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**EFFECTIVE FUNCTIONING OF HUMAN RIGHTS MECHANISMS:
NATIONAL INSTITUTIONS AND REGIONAL ARRANGEMENTS**

**Regional arrangements for the promotion and protection of human
rights in the Asian and Pacific region**

**Report of the Secretary-General submitted in accordance with
Commission resolution 2001/ 77**

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Introduction

1. In its resolution 2001/77, the Commission on Human Rights requested the Secretary-General to submit to the Commission at its fifty-eighth session a report containing the conclusions of the Tenth Workshop on Regional Cooperation for the Promotion and Protection of Human Rights in the Asian and Pacific Region and information on the progress achieved in implementing the resolution. The present report is submitted in accordance with that request.

2. One of the fundamental objectives of the United Nations is to promote universal respect for, and observance of, human rights and fundamental freedoms. The World Conference on Human Rights reaffirmed the fundamental role that regional and subregional arrangements could play in this regard. In the Asian and Pacific region, the United Nations has consistently promoted regional cooperation in the field of human rights, inter alia through the consideration of possible regional arrangements for the promotion and protection of human rights.

3. Pursuant to the relevant resolutions of the General Assembly and the Commission on Human Rights, the Office of the High Commissioner for Human Rights (OHCHR) organized in 1982 a first seminar for the Asian and Pacific region which took place in Colombo. Since then OHCHR, in cooperation with the host Governments, has organized ten regional workshops in Manila in 1990, Jakarta in 1993, Seoul in 1994, Kathmandu in 1996, Amman in 1997, Tehran in 1998, New Delhi in 1999, Beijing in 2000, Bangkok in 2001 and Beirut in 2002.

4. Through these workshops, which are now held on an annual basis, a consensus has been reached on a “step-by-step”, “building-blocks” approach involving extensive consultation among Governments of the region towards the possible establishment of regional arrangements.

5. The Amman workshop (1997) concluded, inter alia, that the sharing of information and the development and strengthening of national capacities for the promotion and protection of human rights are crucial in the step-by-step process of establishing regional human rights arrangements. The workshop also strongly recommended that a regional technical cooperation programme be designed and implemented as a matter of urgent priority.

6. The Tehran workshop (1998) carried this process forward and adopted for the first time agreed conclusions. Underlining its commitment to developing and strengthening national capacities for the promotion and protection of human rights through regional cooperation and sharing of experiences, the workshop adopted a Framework for Regional Technical Cooperation in the Asian and Pacific Region. The Tehran Framework identified States commitments to four regional priorities: national plans of action for the promotion and protection of human rights and the strengthening of national capacities; human rights education; national institutions for the promotion and protection of human rights; and strategies for the realization of the right to development and economic, social and cultural rights.

7. Since Tehran, Government representatives meeting at the Asia-Pacific Annual Workshops on Regional Cooperation for the Promotion and Protection of Human Rights review progress in these four regional priorities and identify the next steps to be taken.

In New Delhi (1999), participants decided to convene inter-sessional workshops addressing issues under each of the four areas of the Tehran Framework. They also welcomed the decision of the United Nations High Commissioner for Human Rights to allocate funds for these activities.

8. The conclusions adopted during the Beijing workshop (2000) emphasized the importance of undertaking activities under the Framework at national and subregional levels with the assistance of the concerned Governments, national institutions and civil society. Parliaments, national institutions and civil society groups were invited to participate in the development and implementation of the Framework. The Beijing Conclusions also endorsed a Plan of Action to be implemented over a two-year period.

8. In Bangkok (2001) participants reviewed the evaluation report of Professor Vitit Muntarbhorn on the implementation by OHCHR of activities under the Tehran Framework. For the first time, a consultation of non-governmental actors – national human rights institutions, non-governmental organizations and United Nations agencies - took place one day prior to the official opening of the workshop.

9. In Beirut (2002) participants reviewed the implementation of the Beijing Plan of Action and adopted a new Plan of Action for the next two years which included specific objectives and activities to be implemented under each of the pillars of the Tehran Framework. The conclusions of the workshop welcomed OHCHR Regional Representatives involvement in advising Asia-Pacific Governments at their request on the implementation of the activities under the Framework.

I. IMPLEMENTATION OF THE TWO-YEAR PLAN OF ACTION ADOPTED AT THE EIGHTH WORKSHOP ON REGIONAL COOPERATION FOR THE PROMOTION AND PROTECTION OF HUMAN RIGHTS IN THE ASIAN AND PACIFIC REGION.

A. National human rights plans of action and national capacity-building

1. Regional level

10. The draft handbook on national human rights action plans was distributed among participants at the Ninth Workshop on Regional Cooperation for the Promotion and Protection of Human Rights in the Asian and Pacific Region, held in Bangkok from 2 February to 23 March 2000. The draft handbook is undergoing review following the results of the evaluation of the joint programme of OHCHR and the United Nations Development Programme (UNDP) entitled “Human rights strengthening” (HURIST). HURIST funded and supported, *inter alia*, many of the initiatives undertaken at the national level to promote and develop national plans of action.

2. Subregional level

11. The Inter-sessional Subregional North-East Asia Workshop on Parliamentarians and Human Rights was hosted by the State Great Hural (Parliament) of Mongolia

from 9 to 11 August 2000. It was jointly organized by the Office of the High Commissioner for Human Rights and the Inter-Parliamentary Union (IPU). It was the first event organized by both organizations within the framework of the memorandum of understanding signed by them in July 1999.

12. Parliamentarians from Mongolia, China, the Democratic People's Republic of Korea, the Republic of Korea and Japan participated in the workshop. Representatives of Governments of the Asian-Pacific region, United Nations agencies and NGOs attended as observers.

13. The workshop was chaired by Mr. S. Tumor, Chairperson of the State Great Hural Human Rights Subcommittee and co-chaired by Dr. Sanaasurengin Oyun, member of the State Great Hural. The Speaker of the State Great Hural, the High Commissioner for Human Rights, the Assistant Secretary-General of the IPU and the United Nations Resident Coordinator a.i. made opening statements. The High Commissioner's Regional Adviser on International Human Rights Standards for the Asian and Pacific Region and the IPU Assistant Secretary-General made concluding remarks. The workshop addressed the following nine themes:

- ❖ Parliaments and their members as guardians of human rights.
- ❖ Human rights and legislation.
- ❖ Parliaments and human rights treaties.
- ❖ Human rights in the structure of parliament.
- ❖ Parliaments and national planning for the promotion and protection of human rights.
- ❖ Parliamentary oversight and human rights.
- ❖ Roles of individual parliamentarians in the promotion and protection of human rights in parliament and in their constituencies.
- ❖ The role of parliaments in addressing thematic human rights issues: a case study on the Convention on the Rights of the Child.
- ❖ United Nations: a partner for parliamentarians in the promotion and protection of human rights.

