first phase of the World Programme for Human Rights Education****Report of the United Nations Inter-Agency Coordinating Committee on Human Rights Education in the School System, as submitted by the Office of the High Commissioner for Human Rights****I. Introduction****A. Background information**

1. The General Assembly, in resolution 59/113 A of 10 December 2004, proclaimed the World Programme for Human Rights Education as a global initiative structured in consecutive phases, intended to advance the implementation of human rights education programmes in all sectors. The first phase of the World Programme covered the period 2005-2009¹ and focused on integrating human rights education in the primary and secondary school systems.

2. In resolution 59/113 B of 14 July 2005, the Assembly adopted the plan of action for the first phase of the World Programme (A/59/525/Rev.1), which proposes a concrete strategy and practical guidance for implementing human rights education nationally.² The Assembly, inter alia, encouraged all States to develop initiatives within the World Programme and, in particular, to implement, within their capabilities, the plan of action; and appealed to relevant organs, bodies or agencies of the United Nations system, as well as all other international and regional intergovernmental and non-governmental organizations, within their respective mandates, to promote

and technically assist, when requested, the national implementation of the plan of action.

3. The plan of action was developed by a broad group of education and human rights practitioners from all continents. It seeks to promote a holistic, rights-based approach to the education system that includes both “human rights through education”, ensuring that all the components and processes of education — including curricula, materials, methods and training — are conducive to the learning of human rights, and “human rights in education”, ensuring that the human rights of all members of the school community are respected. Human rights education activities should convey fundamental human rights values, such as equality and non-discrimination, while affirming the interdependence, indivisibility and universality of these principles. At the same time, activities should be practical, relating human rights to learners’ real-life experience and enabling them to build on human rights principles found in their own cultural context.

4. The plan of action recognizes the diversity of country contexts and the varying possibilities for integrating human rights education into school systems. It highlights the following five components which support the implementation of human rights education at the national level: policies; policy implementation; the learning environment; teaching and learning processes and tools; and education and professional development of teachers and other education personnel. The plan of action includes an appendix entitled “Components of human rights education in the primary and secondary school systems”, which provides further guidance on how each of these components can be implemented and proposes good practice based on successful experiences from around the world as well as studies and research.

Relevant actors are urged to strive towards gradual and progressive implementation. The components are addressed in greater detail in subsequent sections of the present report.

5. In paragraph 26 of the plan of action, it is suggested that national implementation of the plan of action take place in four stages: analysis of the current situation of human rights education in the school system; setting priorities and developing a national implementation strategy; implementing and monitoring; and evaluating. In paragraph 27, Member States are encouraged to undertake at least the first two stages during the first phase of the World Programme, as well as initial implementation of planned activities.

6. The United Nations Inter-Agency Coordinating Committee on Human Rights Education in the School System was established in September 2006, in accordance with the plan of action, to facilitate coordinated United Nations support for the national implementation of the plan of action during the first phase. The Office of the High Commissioner for Human Rights (OHCHR) has provided the secretariat for the Coordinating Committee.³

B. Mandate for the evaluation

7. The plan of action calls for an evaluation of action undertaken during the first phase of the World Programme (2005-2009). Paragraph 49 states that each country will undertake an evaluation of actions implemented under the plan of action, taking into consideration progress made in legal frameworks and policies, curricula, teaching and learning processes and tools, revision of textbooks, teacher training, improvement of the school environment and other areas. The Member States will be called upon to provide their final national evaluation report to the Coordinating Committee. Paragraph 51 provides that the Coordinating Committee will prepare a final evaluation report based on national evaluation reports, in cooperation with relevant international, regional and non-governmental organizations. The report will be submitted to the General Assembly.

8. The Human Rights Council, in its resolution 12/4 of 1 October 2009, reminded Member States to submit their national evaluation reports to the Coordinating Committee by early 2010 and requested the Coordinating Committee to submit a final evaluation report of the implementation of the first phase of the World Programme, based on national evaluation reports, in cooperation with relevant international, regional and non-governmental organizations, to the General Assembly at its sixty-fifth session. Accordingly, the present evaluation report takes stock of reported progress during the first phase against the objectives set out in the plan of action.

C. Evaluation methodology

9. The evaluation methodology was discussed by the Coordinating Committee at its meetings of February and December 2009. It was agreed that it would be carried out through a documentary review of primary and secondary sources of information on national initiatives carried out during the first phase.

10. The primary sources of information are the national evaluation reports which were sent in reply to an evaluation questionnaire developed by the Coordinating Committee and distributed by OHCHR in early 2010 to the 192 States Members of the United Nations.⁴ As at 21 July 2010, OHCHR had received 76 responses; the list of countries having submitted national evaluation reports is contained in Annex I to the present report. Many countries provided detailed answers and supplementary documents. Some countries, such as Albania, Mexico, Senegal and Zimbabwe, reported having involved a range of stakeholders in the production of the report. Cambodia noted that it had deployed a comprehensive methodology involving sampling; data collection and assessment on the ground; reporting by provincial departments; analysis and discussion by various heads of departments at national level; drafting and finalization by the central education department; and final approval by top leaders. The national reports were mainly compiled by ministries of education; in some countries, other offices dealing with external affairs, human rights, finance and justice were involved or even took the lead. External stakeholders such as non-governmental organizations, youth representatives and others were rarely involved in producing the national reports.

11. The evaluation also takes into account information contained in a variety of secondary sources submitted by Governments to the United Nations in the period 2005-2010, namely:

(a) Other correspondence received from Governments on national human rights education initiatives in the context of the World Programme, including replies to letters from OHCHR/UNESCO and the Coordinating Committee;

(b) Correspondence from Governments concerning the implementation of the International Year of Human Rights Learning;

(c) Replies from Governments to the questionnaire of the Human Rights Council advisory committee on the draft United Nations declaration on human rights education and training;

(d) Governments' common core documents;

(e) National reports submitted to the Working Group on the Universal Periodic Review.