14. The resource persons, in their presentations, as well as the participants in the debates, affirmed the vital role of parliaments and their members for the promotion and protection of human rights. Particular emphasis was put on the parliamentary oversight function as an essential tool enabling parliaments and their members, on the one hand, to ensure that national law complied with international human rights norms and, on the other hand, to ensure compliance in practice, on the part of the Government and the administration, with international and human rights norms. Moreover, participants provided insights into their national experience in the field of human rights and also referred to the problems they were facing and the mechanisms set up by their parliaments to address them.

15. The workshop was not intended to adopt any common position or recommendations, but rather to allow for an exchange of experience and views and to enhance participants' knowledge of international human rights norms and principles and of parliamentary tools available to put them into practice.

3. National level

16. Under the HURIST programme, OHCHR and UNDP have supported the development of national plans of action in Mongolia, Nepal and Jordan. In Mongolia, a national Workshop on "Human Rights Baseline Study/Situational Analysis" was conducted from 7 to 9 May 2001. The base-line study was released on 10 December 2001 and the official launch of the formulation of the National Human Rights Action Plan was announced the same day. In Nepal, following needs assessment missions undertaken by HURIST the project document to support the process of developing a National Human Rights Action Plan is expected to be signed shortly by the Government of Nepal. In Jordan, in the period October 1999 – October 2000 support was provided to efforts to develop a national human rights action plan. In the Philippines, HURIST is funding the evaluation of the National Human Rights Plan, focusing on improved implementation and monitoring of the Plan.

B. Human rights education

17. Activities relating to human rights education are described in document E/CN.4/2002/104.

1. Regional level

18. As a result of the mid-term global evaluation of the United Nations Decade for Human Rights Education (1995-2004), a database providing information on organizations, materials and programmes for human rights education was launched at the Web site of the Office of the High Commissioner for Human Rights (As a result of the mid-term global evaluation of the United Nations Decade for Human Rights Education (1995-2004), a database providing information on organizations, materials and programmes for human rights education was launched at the Web site of the Office of the High Commissioner for Human Rights (<http://www.unhchr.ch/hredu.nsf>). A resource library compiling all the human rights education and training materials gathered is also opened to the public at OHCHR Headquarters (Palais Wilson, Geneva).

19. In April 2001 OHCHR sponsored the Asian Human Rights Education Trainer's Colloquium (Chiangmai, 1-6 April 2001) organized by the Asian Regional Resource Center for Human Rights Education (ARRC), during which Asian educators met to discuss popular education methodologies.

2. Sub-regional level

20. A Sub-regional Workshop for Judges on the Justiciability of Economic, Social and Cultural Rights in South Asia was held in New Delhi, India on 17 and 18 November 2001. The Workshop was hosted by the Government of India and jointly organized by the OHCHR, the International Commission of Jurists (ICJ) and the International Bar Association (IBA).

21. Participants to the workshop included members of the judiciary from Bangladesh, India, Nepal and Sri Lanka. Observers from national and international human rights institutions, civil society organizations and lawyers from Bangladesh, Bhutan, India, Maldives, Nepal, Pakistan and Sri Lanka also participated in the discussions.

22. The purpose of the workshop was to provide a forum for the exchange of information and strategies amongst judicial representatives on practical South Asian applications of economic, social and cultural rights and, in particular, on the justiciability of four specific rights: the right to health; the right to housing; the right to education; and the right to work/labour rights.

23. The workshop was opened by the High Commissioner for Human Rights, Ms. Robinson. In her opening statement, the High Commissioner paid tribute to the pioneering work of the South Asian judiciary and human rights advocates who have made significant advances in establishing international jurisprudential precedents in the area of economic, social and cultural rights. The workshop was chaired by the Honourable Shri Justice S.P. Bhrucha, Chief of Justice of India.

24. The workshop adopted conclusions, the text of which is annexed to this report (annex II).

25. OHCHR also collaborated with the IBA in the organization of a workshop focusing on human rights in the administration of justice which took place during the Arab Lawyers' Union's annual conference in March 2001.

26. Two subregional workshops are scheduled to take place in March-April 2002: a workshop on human rights education in the area of administration of justice in the Pacific and a workshop on human rights education in the schools in the Gulf States.

27. The Sub-regional Workshop in the Pacific on Human Rights Education in the area of Administration of Justice (Human Rights in the Courts) is expected to take place in Vanuatu in May 2002. The workshop will include participants from 16 States of the South Pacific, representatives from national human rights institutions in the sub-region, as well as a number of sub-regional human rights NGOs and resource persons.

28. The objective of the workshop is to provide a forum for judicial officers and other professionals dealing with the administration of justice, as well as their partners in the civil society, to share experiences on human rights education and the administration of justice; to deepen their understanding of relevant human rights issues specific to the administration of justice; to discuss possible measures to strengthen human rights education in the area of administration of justice; and to identify possible options for human rights technical cooperation with the United Nations or other bilateral donors.

29. The Sub-regional Workshop on Enhancing National Capacities for Human Rights Education in Gulf States Schools will be organized by OHCHR in cooperation with a host Government, the Arab Institute for Human Rights and UNICEF/Gulf Area Office. The workshop will gather education policy makers, officers responsible for teachers-training institutions and for education faculties, teaching materials and curriculum developers and members of non governmental organizations and other national organizations active in the area of human rights education in schools from six Gulf States, Bahrain, Kuwait, Qatar, Oman, Saudi Arabia and the United Arab Emirates.

30. The workshops aims at supporting, within and among the countries concerned, the promotion of a common understanding, the identification of key components and sub-regional and national priorities and the elaboration of strategies, based on lesson learned from other countries, towards the effective incorporation of human rights education in the school system.

3. National level

31. During the period under review, and through its programme of technical cooperation and advisory services, OHCHR has undertaken human rights education and human rights professional training activities in Bahrain, Bhutan, Cambodia, China, East Timor, Mongolia, Nepal, Palestine, Solomon Islands, Sri Lanka, the Philippines and Yemen.

C. National human rights institutions

32. Activities relating to human rights institutions are described in document E/CN.4/2002/114.

1. Regional level

33. OHCHR supported and participated in the fifth and sixth Annual Meetings of the Asia-Pacific Forum of National Human Rights Institutions, held in New Zealand (August 2000) and Sri Lanka (September 2001) respectively.

34. OHCHR also entered into a project with the Asia Pacific Forum to execute a training programme on protection approaches.

35. During the period under review, OHCHR, along with the Asia-Pacific Forum of National Human Rights Institutions and the host human rights institution, has conducted the following regional workshops:

- ❖ A Workshop on the role of national human rights institutions in advancing the rights of women, held in Fiji, in May 2000;
- ❖ A Workshop on national human rights institutions and economic, social and cultural rights, held in Manila, the Philippines, in November 2000. The workshop was co-sponsored by the Government of Canada and organized in collaboration with the Canadian Human Rights Foundation;
- ❖ A Workshop on the Role of National Human Rights Institutions and other Mechanisms in Promoting and Protecting Economic, Social and Cultural Rights, held in Hong Kong, China, in July 2001;

36. In the area of economic, social and cultural rights OHCHR has also worked on developing a handbook for national institution practitioners. The handbook is in a near draft final stage and will be an important resource for national human rights institutions.

37. Always in cooperation with the Asia-Pacific Forum, and the host national institution, OHCHR is organising a Workshop on Media and Human Rights Education which is expected to

take place in Australia in June 2002. The workshop will have a strong focus on follow-up issues to the Plan of Action of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance.

2. National level

38. In the reporting period national human rights institutions within the Asia Pacific region have been established or significantly strengthened in Malaysia, Mongolia, Thailand, and the Republic of Korea. Consultations concerning the establishment of similar institutions continued concerning Afghanistan, Cambodia, Bangladesh and East Timor.

39. During this period, the Special Advisor of the High Commissioner for Human Rights on National Institutions and/or OHCHR staff have provided advisory services to the Governments or national institutions of the following countries: Australia, Cambodia, Fiji, Malaysia, Mongolia, Nepal, New Zealand, Palestine, the Philippines, Republic of Korea, Sri Lanka and Thailand.

D. Realization of the right to development and economic, social and cultural rights

1. Regional level

40. The Workshop on the Impact of Globalization on the full Enjoyment of Economic, Social and Cultural Rights and the Right to Development took place in Kuala Lumpur, Malaysia from 8 to 10 May 2001. It gathered governmental representatives with responsibility for economic development from 24 States in the region, representatives of eight national human rights institutions, ten non-governmental organizations and fourteen United Nations agencies and international organisations, including several UNDP resident coordinators.

41. The Workshop was opened by The Honourable Datuk Seri Syed Hamid Albar, Minister of Foreign Affairs of Malaysia and by Justice P. N. Bhagwati, Regional Advisor of the High Commissioner for Human Rights for the Asia-Pacific region. Ambassador Jasmi Mohamad Yusoff of Malaysia chaired the Workshop.

42. The objective of the workshop was to provide a forum for States in the region, their civil society partners, and representatives of national human rights institutions to share national experiences on how to maximise the benefits of globalisation while minimising its negative effects on human rights. In this framework, the Workshop aimed to deepen understanding of relevant human rights issues specific to the region, identify commonalities; and to explore strategies to address the negative impact of globalisation while maximising its beneficial impacts on human rights.

43. The workshop addressed the following themes:

- Implementing the Right to Development in the Context of Globalisation – National and International Strategies;
- Globalisation, Human Rights and the Workforce; Globalisation and the Right to Health;

- Globalisation and Children's Rights;
- Globalisation and Migration (Including Abusive Forms of Migration);
- Enhancing Cooperation - International Partners for Addressing the Right to Development and Economic, Social and Cultural Rights in a Globalised World

44. Representatives of ESCAP, the International Labour Organization, UNICEF, UNIFEM, UNDP, the World Bank and the World Trade Organization addressed the participants. The workshop adopted conclusions, the text of which is annexed to this report (annex III). A comprehensive report of the workshop, as well as the background paper, is available on the website of the Office of the High Commissioner for Human Rights (<http://www.unhcr.ch/html/menu6/kualalumpur.htm>)

2. Subregional level

45. From 6 to 9 March 2001, representatives from the Governments of Kiribati, the Marshall Islands, the Federated States of Micronesia and Palau met in Majuro, Marshall Islands, to review the contents of the principal international human rights treaties and to discuss the implications of their ratification. The meeting was organized through HURIST, OHCHR and UNDP joint programme.

46. The representatives were aided in their discussions by international and regional human rights experts, specialized staff from the United Nations and representatives of regional governmental and non-governmental organizations.

47. The participants adopted recommendations which include the need for OHCHR to pay attention to the specific concerns of the Pacific island countries and to provide technical assistance in the areas of institutional strengthening and capacity-building, and legislative review. The participants directed a number of recommendations to their Governments, including for the formulation of national human rights action plans, prioritisation of ratification of the international human rights treaties, provision of training on the norms contained in the treaties, translation of the treaties into local languages, as well as giving added importance to human rights on the agenda of regional organizations such as the Pacific Islands Forum and the Pacific Community.

48. In addition, in December 2001, a Sub-Regional Meeting for Pacific Islands States on Universal Adherence to the Principal International Human Rights instruments took place in Apia, Samoa. The meeting was organized in cooperation with the Good Governance Project – “Gold” - of the UNDP Office in Fiji.

3. National level

49. Through HURIST, UNDP and OHCHR have undertaken initiatives in the region in relation to economic, social and cultural rights and the right to development:

- In Cambodia, HURIST is funding a proposal for a project linking health and human rights, focussing on HIV/AIDS.
- In Lebanon, HURIST is contributing to the development of a human rights approach in UNDP activities.
- In the Philippines, HURIST is funding different projects including one with ILO on the application of human rights principles in the informal sector
- In Yemen, the programme is funding a project focusing on a human rights approach to food, basic education and health.

II. TENTH WORKSHOP ON REGIONAL COOPERATION FOR THE PROMOTION AND PROTECTION OF HUMAN RIGHTS IN THE ASIAN AND PACIFIC REGION

50. The objectives of the workshop were:

(a) To review progress achieved since the Bangkok Workshop (March 2001), in the four areas identified in the Tehran Framework for Technical Cooperation. In particular the workshop:

- (i) Reviewed the results of the inter-sessional workshops on:
 - The impact of globalisation on the full enjoyment of economic, social and cultural rights and the right to development, Malaysia
 - The Justiciability of Economic, Social and Cultural Rights in South Asia, India
 - The Role of National Human Rights Institutions and other mechanisms in Promoting and Protecting Economic, Social and Cultural Rights, Hong Kong, PRC
- (ii) Took stock of national, subregional and regional initiatives within the four areas identified in the Tehran Framework for Technical Cooperation;
- (iii) Received updates on the forthcoming sub-regional workshops on human rights education in the area of administration of justice in the Pacific, Vanuatu, and on human rights education in schools for the Gulf States.
- (b) To review current initiatives for the development of regional or subregional arrangements for the promotion and protection of human rights in the Asia-Pacific;
- (c) To Identify the next steps in the context of the Regional Framework for Technical Co-operation;
- (d) To take stock of on-going initiatives on the implementation of the Declaration and Programme of Action of the World Conference against Racism.

51. In preparation for the workshop, an open-ended team, comprising Geneva-based representatives of interested Member States from the region, held consultative meetings, after which invitations to the workshop were sent to States of the region, national institutions which are members of the Asia-Pacific Forum, and non-governmental organizations; United Nations and other intergovernmental organizations and agencies were invited to participate as observers.