12. The replies to the evaluation questionnaires were analysed in detail; the consistency in structure made it possible to make cross comparisons and to identify global trends and common challenges among Governments.

The present report is therefore very largely based on the data contained in the national evaluation reports. It gives examples of national initiatives drawn from this body of information, which are intended to be illustrative and are by no means exhaustive. The secondary sources of information were, by contrast, more variable; they addressed different types of issues to varying levels of depth, making a detailed comparative analysis less feasible or appropriate. Accordingly, this second body of information was consulted only for countries that did not submit national evaluation reports (the list of those countries is contained in annex II to the present report). This dual approach enables the evaluation report to give a sense of global progress while focusing more deeply on specific issues and the experiences of individual countries which responded to the questionnaire.

13. No governmental information was available on approximately 60 countries. It may well be that these countries are taking measures related to human rights education; however, this report is not making any comments or drawing any conclusions about them.

14. The evaluation had recourse to over 200 documents, between primary and secondary sources, and there were various methodological issues to consider in the handling of this volume of information of differing quality and content. The national evaluation reports varied considerably: they were sometimes incomplete or ambiguous, e.g. containing conflicting or multiple replies to the same question or lacking in clarity owing to language, handwritten scripts or limited information. Some countries did not follow the questionnaire structure in their answers; others reported future plans rather than an assessment of progress to date. Three subnational reports were received from one Government, reflecting the decentralized competence for education matters.

15. In order to bring some consistency and to report against the plan of action as comprehensively as possible, the analysis was organized according to each of the five components of the plan of action. The questions in the evaluation questionnaire were divided up as follows:

(a) Component one, on policies, includes an analysis of questions 10, 13, 14, 15, 16, 18, 23 and 25;

(b) Component two, on policy implementation, includes an analysis of questions 11, 12 and 22;

(c) Component three, on the learning environment, includes an analysis of questions 17, 19, 20 and 21;

(d) Component four, on teaching and learning processes and tools, includes an analysis of questions 24 and 26;

(e) Component five, on education and professional development of school personnel, includes an analysis of questions 27, 28, 29 and 30.

16. The analysis keeps to this structure and aims as far as possible to report information as it was provided by Governments. An effort was made not to move information around to answer different questions from those intended by the respondent.

17. Finally, it is important to stress that the present report, in accordance with the plan of action and as reiterated by the Human Rights Council, is based on national evaluation reports provided by Member States. It is an analysis of official information provided in those self-assessments; it is not an independent verification or assessment of the information provided or of the quality of the actions taken.

II. Action at the national level

A. Policies

18. The first component of the plan of action, policies, involves “developing in a participatory way and adopting coherent educational policies, legislation and strategies that are human rights-based, including curriculum improvement and training policies for teachers and other educational personnel” (para. 18 (a)).

Human rights and educational policies

19. All 76 responding Governments state that they have educational policies which promote human rights education. Of these, 57 report having policies which explicitly refer to human rights, the right to education and rights-based approaches to the education system. These commitments are integrated in a range of legal and policy frameworks such as constitutions, education laws and legislation and policies related to specific topics such as child protection, disability, gender equality, domestic violence, sexual harassment and minority rights.

20. Some countries like El Salvador and Uruguay make specific reference in their policies to human rights education. Nicaragua has a specific law on the teaching of human rights and the Constitution. In Austria, there are decrees on education for democratic citizenship and human rights education.

A number of other Member States report similar policy commitments but a closer examination of supporting documents finds that the term “human rights” is often not used explicitly. They refer to subjects like civic education, citizenship education, peace education, multicultural education and education for sustainable development, under which human rights issues are said to be addressed. Germany cites recommendations of the Standing Conference of Ministers of Education and Cultural Affairs on education for democratic citizenship, education for sustainable and global development and intercultural education which have been transformed into law.

21. Some countries have refined their human rights education policies after reviewing their implementation. Norway developed its first plan of action on human rights in 2000 and is now making fundamental changes to its education laws in response to feedback received from civil society actors who identified the fragmented implementation of human rights education as a challenge.

22. Regional human rights education initiatives may support a coordinated policy approach at the national level. The Arab Plan for Education on Human Rights has been taken up by Iraq, Oman, Qatar and others. In Europe, Norway established the European Wergeland Centre in cooperation with the Council of Europe, with a view to offering support to European States on education for intercultural understanding, human rights and democratic citizenship. Tunisia collaborates with organizations like the Arab Institute for Human Rights (*Institut arabe des droits de l'Homme*) and the Centre of Arab Women for Training and Research.

Human rights in the school curriculum

23. The plan of action calls for the integration of human rights education in the school curriculum. Most Member States seem to have focused on this course of action. Numerous Governments including Australia, Barbados, Chile, Côte d'Ivoire, Indonesia, Namibia, Zambia and others report that human rights education is integrated in the national curriculum and in educational standards. A few countries teach human rights as a stand-alone subject but many integrate human rights as a cross-cutting issue, most often in subjects such as citizenship, civic education and social studies, but also in other disciplines such as law, religion, life skills, ethical and moral education, environment, health and physical education and others.

24. In Costa Rica, human rights, democracy and peace is one of the four crosscutting transversal axes of the curriculum, seen as part of daily learning and experience. The Russian Federation has adopted a dual approach, teaching human rights and the rights of the child as a single subject as well as integrating them in other subjects, such as social sciences or law, as confirmed by a study undertaken in 2007-2008. A related survey found that 93 per cent of students felt their school studies covered human rights and the rights of the child. A study in Egypt by the National Council for Human Rights found that Arabic language and social studies courses in the fourth year of primary school took human rights into account. In Thailand, human rights appears in three subject areas: the social, religious and culture subject area, which covers child rights, human rights standards and mechanisms and the Universal Declaration on Human Rights; the health and physical education subject area, which covers topics such as consumer protection and freedom from sexual abuse; and the occupational and technologies subject area, which addresses the right to work. The Syrian Arab Republic has developed a national curriculum integrating principles and values related to human rights, including women's rights, in diverse subjects in primary and secondary education.