52. The workshop was attended by representatives from the following 30 Governments: Australia, Bhutan, Brunei Darussalam, China, Fiji, India, Indonesia, Iran (Islamic Republic of), Iraq, Japan, Jordan, Kuwait, Lebanon, Malaysia, Mongolia, Myanmar, Nepal, New Zealand, Pakistan, Palestine, Philippines, Qatar, Republic of Korea, Saudi Arabia, Singapore, Solomon Islands, Sri Lanka, Syrian Arab Republic, Thailand, Viet Nam and Yemen. A representative of

Palestine also attended. Representatives of fourteen national institutions from the region participated in the workshop, together with a representative of the Asia-Pacific Forum. A number of NGOs participated as observers, as did representatives of United Nations agencies.

53. The workshop was opened by Mr. Mahmoud Hammoud, Minister for Foreign Affairs of Lebanon, Dr. Mervat Tellawi, Executive Secretary of ESCWA and Mrs. Mary Robinson, United Nations High Commissioner for Human Rights. The workshop was divided into seven substantive sessions:

- National institutions for the promotion and protection of human rights.
- National plans of action for the promotion and protection of human rights and the strengthening of national human rights capacities.
- Human rights education.
- Strategies for the realization of the right to development and economic, social and cultural rights.
- Implementation of the Declaration and Programme of Action of the World Conference against Racism.
- Review current initiatives for the development of regional or subregional arrangements for the promotion and protection of human rights in the Asia-Pacific region.
- Framework of Regional Cooperation for Asia and the Pacific: next steps and conclusions.

54. The workshop adopted conclusions, the text of which is annexed to this report (annex I). In the conclusions the representatives of Governments participating in the workshop expressed their commitment to enhance regional and international cooperation to promote universal respect for, and observance of, human rights and fundamental freedoms, while reaffirming that the primary focus for the protection and promotion of human rights is at the national level, and that therefore it is the primary responsibility of States to ensure that human rights are promoted and protected. The conclusions take note with appreciation of the decision of the High Commissioner to appoint OHCHR Regional Representatives for the Asia-Pacific region, based in Bangkok, and for the Arab region, based in Beirut and welcome their involvement in advising the Government of the region, at their request, on the implementation of the activities under the Framework.

55. With regard to national human rights plan of action and national capacity building, the conclusions recognize the desirability of including plans, as appropriate, to combat racism, racial discrimination, xenophobia and related intolerance as a component of national human rights plans of action. They also state the importance of monitoring and evaluating the implementation of action plans.

56. With regard to human rights education, the conclusions encourage Governments to promote the development of national strategies for human rights education which are comprehensive, participatory, effective and sustainable and recognize that human rights education in schools, at all levels, represents an important component of such strategies, and can be regarded as a priority. The conclusions further note that priority should also be given to human rights education for those involved in the administration of justice.

57. With regard to national human rights institutions, the conclusions encourage greater cooperation among national human rights institutions, non-governmental actors, civil society and United Nations agencies with mandates relevant to the protection and promotion of human rights. They reaffirm that the status and responsibilities of national institutions should be consistent with the Principles Relating to the Status of National Institutions adopted by the United Nations General Assembly (resolutions 48/134) and, in this regard, recognize that ten years after the adoption of these principles, there could be value to consider how these principles could be clarified by further explanation of their application.

58. With regard to the realization of the right to development and economic, social and cultural rights, the conclusions welcome the conclusions of the inter-sessional workshops on the justiciability of economic, social and cultural rights and on the impact of globalisation on the full enjoyment of economic, social and cultural rights. In this regard, they affirm the importance of the human rights treaty system in providing a legal framework within which states parties may address the positive and negative impact of globalisation.

59. In the conclusions participants in the workshops welcomed the adoption of the Declaration and Programme of Action of the World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance and decided to include the implementation of the programme as an integral part of the Asia-Pacific Framework for Regional Technical Cooperation.

60. The Beirut Conclusions also endorsed a Programme of Action for the Asia-Pacific Framework for Regional Cooperation for the Promotion and Protection of Human Rights to be implemented over a two-year period, subject to the availability of resources from within the Voluntary Fund for Technical Cooperation in the Field of Human Rights. The Programme of Action, which is annexed, has as main objectives under each of the four pillars:

- ❖ to gather lessons learned and best practices in the region and to develop tools for the development of National Plans of Action;
- ❖ to strengthen national capacities for human rights education with a focus on the incorporation of human rights education within the school system;
- ❖ to support regional initiatives to strengthen the role of national institutions and their regional association in the Asia-Pacific region;
- ❖ and to strengthen national capacities to develop the justiciability of economic, social and cultural rights.

61. Participants in the workshop noted that it is the responsibility of all States in the region to implement the activities envisaged under the Framework. They expressed their appreciation for the efforts made by OHCHR to implement the Beijing Plan of Action and for its proposal to continue the implementation of the activities under the Framework in close cooperation with regional, sub-regional and national partners and called on United Nations agencies, global and regional financial institutions and bilateral donor agencies to examine how they could support the implementation of the Framework. Participants also agreed to disseminate widely the results of the workshop.

Annex I

CONCLUSIONS OF THE TENTH WORKSHOP ON REGIONAL COOPERATION FOR THE PROMOTION AND PROTECTION OF HUMAN RIGHTS IN THE ASIAN-PACIFIC REGION

Beirut, Lebanon, 4 – 6 March 2002

1. Representatives of Governments of the Asia-Pacific region participating, together with representatives of national human rights institutions and non-governmental organizations attending as observers, in the Tenth Workshop on Regional Co-operation for the Promotion and Protection of Human Rights in the Asia-Pacific Region held in Beirut, Lebanon from 4 to 6 March 2002;
2. Recalling the important contributions made and conclusions adopted by previous workshops, and, in particular, the Bangkok Workshop held in 2001 and the inter-sessional workshops on the four areas identified under the Tehran Framework for Regional Technical Cooperation;
3. Reaffirming the universality, indivisibility, interdependence and interrelatedness of all human rights – civil, cultural, economic, political and social, – and the right to development;
4. Reaffirming the continuing relevance and applicability of international human rights instruments;
5. Recognizing that democracy, development and respect for all human rights and fundamental freedoms are interdependent and mutually reinforcing;
6. Recalling the commitment of the international community at the 1993 World Conference on Human Rights to treat human rights globally in a fair and equal manner, on the same footing and with the same emphasis, and that while the significance of the national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind, it is the duty of States, regardless of their political, economic and cultural systems to promote and protect all human rights and fundamental freedoms;
7. Reaffirming that the primary focus for the promotion and protection of human rights is at the national level, and that therefore it is the primary responsibility of States to ensure that human rights are promoted and protected;
8. Committed to enhancing regional and international cooperation to promote universal respect for, and observance of, human rights and fundamental freedoms;
9. Mindful of the vastness of, and diversities within, the Asia-Pacific region;
10. Taking note of the recent Regional Ministerial Conference on People Smuggling, Trafficking in Persons and Related Trans-National Crime (Bali, February 2002) initiated and co-chaired by Indonesia and Australia and note the recognition by Ministers for the need for these problems to be addressed cooperatively and comprehensively within the region;