25. The majority of countries state that "human rights" is a compulsory subject and only one country reported it to be a completely optional course of study. Among the countries that reported it to be mandatory, Portugal said that it was compulsory for elementary school pupils (6 to 15 years of age); the civic education course explicitly provides for human rights education and there is a mandatory training module for students of 10 to 11 years of age referred to as "Citizenship and security" which approaches security issues from a human rights perspective. Human rights education as part of the national curriculum is also obligatory in Hungary and in Malaysia where it is part of subjects such as civics and citizenship education, moral education and Islamic education taught at both primary and secondary level. Some countries make it optional at certain stages of the school career and mandatory at others.

26. Governments gave detailed responses about the number of hours of study devoted to these curricular subjects. In most countries at least one or two hours a week are allocated to subjects which include human rights. However, it is not clear how extensively human rights are integrated into those subjects, what is being studied and how much actual time is spent on

human rights. Cuba was one of the few countries to provide details showing the inclusion of specific human rights topics in its general curriculum. In addition, reference has been made to a number of extra-curricular human rights activities, for example, the “Human Rights Olympics” organized in Slovakia since 1997, which involve secondary school students in a nationwide annual competition testing their knowledge and essay-writing skills. In the Philippines, the Government has extended human rights education to the non-formal sector in order to reach out-of-school youth.

27. The national evaluation reports mention that the course content is being adapted to the needs of pupils of differing ages and abilities. Ukraine has methodologies that progressively tackle the complexity of human rights as students become older. In Chile, human rights education takes a comprehensive and staggered approach which addresses human rights issues step by step, starting from class-level activities to promote peace and tolerance among young children, and moving to the study of human rights violations committed during the military regime for older students. In France, there is a multifaceted programme which looks at notions of individual and collective responsibility. Human rights education starts from looking at concrete situations and turns to analysing how human rights can respond to these situations; it also includes awareness of major human rights documents. Some countries like El Salvador and Italy integrate human rights education into early childhood learning and nursery/kindergarten level through age appropriate activities.

28. On the issue of which institutions have the authority to develop, approve and change the curriculum, Governments invariably answered that the Ministry of Education gives final approval. In some States, authority is given to an independent body in which the Ministry of Education is one stakeholder among others. In Costa Rica, for example, the Higher Education Council comprised of various ministries, representatives of universities, secondary and primary schools, teachers and provincial boards approves the curriculum. In Cyprus, the Committee of Experts for the development of a new curriculum has held structured consultations with interested stakeholders such as teachers’ unions as well as parent and student associations. In Madagascar, the Ministry of National Education and the National Council of Education in partnership with eight national directorates for private education approve the curriculum. In some countries, regional organizations have influence in the development, approval and changing of

curricula; Guyana reports that the Caribbean Examination Council plays this role with the approval of its member countries.

Policies concerning textbooks development

29. The development of policy guidelines for writing or revising textbooks that reflect human rights principles is an important contribution to human rights education. The majority of Governments (39 out of 76) said that they had such guidelines; two explicitly said that they did not, the rest did not respond clearly. In Jordan, a matrix of human rights, culture of peace and common universal values was prepared by Jordanian human rights experts to act as a reference for curriculum planners and textbook writers. In Peru, the Government took the approach of defining key principles on which such texts should be based, such as multiculturalism, equality and inclusion. In Cambodia, human rights education is incorporated in textbooks within the “Life skills” teaching framework; the same applies to Gambia. The Philippines reports that the Department of Education has issued criteria for assessing whether texts are free from ideological, religious, racial and gender prejudices. Responses to this question from other countries sometimes suggested that guidance may be somewhat limited, e.g. one country referred only to gender equality.

30. Only a minority of Governments responding to the evaluation questionnaire (21 out of 76) could confirm that textbooks had been developed in accordance with specific guidelines. El Salvador cites specific textbooks used in the school system which cover human rights, including national and international laws. Thailand is one of a small number of countries to have carried out a review of textbooks in order to identify gaps requiring attention. There seem to be very few Governments which produce textbooks themselves; one example is the Education Centre for Research and Development which is the sole public body in Lebanon with the authority to issue textbooks related to civic education. Most Governments appear only to set curriculum guidelines, which are not always mandatory, and then allow commercial companies, private authors, civil society groups, schools and others to develop textbooks on their own. The process of approval seems to vary considerably; the Czech Republic has a certification process while others take a more informal approach. Governments like Norway and the United Kingdom of Great Britain and Northern Ireland give schools the

autonomy to choose their own materials, making it inappropriate for the Government to set tight guidelines on textbook content.

Policies concerning the learning environment

31. The plan of action promotes human rights practice in all aspects of school life. Few countries could provide details of national or subnational policies that promote a human rights approach to school governance, management, disciplinary procedures, inclusion policies and other regulations and practices affecting school culture and access to education. The replies tend to make ad hoc reference to general policies already mentioned such as child protection, inclusion, gender equity, non-discrimination, coexistence, violence, child-friendly schools and so on. There were nonetheless some examples of these types of issues being addressed. Gambia, Spain and others state that these issues are covered by school management manuals. In Mauritius, the school management manual also applies to the private sector education. Slovenian schools have a school education plan and a school code of conduct.

Policies concerning teacher training

32. The overall approach to teacher training seems ad hoc. There are only a few examples of a comprehensive policy on teacher training in accordance with the plan of action. A fair number of countries (15) did not respond at all or said they had no such policy. A recurrent reason relates to the issue of academic freedom, independence and institutional autonomy for higher education establishments. Norway, for example, says that the Government may not instruct such institutions on the content of teaching and research but can set a national curriculum for certain subjects; from 2010, future graduates will cover child rights from a national and international perspective. The Philippines reports that a 1998 Department of Education order provides for the training of teachers to become human rights teachers.