11. Reiterating the importance of an inclusive, step-by-step, building blocks approach towards enhancing regional cooperation for the promotion and protection of human rights;
12. Having reviewed the progress achieved so far in implementing the Framework for Regional Cooperation in the Asia-Pacific region;
13. Having reviewed current initiatives for the strengthening and development of regional or subregional arrangements for the promotion and protection of human rights in the Asia-Pacific;
14. Having taken stock of on-going initiatives on the implementation of the Declaration and Programme of Action of the World Conference against Racism;

Hereby,

15. Express appreciation to the Government of Lebanon and ESCWA for hosting this Workshop and for the statements made by Mr. Mahmoud Hammoud, Minister of Foreign Affairs of Lebanon and Dr. Mervat Tellawi, Executive Secretary of ESCWA;
16. Welcome the participation of Ms. Mary Robinson, the United Nations High Commissioner for Human Rights in the Beirut Workshop, as well as her statement;
17. Take note with appreciation of the decision of the High Commissioner to appoint OHCHR Regional Representatives for the Asia-Pacific region, based in Bangkok, and for the Arab region, based in Beirut;
18. Express appreciation to the Governments, national institutions, experts, representatives of civil society and Office of the High Commissioner for Human Rights for the implementation of the proposals made at the Beijing Workshop;
19. Invite Asia-Pacific Governments to consider acceding to the relevant human rights instruments and urge States parties to make every effort to meet their reporting obligations under United Nations human rights instruments;

With regard to National Human Rights Plans of Action and national capacity building:

20. Welcome the efforts of those States that are already implementing or have adopted, national human rights plans of action, including Australia, Indonesia, the Philippines and Thailand, and the efforts of those States which are in the process of developing national human rights plans of action including Jordan, Nepal, New Zealand and Mongolia;
21. Recognize the desirability of including plans, as appropriate, to combat racism, racial discrimination, xenophobia and related intolerance, as a component of national human rights plans of action;
22. Reaffirm the desirability of developing national human rights plans of action through a process which ensures the participation of a wide range of relevant national, provincial and local government ministries and agencies, national human rights institutions, non-governmental organizations, academic institutions and other sectors of civil society and of evaluation of these plans in order to gather lessons learned;
23. States the importance of monitoring and evaluating the implementation of the action plans;
24. Recognize the value of regional cooperation in sharing useful practices and methodologies in the development, implementation, monitoring and evaluation of national human rights action plans and capacity building;

With regard to human rights education:

25. Recognize that human rights education can play a positive role in enhancing respect for human rights and fundamental freedoms, and can contribute to the promotion of human rights, the prevention of human rights violations and the achievement of a culture of peace;
26. Recognize that human rights education should benefit from cultural values and traditions that enforce the universality of human rights, having the aim of promoting a multicultural understanding of human rights;
27. Recognize the desirability of including human rights education as a component of national human rights plans of action, development plans and other relevant national plans of action;
28. Encourage Governments to promote the development of national strategies for human rights education which are comprehensive, participatory, effective and sustainable;
29. Recognize that human rights education in schools at all levels represents an important component of such strategies, and can be regarded as a priority;
30. Note that priority should also be given to human rights education for all those involved in the administration of justice, including judges, lawyers, police, prison officials and relevant ministry officials;
31. Acknowledge the important role that non-governmental actors, including national human rights institutions, the media and non-governmental organizations, can play in furthering human rights education;

With regard to National Human Rights Institutions:

32. Welcome the establishment of new national human rights institutions in Mongolia, Thailand and the Republic of Korea and the further strengthening of national institutions for the promotion and protection of human rights in many countries of the Asia Pacific Region;
33. Reaffirm that national human rights institutions should be established following an appropriate and inclusive process of consultation;
34. Reaffirm that the status and responsibilities of national institutions should be consistent with the Principles Relating to the Status of National Institutions adopted by the United Nations General Assembly (Resolution 48/134);
35. Note the importance of the Principles Relating to the Status of National Institutions and recognise that, ten years after their adoption by the General Assembly, there could be value, drawing on experiences of the OHCHR, National Human Rights Institutions and States within the Asia Pacific region, to consider how these principles could be clarified by further explanation of their application;
36. Welcome efforts to help and encourage national human rights institutions which are not yet members of the Asia Pacific Forum to become so;

37. Welcome the support provided by the Office of the High Commissioner to the Asia Pacific Forum of National Institutions and encourage the Office to continue to provide technical cooperation at the request of Governments for the development of national human rights institutions;
38. Encourage greater cooperation among national human rights institutions, non-governmental actors, civil society and United Nations agencies with mandates relevant to the protection and promotion of human rights and requests the OHCHR to promote and facilitate such cooperation and advise and appropriate support to existing national human rights institutions;
39. Note the implementation of, and substantive reports and conclusions relating to, the workshop concerning the role of national human rights institutions and other mechanisms in promoting and protecting economic, social and cultural rights, (Hong Kong, July 2001) and the 6th Annual Meeting of the Asia Pacific Forum of National Human Rights Institutions (Sri Lanka, September 2001);
40. Note the consensus statement of national institutions at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and encourage them to play a major role in the implementation of the Programme of Action of the World Conference as envisaged in many of the provisions of the Programme;
41. Note the concluding statement by national human rights institutions at the regional workshop of the Asia Pacific Forum of National Human Rights Institutions on HIV/AIDS (Australia, October 2001) and human rights, and encourage them to continue their efforts to address HIV/AIDS related stigma and discrimination, and to promote and protect human rights in the context of HIV/AIDS;
42. Note the important role which national institutions can play in preventing trafficking of persons, especially women, youth and children, and protecting the rights of victims of trafficking and of migrants, including migrant workers;
43. Welcome the offer of the Nepal Human Rights Commission to host the Seventh Annual Meeting of the Asia Pacific Forum of National Human Rights Institutions and request OHCHR to adequately support the meeting;

With regard to the realization of the right to development and economic, social and cultural rights:

44. Reaffirm that peoples and the human person is the central subject of development and that development policy should make the human being the main participant and beneficiary of development;
45. Reaffirm that respect for all rights –civil, cultural, economic, political and social – is necessary to ensure enjoyment of the right to development;