Final observations

33. Overall, an analysis of primary source information shows that all 76 respondent Governments have reported policy-level commitments with regard to human rights education to some degree; the secondary source information analysis shows that approximately 32 additional countries have relevant policy statements in place. The fact that in many cases human rights

education is said to be covered by related subjects, such as peace education, democratic citizenship education, civic education, education for sustainable development or life skills education, or as a cross-curricular issue, makes it difficult to draw firm conclusions on how far human rights principles are embodied in educational policies. Efforts made to integrate human rights education into national curricula seem particularly encouraging, while other policy areas seem to be overlooked, in particular as far as teacher training is concerned.

B. Policy implementation

34. The second component of the plan of action, policy implementation, refers to “planning the implementation of the above-mentioned educational policies by taking appropriate organizational measures and by facilitating the involvement of all stakeholders” (para. 18 (b)).

Overall national human rights education strategies and plans

35. The plan of action recommends the elaboration and dissemination of a comprehensive national implementation strategy with regard to human rights education in the school system. Nearly all Governments report having a national implementation strategy on human rights education, not necessarily developed in the context of the World Programme; only very few say that they have no strategy at all — sometimes because their federal political structures preclude the possibility of overall national planning. Examples of comprehensive national initiatives include Burkina Faso, which developed a strategy on the promotion and protection of human rights in 2008. In Guatemala, the peace accords set out the need to develop a national civic education programme for democracy and peace, which promote human rights, the renewal of political culture and the peaceful resolution of conflicts. The implementation plan involved assessing needs, conducting forums and surveys and the provision of training to educators by the national human rights institution (*Procuraduría de los Derechos Humanos*). Tunisia established a National Commission on Human Rights Education in April 1996 presided over by the Ministry of Education, to be in charge of putting in place a related national strategy. Under Jordan’s human rights education plan, the National Commission for Education, Culture and Science has been appointed as a liaison between the Ministry of Education and other national organizations; it focuses on coordination arrangements, curriculum devel-

opment, training and collaboration with bodies such as the National Centre of Human Rights. In Qatar, a supreme committee was formed comprising both national ministries and UNESCO to supervise child rights education in schools; it has developed a national action plan to provide educational guides for teachers which align international principles with Islamic culture. Croatia has a comprehensive national human rights education programme which was developed in the second half of the 1990s under the auspices of the National Human Rights Education Committee established by the Government. Morocco has made a major effort to integrate human rights education into the curriculum, programmes and manuals and raises awareness about its national programme on occasions such as Human Rights Day, International Children's Day and International Women's Day.

36. A majority of countries report that human rights education is included either fully or partially in national plans and strategies on human rights, the fight against racism and discrimination, gender equality, poverty reduction, primary and secondary education, education for all and education for sustainable development. The national evaluation reports provide examples of countries taking this approach. In Costa Rica, human rights education is dealt with in the context of programmes related to violence in schools, the participation of students and relations with the wider community, gender equality and the rights of disabled persons. In New Zealand, human rights education is dealt with in the context of the rights of minority and indigenous groups, resulting in a curriculum document which was developed with the full participation of indigenous groups and which addresses their interests. In Switzerland, human rights education is part of the national plan for education for sustainable development (2007-2014), while in the United Kingdom (Scotland), the Government is providing over £9 million in funding during the period 2008-2011 to organizations tackling racist attitudes and working to improve the lives of ethnic minority communities through, among others, education initiatives.

37. The involvement of young people in the development of national human rights education strategies, as recommended in the plan of action, through youth associations or student parliaments, has been reported by certain countries including the Democratic Republic of the Congo, Estonia, Mauritania, the Sudan, Turkey and Venezuela (Bolivarian Republic of). Youth organizations were involved in the development of the Bolivian national human rights action plan known as *Bolivia Digna Para Vivir Bien 2009-*

2013 and in the 2002 National Conference of Education for Citizenship and Civics in Madagascar. They are represented in the Committee on Education for Health and Citizenship in Morocco. Kuwait reports that students were involved in the development of a national human rights education strategy through student councils. Despite some examples, the practice of involving stakeholders outside governmental circles in the development of national strategies does not appear to be widespread.

38. In several cases, countries report having a national implementation strategy for human rights education in the school system but this is not substantiated; the replies often refer back to higher-level policy commitments (e.g. education laws) or fragmented implementation measures such as textbook design, teacher training or curriculum content rather than a holistic strategic document setting out objectives, roles and responsibilities, timelines, activities and so on. The website addresses provided by some Governments likewise often refer back to general legislation. Some countries emphasize the way forward rather than existing initiatives.

Funding for human rights education

39. The plan of action encourages the allocation of specific funding for human rights education by optimizing already committed national funds; by coordinating external funds; and by creating partnerships between the public and private sectors. According to the replies, funds for human rights education in all countries seem to come from the general education budget and it is not usually possible to be more specific about allocations because human rights education is part of wider curriculum subjects. Moreover, many countries said that allocations could not be tracked because schools have discretion in how the budget is spent. Only one country, Switzerland, could give some quantification based on federal allocations; the Federal Department of Home Affairs funds projects against racism and human rights education (including the rights of the child) in schools, as well as projects run by the Foundation for Education and Development. A number of countries such as Belarus and Portugal reported projects being supported by regional and international organizations; however, in all cases funds provided by external donors were not itemized in Government responses. Malaysia pointed out that supplementary budget for human rights education may come from school funds and parent-teacher association activities.

Research

40. There are some examples of countries supporting and promoting research in line with the plan of action. For instance, the Russian Federation and Slovakia have both carried out research on teacher attitudes to human rights education. Thailand has drawn on external academic research to review the progress of human rights education in schools.

Final observations

41. The 76 countries that responded to the questionnaire affirm to be putting policy implementation measures in place. An analysis of the secondary sources shows an additional 43 countries taking implementation steps with regard to human rights education in schools. A systematic approach, however, starting with a comprehensive analysis of the state of human rights education in all areas of the plan of action, including policies, curricula and textbooks, teacher training, teaching methods and the school environment, as well as an assessment of remaining needs and the establishment of specific objectives and priorities, is rarely in place. Some countries have undergone such a process but not necessarily in the context of the World Programme, rather in the framework of specific national developments.

C. The learning environment

42. A learning environment conducive to human rights education “respects and promotes human rights and fundamental freedoms. It provides the opportunity for all school actors (students, teachers, staff and administrators and parents) to practise human rights through real-life activities. It enables children to express their views freely and to participate in school life” (para. 18 (g) of the plan of action).

School-level initiatives

43. Some Governments provided details of what is being done in this area. Argentina reports rules on school life which promotes the principles of non-discrimination, participation and accountability. Paraguay has campaigns on school violence and common values; Costa Rica has programmes on peace, environmental issues, the abuse of power and active citizenship; New Zealand has activities on restorative justice, bullying and harassment; Malta is running a national school campaign on the eradication of poverty and social exclusion; Burkina Faso promotes inclusive education to elimi-

nate all forms of discrimination against children with special needs. In the Democratic Republic of the Congo human rights education is promoted by the UNESCO associated schools network, whereas in Monaco UNESCO clubs have been established within schools. Senegal focuses on meeting the basic needs of health and nutrition in schools through the provision of school meals, sanitary facilities and medical care as well as programmes on citizen action and international humanitarian law and clubs for human rights, gender and peace education. Guyana also has a focus on health; a number of schools have established student health clubs which promote self-esteem and awareness of the dangers of drug use and sexually transmitted diseases. Most secondary schools have student councils; there are also sports clubs, debating clubs and scouts groups, for example, that allow students to express themselves.

Active participation of students

44. Most countries feel that they are making at least average if not comprehensive progress in providing students with opportunities for self-expression, for organizing their own activities and advocating their interests, and for participation in decisionmaking.

Only one country reported not being able to address these issues at all. Furthermore, when it comes to integrating human rights in the learning environment through school governance and management, nearly half (32) of respondents rated themselves as making at least average progress.

45. A number of countries have institutionalized policies and mechanisms which foster youth expression and participation. In France, students have the right to assemble, publish and display and, from the age of 16, the right to form associations. They elect student representatives to institutional boards both at *collège* (11-14 years) and at *lycée* (15-18 years) levels. There is also the countrywide *Conseil national de la vie lycéenne* chaired by the Minister of National Education. In Belarus, legislation exists to give children the right to express themselves and to participate in the management of educational institutions. Structures to give children voice are also often institutionalized, for example, children's parliaments in Lithuania and Slovenia which have access to policymakers; student governments in Albania; and human rights committees and human rights groups in Iraq. In Zimbabwe, the system of school prefects and institutions such as student parliaments, junior councils and youth round tables facilitate the participation of students

in school governance. Jordan is supporting student expression through the role of school press and radio, opportunities for dialogue between students and teachers/administrators through meetings and the creation of student parliaments. Guatemala, New Zealand, Senegal, Uruguay and others confirm that student participation in school governance structures is facilitated through mechanisms like student councils, parliaments and elected representatives.

Involvement of schools with the local community

46. The majority of Governments consider that this is happening to some degree if not comprehensively; only a small minority (8) report that it is not occurring in their national context. Parent-teacher associations are commonplace. Estonia reports, for example, that parents associations are active on child rights. In Guyana, parent teacher associations and school boards comprise members of the surrounding community including parents, citizens and representatives of various interest groups. Elected officials at both regional and neighbourhood council levels are also involved, as the public school budget is implemented through the regional administration system. Israel reports existing dialogue between students, parents and teachers on human rights principles. In Belgium (Flemish community), “broad or community schools” aim to strengthen ties between the school and the local environment including local councils and civil society; a “broad school” is a network of organizations around a school which try to assure the personal and social development of children and youngsters. In Oman, parent-teacher councils, women’s associations, ministry representatives and local dignitaries have a significant role in the concept of “learning villages” which use community-based approaches to eradicate illiteracy; other initiatives include the connecting cultures initiative, Outbound Oman and the youth summit. Both Madagascar and Montenegro collaborate with non-governmental organizations in the promotion of human rights education. In Honduras, the Committee of Relatives of the Disappeared Detainees in Honduras (*Comité de Familiares de Detenidos Desaparecidos en Honduras*) gives talks and seminars to students. In the United Kingdom (Northern Ireland), the Government has been cooperating with Amnesty International and other stakeholders in the “Lift Off” programme which has provided resources and materials to support the curriculum.

Monitoring and evaluation systems for human rights education

47. On the issue of setting up monitoring systems to measure factors such as the respect for human rights in teaching practice, teaching quality with respect to human rights education, respect for human rights principles in school management and change in student knowledge and behaviour, most countries assess themselves as making average or comprehensive progress. Only two feel they are not doing anything at all. Some countries note being unable to have a national approach because of their federal structure.

48. A number of countries such as Argentina, the Czech Republic, France, Serbia, Slovenia, New Zealand, the United Kingdom (England) and others make reference to ongoing evaluation and monitoring systems, assessments and school inspections but it is not clear how far these encompass human rights education. Some report more specific initiatives. Slovakia has been implementing a monitoring and evaluation project since 2005 on the scope and quality of human rights education in primary and secondary schools as part of the national plan for human rights education in the education system. The Ministry of Education in Lebanon with international support is carrying out a civic education survey. Inspectors in Belgium (Flemish community) monitor whether and how the “Decree on participation”, which was approved by the Flemish Parliament on 1 April 2004 as a legal framework for participation in schools, is being implemented. The cross-curriculum attainment targets, especially citizenship education, have recently been evaluated and show the positive impact of citizenship education and democratic school organization on the development of knowledge and democratic attitudes among pupils.