46. Reaffirm that development is a comprehensive economic, social, cultural and political process, which aims at the constant improvement of the well-being of the entire population;
47. Reaffirm that states should take steps to address the economic and social development of marginalized or socially excluded ethnic minorities;
48. Welcome the guidance provided by the Sub-regional workshop on the Justiciability of Economic, Social and Cultural Rights in South Asia, held in New Delhi, in November 2001;
49. Recognize the importance of good governance at national and international levels to ensure that human rights are protected, freedoms respected and development resources properly and efficiently utilised for implementing the right to development;
50. Affirm that international peace and security are essential elements for the realization of economic, social and cultural rights and the right to development;
51. Recognise that poverty and unemployment are among the major obstacles to the realisation of the right to development and economic, social and cultural rights and emphasize the need for action at national level and international cooperation to address this issue;
52. Welcome the conclusions of the regional workshop on the impact of globalisation on the full enjoyment of economic, social and cultural rights and the right to development (Kuala Lumpur, Malaysia, May 2001) and in this regard;
53. Affirm the importance of the human rights treaty system:
 - in providing a legal framework within which states parties may address the positive and negative impact of globalisation;
 - in creating processes which enable the harmonisation of law and policy needed to achieve progressive realisation of economic, social and cultural rights and the right to development, and which contribute to maximizing the benefits of globalisation for all;
 - in clarifying the content of specific rights and in promoting public awareness of the provisions and principles concerning economic, social and cultural rights;

With regard to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance:

54. Express their profound concern at, and unequivocal condemnation of, all forms of racism and racial discrimination, including acts of racially motivated violence, xenophobia and related intolerance, as well as propaganda activities and organizations which attempt to justify or promote racism, racial discrimination, xenophobia and related intolerance in any form;
55. Welcome the adoption of the Declaration and Programme of Action of the World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance (Durban, South Africa, September 2001), which includes the intention of OHCHR to establish an Anti-Discrimination Unit;

56. Affirm their commitment to implementing the Programme of Action of the World Conference Against Racism;
57. Decide to include the implementation of the Programme of Action of the World Conference Against Racism as an integral part of the Asia-Pacific Framework for Regional Technical Cooperation;

Participants in the Beirut Workshop thus:

58. Recognize the close relationship between and mutually supporting nature of the four pillars of the Framework for Regional Cooperation for the Asia-Pacific Region and call on member states of the region to take concrete steps, as appropriate, at the national level in connection with the implementation of the Tehran Framework;
59. Affirm that the new programme of action to be adopted should further link regional, sub-regional and national activities, and provide for mutually reinforcing activities in order to strengthen its coherence and consistency;
60. While noting that the Tehran Framework is mainly a governmental process, acknowledge the importance of participation by national institutions, non-governmental and intergovernmental organisations and the private sector; the initiative of holding a consultation of non-governmental actors prior to the official opening of the workshop; and their reports to the plenary, and call on OHCHR to establish partnerships with these actors in the implementation of the Tehran Framework;
61. Note that the implementation of the activities envisaged under the Asia-Pacific Framework for Technical Cooperation is the responsibility of all States in the region and agree to strengthen joint efforts towards the implementation of these conclusions;
62. Express their appreciation for the efforts made by the Office of the High Commissioner for Human Rights to implement the Beijing Plan of Action and for its proposal to continue the implementation of the activities under the Framework in close cooperation with regional, sub-regional and national partners;
63. Call on UN agencies, global and regional financial institutions and bilateral donor agencies to examine how they could support the implementation of the activities under this Framework, including through financial and technical support and provision of human resources;
64. Welcome OHCHR Regional Representatives involvement in advising Asia-Pacific Governments at their request on the implementation of the activities under the Framework;
65. Agree to disseminate widely the results of this annual Workshop, as appropriate, among relevant Government ministries and institutions, national human rights institutions, non-governmental organisations and academic institutions and other partners at national, sub-regional and regional levels;

66. Call upon the Office of the High Commissioner for Human Rights to report on progress achieved in the implementation of technical cooperation in the Asia-Pacific region in accordance with the Framework of Cooperation to the 11th Workshop on Regional Co-operation for the Promotion and Protection of Human Rights in the Asia-Pacific Region;
67. Invite States to host inter-sessional sub-regional workshops and welcome the offer made by the Government of Vanuatu to host the upcoming sub-regional workshop on human rights education in the area of administration of justice in the Pacific;
68. Take note with appreciation of the proposals made by the Governments of Pakistan and Fiji to consider hosting the next Workshop;
69. Endorse and consider for action the next steps and activities as included in the attached annex.

Annex

2002-2004 Programme of Action for the Asia-Pacific Framework for Regional Cooperation for the Promotion and Protection of Human Rights¹

The main responsibility for implementation of this Programme of Action lies with all States in the region. The Office of the High Commissioner for Human Rights will facilitate the implementation of the activities in close cooperation with regional, sub-regional and national partners.

1. National human rights plans of action and national capacity building

Main objectives: To gather lessons learnt and best practices in the region and to develop tools for the development of National Plans of Action.

- Finalize the handbook, containing “Possible elements to facilitate the development of national plans of action for the promotion and protection of human rights that could be considered by countries which wish to include a national plan of action as part of their approach to human rights observance”, to States, national institutions and NGOs in the Asia-Pacific region. Translate the handbook into relevant languages and disseminate it to States, national institutions and NGOs in the Asia-Pacific region;
- Make available, upon request, technical co-operation and advisory services to develop national human rights capacity, especially to promote ratification of human rights instruments and to support State Parties to fulfil their reporting obligations;
- Make available, upon request, technical co-operation and advisory services to support the development, implementation, evaluation and monitoring of national human rights plans of action, including with the aim of integrating economic, social and cultural rights and action plans to combat racism, racial discrimination, xenophobia and related intolerance;
- In collaboration with relevant Governments, evaluate the experiences of all countries in the Asia-Pacific region which have completed national plans of action in order to gather lessons learned and best practices;

¹ The Implementation of proposed activities by OHCHR is subject to the availability of resources from within the Voluntary Fund for Technical Cooperation In the Field of Human Rights.

2. Human rights education

Main objective: To strengthen national capacities for human rights education with a focus on the incorporation of human rights education within the school system

- In the framework of the Decade for Human Rights Education (1995-2004) prepare, publish and disseminate a compilation of initiatives undertaken in the Asia-Pacific region in the area of human rights education, training and public information;
- Conduct and publish a study on popular and non-formal human rights education methodologies used in the region, paying particular attention to those which are directed to vulnerable, disadvantaged and marginalised groups;
- Compile existing materials (textbooks, curricula, legislation, etc.) for human rights education in schools, consistent with the principles of the Convention on the Rights of the Child, for dissemination;
- Organise, in partnership with regional/sub-regional partners, a series of workshops in various sub-regions, aiming at the inclusion of human rights education in the school system and including elements as training of teachers and curriculum and materials development. The workshop will build on the methodology developed at the Sub-Regional Training Workshop on Human Rights Education in Northeast Asia held in Seoul, Republic of Korea, in December 1999. The workshops will target education policy-makers, officers responsible for teacher-training institutions, officers responsible for education faculties of universities, teaching materials and curriculum developers, parents' associations, NGOs active in the area of human rights education in schools and other relevant national organizations and institutions;
- Link national efforts to follow-up the sub-regional workshops into a regional network, including through the use of the internet, to promote information sharing;
- Support research on various aspects of human rights education in schools, such as comparative studies and development of guidelines concerning education policies, school and teacher-training curricula, extracurricular activities and innovative classroom/school management experiences, evaluation of impact of human rights education programmes;
- Request the United Nations to develop appropriate video materials for the promotion of human rights in schools;
- Make available, upon request, advisory services to develop and implement further activities to promote effective human rights education in schools, underlining the benefits of human and cultural diversity and religious tolerance and combating discrimination;

3. National human rights institutions

Main objective: To support regional initiatives to strengthen the role of national institutions and their regional association in the Asia-Pacific region

- Support the annual meetings of the Asia Pacific Forum of National Institutions with a view to a sharing of best practices and request the Forum to report to the Annual Asia-Pacific Workshop;
- In co-operation with States continue to make available, upon request, technical co-operation and advisory services to support the establishment and strengthening of national institutions;
- Support follow up activities related to the implementation of the Programme of Action of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance;
- Provide support to the workshop on media, racism and education to be organized in cooperation with the Asia Pacific Forum (Australia, June 2002), with special emphasis on the need to encourage media to avoid indirectly or directly fostering racism, racial discrimination, xenophobia and related intolerance as contemplated in the Programme of Action of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance;
- In co-operation with national human rights institutions continue to develop and implement training programmes, including in the area of investigation techniques;
- Organise a series of regional and national initiatives, aiming at strengthen national institutions' work at the national level concerning economic, social and cultural rights, building on the methodology developed at the workshops held in Manila and Hong Kong;
- Assist National Institutions to follow up the conclusions of the Regional Workshop on the Role of National Human Rights Institutions in Advancing the International Human Rights of Women, held in Fiji in May 2000, particularly as concerns the need to provide effective training courses that will ensure satisfactory awareness of the rights and special needs of women;
- In collaboration with UNAIDS and in consultation with national human rights institutions, develop guidelines to assist national human rights institutions in addressing HIV/AIDS-related discrimination and stigma, and in promoting and protecting human rights in the context of HIV/AIDS;
- Organise a workshop to consider ways and means by which national institutions can contribute to preventing trafficking and protecting the rights of trafficked persons and develop a pilot project between at least two national institutions of the region to promote cross-border cooperation in this area;

4. Realisation of the right to development and economic, social and cultural rights

Main objective: To strengthen national capacities to develop the justiciability of economic, social and cultural rights

- Organise, in partnership with regional/sub-regional partners, a series of workshops in various sub-regions, for judges and lawyers on the justiciability of economic, social and cultural rights, building on the methodology developed at the Workshop for Judges on the Justiciability of Economic, Social and Cultural Rights in South Asia, held in New Delhi, India, in November 2001;
- Link judges and lawyers participating in these workshops into a regional network, including through the use of the internet, to follow-up to the sub-regional workshops and to promote information sharing;
- Establish a database on jurisprudence on economic, social and cultural rights building on the network facilities and national task forces established at the workshops;
- Organise a workshop involving national planning authorities, relevant ministries, national institutions and representatives of civil society at which information on national experiences can be exchanged with a view to compiling a reference of good practices of responses to globalisation;
- Organize in cooperation with a host State and regional partners a regional meeting to undertake a dialogue on the causes and consequences of migration that focus not only on law enforcement and border control, but also on the promotion and protection of the human rights of migrants and on the relationship between migration and development;
- Make available upon request technical co-operation and advisory services to assist in the integration of human rights in national poverty reduction strategies.

ANNEX II

Workshop for Judges on the Justiciability of Economic, Social and Cultural Rights in South Asia

New Delhi, 17-18 November 2001

STATEMENT OF CONCLUSIONS

Introduction

1. The inter-sessional sub-regional Workshop for Judges on the Justiciability of Economic, Social and Cultural Rights, organized under the Beijing Plan of Action of the Asia-Pacific Framework for Technical Cooperation, was held in New Delhi, India, on 17 and 18 November 2001 and was attended by judges from Bangladesh, India, Nepal and Sri Lanka.
2. The participants expressed their gratitude to the Government of India for hosting the workshop, to the Office of the High Commissioner for Human Rights (OHCHR) for organizing the workshop and providing financial support to it, and to the International Bar Association and the International Commission of Jurists for co-organizing the workshop in partnership with OHCHR.
3. The workshop welcomed the presence, as observers, of national human rights institutions, human rights civil society organizations and lawyers from Bangladesh, Bhutan, India, Maldives, Nepal, Pakistan and Sri Lanka, as well as representatives of regional and international organizations working in the sub-region.
4. The United Nations High Commissioner for Human Rights, Ms. Mary Robinson, opened the workshop and paid tribute to the pioneering work of the South Asian judiciary and advocates, who had been able to make significant advances and establish key precedents in the development of international jurisprudence in the area of economic, social and cultural rights. She urged the participants to help disseminate judicial experience in the area of human rights at the national, regional and international levels, so as to reinforce a consistent and common view of universal rights at every level. She further encouraged the participants to consider the ongoing process of developing a possible optional protocol under the International Covenant on Economic, Social and Cultural Rights. The Chief Justice of India, the Honourable Shri Justice S.P. Bharucha, delivered a presidential address in which he referred to a South Asian judicial phenomenon whereby courts took steps to convert certain elements of directives/principles of State policy into enforceable fundamental rights. He reminded the workshop, however, of the need for an independent judiciary in order to enforce such rights. Furthermore, he said, the courts must be mindful of the need to ensure that their decisions were capable of enforcement, in order to preserve the credibility of the judicial system.

5. Justice P.N. Bhagwati, in his keynote address, shared information about different approaches followed by courts in order to ensure protection of economic, social and cultural rights, and also highlighted the need for close cooperation among all members of the legal community. Mr. Fali Nariman and Ms. Nirmala Pandit addressed the workshop on behalf of the International Bar Association and the International Commission of Jurists respectively. Mr. Nariman recalled that human

rights in the current millennium were primarily in the hands of the trendsetters, who were the judges. He called for more debate on the significance of the international human rights instruments. Ms. Pandit emphasized that the judiciary could and always had played a crucial role in ensuring the justiciability of economic, social and cultural rights, including by developing innovative practices, such as public interest litigation, expanding the scope of locus standi and interpreting domestic legal norms in the light of international standards.

6. The workshop welcomed the participation as expert resource persons of Mr. Geoffrey Budlender (justiciability of the right to housing), Dr. Kamal Hossain (justiciability of the right to education), Justice Michael Kirby (justiciability of the right to health) and Professor Babu Mathew (justiciability of the right to labour/labour rights).