Final observations

49. Most countries responding to the evaluation questionnaire felt they were making at least moderate progress in ensuring that the learning environment promotes human rights education, while the secondary analysis only found a handful of countries which appear to have related initiatives. The respondents highlighted several examples of national-level initiatives which promote the engagement and participation of students and interaction between schools and the wider community; it seems to be widely understood that human rights education goes beyond the formal curriculum, as its scope is to equip all school actors, and in particular students, with not

only knowledge but also skills to be active citizens and human rights advocates in their societies.

D. Teaching and learning

50. The fourth component of the plan of action recommends that “all teaching and learning processes and tools [be] rights-based (for instance, the content and objectives of the curriculum, participatory and democratic practices and methodologies, appropriate materials including the review and revision of existing textbooks, etc.)” (para. 18 (d)). The present section focuses on issues other than the school curriculum, which has already been dealt with in section A above.

Teaching methods

51. The majority of Governments (over 60) felt they were making average if not comprehensive progress in introducing learning methodologies in human rights education activities which are child-friendly, learner-centred and encourage participation. Only a handful did not answer or said they had not made progress. Some countries provided further details showing how this was taking place. Thailand launched a child-friendly schools programme in six provinces in 1996, schools in Lithuania and Slovenia are specifically encouraged to use active learning methods, and Peru has developed a participatory project strategy in the area of citizenship and civic education. Namibia and Malaysia refer to strategies which include learner-centred participation. Cyprus reports participatory teaching and active learning methods such as projects, group work, drama and case studies. Cuba reports that civic education uses methods such as analysis of moral dilemmas, individual and collective reflection, the study of legal documents in the context of significant situations for moral education, critical comments of a text, self expressive exercises and decision-making. Methods applied in Malta include debates, group work and role play.

Teaching and learning materials

52. Nearly all Governments (around 70) report that teacher guides, manuals, texts and other materials in primary and secondary education cover human rights principles either comprehensively or at least to an average degree. Only three countries reported that this was not happening. Material development is not always in the hand of the national Government

and approval processes vary. The majority of the countries allow others such as publishing houses, individuals, authors, non-governmental organizations and international organizations to play a role. Switzerland is one of a few countries to report having carried out a comprehensive review and identifying gaps in materials. Angola is producing manuals on human rights education for primary and secondary schools. Among the materials developed in the United Kingdom (Scotland) to tackle racial discrimination are “Educating for race equality — a toolkit for Scottish teachers” and “Show racism the red card”. In the Democratic Republic of the Congo, pedagogical materials in use include those produced by religious institutions. Non-governmental organizations also offer teaching materials, for example in Germany, Israel and Estonia (produced by the Estonian Association of Parents or the Estonian Union for Child Welfare). El Salvador uses materials developed, inter alia, by the national human rights institution (*Procuraduría para la Defensa de los Derechos Humanos*), Universidad Centroamericana “José Simeón Cañas”, the Inter-American Institute of Human Rights and other bodies. Countries like Algeria, Côte d’Ivoire, Cyprus, Madagascar, Slovakia and Switzerland report using materials produced by international organizations. For example, the Ministry of Education of Cyprus promotes the use of “Compasito”, the Council of Europe’s manual on human rights education for children, while Slovakia and Switzerland have translated or adapted “Compass” (for young people) for use at schools. Kazakhstan reports using a publication of the International Organization for Migration for lessons concerning slavery, while Monaco makes use of materials from the International Organization of La Francophonie.

Final observations

53. Most Governments which responded to the questionnaire feel they are making at least average, if not comprehensive, progress in developing and disseminating teaching and learning materials and methodologies for human rights education. The secondary analysis found brief references showing that approximately 19 additional countries are taking some steps to tackle these issues.

E. Education and professional development of teachers and other personnel

54. The fifth component of the plan of action focuses on “providing the teaching profession and school leadership, through pre- and in-service

training, with the necessary knowledge, understanding, skills and competencies to facilitate the learning and practice of human rights in schools, as well as with appropriate working conditions and status” (para. 18 (e)).

Teacher training

55. Around half the respondents (38) reported that human rights are included in three types of training: pre-service, in-service and head teacher training; some say that human rights are included in certain types of training and not others (head teacher training seems to incorporate human rights least of all); and only one Government said there was no such training at any stage. There were some ambiguous replies concerning the inclusion and status of human rights education in teacher training, but generally the analysis shows that a minority of Governments (21) say this training is mandatory. These include Belarus, where it has been mandatory for all higher education institutions since 1998/99; and Kazakhstan, where teachers are expected to have knowledge of the law and rights, including legal instruments like the Convention on the Rights of the Child. In the Philippines, core trainers in the regions provide human rights training to others. Human rights education has been compulsory for teachers and other education staff in Serbia for 10 years; those who teach civic education (including some subjects explicitly concerned with human rights) are required to undergo specified training. In Mauritania, human rights generally constitute a separate test, independent of others, in the context of examinations for the teaching profession. The “Pilot project on education for the enjoyment of human rights” in Colombia, which seeks to implement human rights education at the pre-school, primary and secondary levels, includes pre-service and in-service training of teachers and other educational staff in pedagogical methods for human rights and citizenship education.

56. Obligations vary depending on the type of training. In some countries such as Peru, initial human rights training is mandatory but in-service training is optional. The situation is the same in Portugal, where education for citizenship, including for human rights, is a compulsory curricular domain of initial teacher training and is optional in continuous training. In Spain, specific targets have been set for the inclusion of human rights in Masters courses including degrees in early childhood education and elementary education. In Ukraine, it is a mandatory part of five yearly refresher courses attended by teachers. In the United Kingdom (England), prospec-

tive teachers need to achieve set standards, including in the area of human rights education, in order to achieve qualified status.

57. Even where it is mandatory, there may flexibility in the way training is provided on the ground in terms of hours and methods used. Governments often gave details on how many hours are offered on teacher training courses but it is impossible to generalize from this information; there is major variation with courses lasting from 1 to 2 hours to 100 hours. Furthermore, it is not known how much specific time is allocated to human rights education since it is usually integrated into wider subjects. In Japan, teacher training for new and experienced teachers is provided for by law and implementation is mandatory; the contents of the training are left to the discretion of prefectural boards of education working within the parameters of central guidance. The National Centre for Teachers' Development also provides a course on "Training for development of human rights education instructors".

Evaluation of teacher training in human rights education

58. Such evaluation does not appear to occur systematically. Most respondents suggest that this happens through participant feedback (e.g. Estonia and Israel) or through evaluations by the institutions running these courses (Honduras and Mexico). In Lithuania, at the end of teacher training courses, trainees fill in assessment forms on the relevance, utility and impact of training activities. In Japan, participants are able to appraise both the courses and themselves during the training provided by the National Centre for Teachers' Development. There are a few examples of a broader approach. In Cyprus, the recently established Centre for Educational Research and Evaluation in the Ministry of Education and Culture undertakes research on the effectiveness of teacher training programmes. In Algeria, teachers are assessed by education inspectors and heads of school who watch the teaching of human rights in practice, for example, by observing classes on gender equality or the African Charter.

Training resources

59. Nearly all Governments confirmed that the sharing and dissemination of resources and materials to support teacher training was taking place. Practice and methodologies vary enormously; dissemination is done through books, publications, CDs, videos, workshops and seminars. The re-

sponses from Member States do not always give a sense of what the scale of these activities might be. Methods for disseminating information include networking opportunities. In Cyprus, inspectors exchange ideas and learning through networking. Croatia has set up a school network of county teacher councils (regional councils) for each school subject including education for democratic citizenship/human rights education since 2006 so that the best teachers are appointed as county coordinators. Their teaching load and pay are adjusted to allow them to carry out these activities.

60. Some countries using Web portals to give teachers access to materials, e.g. Austria (www.politik-lernen.at), Costa Rica (www.educatico.ed.cr), France (eduscol.education.fr), Switzerland (www.globaleducation.ch) and Belgium (French community) (www.enseignement.be). The United Kingdom (England) has set up a portal for citizenship and education for sustainable development (www.citized.info) with some 416 resources on human rights education. It is also collaborating with networks of non-governmental organizations and universities in the sharing of information. Mexico has set up a library on civic education and ethics, as well as a website and information and documentation centre on indigenous education. In Austria, every teacher has the possibility to order free of charge or to download teaching and information material.

Teacher recruitment and promotion policies

61. Nearly all Governments affirmed that policies for teacher recruitment, retention and promotion reflect human rights principles; only seven said they were not meeting this standard. Mauritius further explained that this is achieved through manuals on school management and personnel management which detail the conditions of work and the rights of employees; furthermore, private secondary schools which fall under the purview of the Private Secondary School Authority have parallel regulations for schools and teachers. Côte d'Ivoire referred to civil service regulations and labour codes. In Japan, the recruitment and promotion of teachers is administered in accordance with principles of equality and non-discrimination as stated in the Local Public Service Act. The boards of education of eight prefectures/cities out of 65 expressly include in their vacancy announcements strong awareness or respect for human rights as a requisite for hiring teachers.

Final observations

62. Most countries that responded to the questionnaire feel they are providing opportunities for teacher training. However, the absence of detailed supporting information gives the impression that, overall, such training is haphazard, optional and variable in terms of quality and time, and with limited access to materials and tools. The report on the recent UNESCO consultation on the implementation of the 1974 Recommendation concerning human rights education noted that “several countries raised obstacles concerning insufficient pre-service and in-service training as well as the lack of clear guidelines and relevant materials for teachers and school personnel, including managers and administrators at the local level. Teachers are often overwhelmed by the diverse demands put on them.”⁵ The analysis of secondary sources found an additional 18 countries taking up the issue of teacher training on human rights education.

III. Conclusions and recommendations

63. In paragraph 27 of the plan of action, Member States were encouraged to undertake, as a minimum action in the first phase, the first two stages of national implementation of the World Programme for Human Rights Education, i.e. a situation analysis (stage one) and the setting of priorities and development of a national implementation strategy (stage two). The majority of Member States have confirmed that they are now, by and large, implementing human rights education programmes.

64. Some Governments acknowledge that the World Programme has played a role in facilitating progress at the national level. Several countries find it to be an important influence, including Algeria, Jordan and Venezuela (Bolivarian Republic of), which say that it was an important spur to national action. A few countries report activities specifically aimed at promoting the World Programme, for instance Côte d'Ivoire held a seminar at the official launch of national activities on the World Programme, and Greece reports featuring information about the World Programme on the Ministry of Education's website. However, a number of countries report not to have used this international framework as an opportunity to increase implementation of human rights education in their school systems; national action appears to have been occurring somewhat independently of the proclamation of the World Programme.

65. There continue to be challenges in national implementation. Among the commonly identified gaps are the absence of explicit policies and detailed implementation strategies for human rights education and the lack of systematic approaches to the production of materials, the training of teachers and the promotion of a learning environment which fosters human rights values. The decentralization of political structures and/or education provision in a number of countries further complicates the implementation of a centralized model.

66. The Coordinating Committee makes the following recommendations to Governments wishing to take further steps to implement human rights education in the school system:

(a) Take stock of national progress as measured against the detailed guidance provided in the plan of action in order to identify gaps, possible strategies and good practice;

(b) Review the following issues which have been identified in the present report to see if they are relevant to the national context and require attention:

(i) Overall review of the status of human rights education in the primary and secondary school system and development of a comprehensive implementation strategy, taking into consideration the guidance proposed by the plan of action;

(ii) And specifically, among other issues, the need for educational policy commitments explicitly referring to the human rights framework; development and implementation of policies on teacher training which make human rights education part of mandatory teacher qualification requirements; review of the national curricula to clarify how and to what extent human rights education is dealt with, including through integration of human rights in other subjects which are assumed to address them; and allocation of funding to human rights education as an identifiable item in the context of national education budgets;

(c) Make greater use of the human rights education materials and tools developed by national, regional and international institutions and organizations within or beyond the context of the World Programme, including information technology platforms, as a way of addressing resource issues at the national level such as the lack of funding, education and learning materials and specifically teacher-training materials, and in order to draw inspiration from other national practices;

(d) Take steps to ensure that private education providers are also integrating human rights education into their services;

(e) Participate in international and regional initiatives with regard to policy and programme development in the area of human rights education.

67. By establishing the open-ended World Programme for Human Rights Education, and more recently by launching a new international initiative concerning the development of a United Nations declaration on human rights education and training, the international community has reaffirmed its long-term commitment to pursue human rights education, which was already embodied in many international instruments. Although significant steps have been taken, progress remains uneven when considered from a global perspective. The World Programme's first phase has nevertheless provided an opportunity for focusing the attention of the international community on the importance of human rights education in the school system.

68. While the World Programme now transitions to its second phase (2010-2014) with a new focus on a variety of different sectors (i.e. higher education, teachers and educators, civil servants, law enforcement officials and military personnel), work on primary and secondary-level education needs to continue. Governments are encouraged to build on existing achievements, consolidate them and exert sustained efforts to advance human rights education in the school system as a holistic process concerning many areas of action, including educational policies, policy implementation measures, the learning environment, teaching and learning processes and tools and education and professional development of teachers and other education personnel. The plan of action for the first phase of the World Programme continues to constitute a significant guidance tool in this area, and the open-ended World Programme remains a common collective framework for action as well as a platform for cooperation between Governments and all other relevant stakeholders; its potential, in terms of enhancing national action towards the building of a universal culture of human rights, needs to be further exploited.

Endnotes

1. Although the first phase of the World Programme was initially launched for three years, until 2007, the Human Rights Council subsequently decided, in its resolution 6/24 (28 September 2007), to extend the first phase by two more years until the end of 2009.

2. For ease of reference, OHCHR and UNESCO jointly published the Plan of Action in a booklet, which can be accessed in all six official languages of the United Nations at www2.ohchr.org/english/issues/education/training/planaction.htm.

3. The Coordinating Committee is composed of 12 entities: the Office of the United Nations High Commissioner for Human Rights, the Joint United Nations Programme on HIV/AIDS, the United Nations Development Group, the United Nations Development Programme, the Department of Public Information, the United Nations Educational, Scientific and Cultural Organization, the United Nations Population Fund, the Office of the United Nations High Commissioner for Refugees, the United Nations Children's Fund, the United Nations Relief and Works Agency for Palestine Refugees in the Near East, and the World Bank. The Council of Europe has participated as an observer.

4. The text of the questionnaire can be consulted at www2.ohchr.org/english/issues/education/training/evaluationWPHRE.htm.

5. UNESCO document 35 C/INF.23 (available from <http://unesdoc.unesco.org>), para. 21.

Annex I**List of Governments that responded to the evaluation questionnaire**

- Albania
- Algeria
- Angola
- Argentina
- Australia
- Austria
- Barbados
- Belarus
- Belgium
- Bolivia (Plurinational State of)
- Burkina Faso
- Cambodia
- Chile
- Colombia
- Costa Rica
- Côte d'Ivoire
- Cuba
- Cyprus
- Czech Republic
- Democratic Republic of the Congo
- Egypt
- El Salvador
- Estonia
- France
- Gambia
- Germany
- Greece
- Guatemala
- Guyana
- Honduras
- Hungary
- Indonesia
- Iraq
- Israel
- Japan
- Jordan
- Kazakhstan
- Kuwait
- Lebanon
- Lithuania
- Madagascar
- Malaysia
- Malta
- Mauritania
- Mauritius
- Mexico
- Monaco
- Montenegro
- Morocco
- Namibia
- New Zealand
- Nicaragua
- Norway
- Oman
- Paraguay
- Peru
- Philippines
- Portugal
- Qatar (submissions from two different entities)
- Russian Federation
- Senegal (submission from two different entities)
- Serbia
- Slovakia
- Slovenia
- Spain
- Sudan
- Switzerland
- Syrian Arab Republic
- Thailand

- Turkey
- United Kingdom of Great Britain and Northern Ireland (separate submissions from
- England, Scotland and Northern Ireland)
- Ukraine
- Uruguay
- Venezuela (Bolivarian Republic of)
- Zambia
- Zimbabwe

Annex II

List of Governments that submitted information on national human rights education initiatives in contexts other than the preparation of the present report

Information on human rights education in countries whose Governments did not respond to the final evaluation questionnaire was also taken into account in the preparation of the present report. This information was found in various secondary sources as noted in the introduction to the report.

- Afghanistan
- Armenia
- Azerbaijan
- Brunei Darussalam
- Bulgaria
- Burundi
- Cameroon
- Cape Verde
- Canada
- Chad
- China
- Croatia
- Denmark
- Dominican Republic
- Ecuador
- Equatorial Guinea
- Ethiopia
- Finland
- India
- Indonesia
- Gabon
- Georgia
- Guinea
- Iceland
- Italy
- Kyrgyzstan
- Lao People's Democratic Republic
- Latvia
- Lesotho
- Liberia
- Libyan Arab Jamahiriya
- Liechtenstein
- Luxembourg
- Mongolia
- Mozambique
- Netherlands
- Niger

- Pakistan
- Panama
- Poland
- Republic of Korea
- Republic of Moldova
- Romania
- Rwanda
- Samoa
- Saudi Arabia
- Singapore
- South Africa
- Sri Lanka
- Sweden
- The former Yugoslav Republic of Macedonia
- Timor-Leste
- Togo
- Trinidad and Tobago
- Tunisia
- Turkmenistan
- Uzbekistan

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The Asia-Pacific Human Rights Information Center or 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 cooperation activities; 4) to raise human rights awareness among the people in Japan to meet its growing internationalization. In order to achieve these goals, HURIGHTS OSAKA has the following activities: information handling, research and study, education and training, publications, and consultancy services.

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