Conclusions

7. The workshop agreed that the issue of the justiciability of economic, social and cultural rights was inseparable from the question of enforceability and the existence of adequate remedies. The judiciary was urged to make use of appropriate judicial decisions of their own and of foreign jurisdictions. Judges were encouraged to participate in national, regional and international workshops and seminars in the area of economic, social and cultural rights, where they could exchange ideas with a view to strengthening capacity with regard to, and increasing sensitivity towards, economic, social and cultural rights.

8. The participants considered that it would be desirable for the Governments that had not yet ratified the International Covenant on Economic, Social and Cultural Rights to do so without delay.

9. The participants considered that it would be desirable for the States Members of the United Nations to proceed without delay to adopt a protocol to the International Covenant on Economic and Social Rights, whereby individuals and groups might petition the Committee on Economic, Social and Cultural Rights.

10. The workshop recognized that human rights were indivisible and interdependent and that the rights enshrined in the International Covenant on Economic, Social and Cultural Rights and, where relevant, the directives/fundamental principles of State policy contained in some national Constitutions represented statements of clear legal obligation for the States concerned. It was agreed that the principles set out in those documents gave direction to the States concerned and give content and meaning to the fundamental rights enshrined in those Constitutions.

11. The workshop also considered factors relevant to the issue of justiciability that had a negative impact on the realization of economic, social and cultural rights. Those factors included: (i) the inability of a large majority of persons in every society to have access to justice, and the failure of States to remedy that inability; (ii) the lack of awareness, and in some cases the absence of interest in learning more, about international human rights standards on the part of the legal community; (iii) the lack of understanding of the nature and legal and policy implications of international commitments, including the legal obligations of international corporations, undertaken by States; (iv) in certain cases, the absence of awareness and the indifference of government officials in the implementation of those commitments; (v) inadequate follow-up to public commitments such as plans of action and pronouncements made in international forums; and (vi) the lack of ratification by some States of the International Covenant on Economic, Social and Cultural Rights and the failure to implement it fully of some States which had ratified it.

12. The workshop called on OHCHR to continue to provide technical cooperation assistance in the field of human rights with regard to the justiciability of economic, social and cultural rights, and to publish the draft training manual for judges as soon as possible. It was also suggested that OHCHR and other appropriate United Nations bodies should facilitate a comparative study of existing law in the region, both statutory and case law, regarding economic, social and cultural rights, and that the results should be made available to the judiciary.

13. Consistent with principles of the Bangalore Declaration and Plan of Action, the workshop urged members of the judiciary to interpret domestic law in conformity with international human rights instruments, including the International Covenant on Economic, Social and Cultural Rights.

14. The workshop noted that there was often a general lack of information on government allocations, expenditures and targets in regard to their policies and programmes of implementation of economic, social and cultural rights, and judges were encouraged, in appropriate cases, to call for such information to be provided.

15. The workshop recalled the responsibility of national human rights institutions to play a proactive role in monitoring the performance of the legislative and the executive branches of the State in the area of economic, social and cultural rights. The participants recommended that national human rights institutions should have the legislative mandate and economic resources to help ensure the realization of economic, social and cultural rights. They called upon national human rights institutions to play a role, in harmony with the decisions of the judiciary and where appropriate, such as by intervening before the courts and by: (i) providing to the judiciary, and to the public in general, information about international jurisprudence and documents generated by the international human rights mechanisms; (ii) monitoring and reporting on the implementation of policies regarding economic, social and cultural rights; (iii) requesting Governments to increase the transparency of their reports on budgetary allocations, public expenditures and the implementation of targets; (iv) seeking judicial intervention, wherever so required, for receiving information from institutions that did not have the statutory obligation to supply information; (v) requesting academic institutions and other members of civil society to provide such information as needed. The workshop agreed that the costs of such studies and public reports should be borne by the Governments concerned.

16. The workshop observed that public interest litigation could be used to ensure enhanced justiciability of economic, social and cultural rights. It noted those South Asian jurisdictions where actions were initiated by courts themselves (*suo motu*) in cases relating to human rights violations in the area of economic, social and cultural rights. That innovative approach depended to a large extent on the individual initiative of judges concerned.

17. To ensure the justiciability of economic, social and cultural rights, the workshop urged courts to make a conscious effort to adopt new strategies and techniques. In order to meet the new challenges, the judiciary was encouraged to make use of the available innovative means, such as court-appointed fact-finding commissions, to ascertain factors bearing a negative impact on economic, social and cultural rights.

18. The workshop observed that the justiciability of the right to work, including labour rights, played a critical role in enhancing quality of life and quality of work. It noted that the question of implementation went beyond the mere implementation of existing international standards. The effectiveness of the protection of labour rights had in some cases been challenged by new economic trends at the regional and international level, especially with regard to such effects of globalization as "flexibility of labour" and the impact of this phenomenon on national practice.

19. The workshop appreciated that courts in the region had given effect to economic, social and cultural rights through the process of judicial interpretation, and encouraged them to continue do so in appropriate cases. States must not abdicate their responsibility to ensure effective enforcement of those rights.

20. The workshop agreed that courts had an important role to play in ensuring the effective justiciability of the right to education, particularly in contexts where the Constitution provided for, or the executive branch was otherwise committed to, time-bound implementation of the right.

21. The workshop encouraged judges to take account of the following elements of the right to education in order to ensure its effective implementation: (i) the need to have equitable geographic distribution of schools for both girls and boys; (ii) the need to eliminate disparities in the standards and funding of education; (iii) the need to ensure non-discriminatory access to schooling, including with regard to gender, origin, disability and all other forms of discrimination.

22. The workshop agreed that judges should be urged to: (i) protect the vulnerable from homelessness due to arbitrary and discriminatory action; (ii) ensure the right to adequate housing of the people, including the non-discriminatory provision of civic services, and ensure that there was no retrogression of laws and policies protecting the right to housing; (iii) ensure that no forced evictions were conducted, except in exceptional cases on satisfaction of certain mandatory conditions, such as consultation with persons who would be affected, reasonable notice, hearings prior to eviction, opportunity for legal redress and provision of the right to adequate housing in an alternative location. The workshop recognized that the effectiveness of the protection of the right to housing had in some cases been challenged by global policies.

23. The workshop agreed that Governments must comply with their obligations under the International Covenant on Economic, Social and Cultural Rights, including by enacting legislation to give effect and content to the right to adequate housing as soon as possible.

24. The participants noted that where there was tension between rights affecting the provision of housing for various categories of people, the right to adequate housing of vulnerable people must be given priority.

25. The participants urged the judiciary to examine the right to health in a comprehensive manner, so as to include prevention, cure, rehabilitation, easy access to health services and attainment of core minimum standards which States parties were committed to implementing under the International Covenant on Economic, Social and Cultural Rights.

26. The participants emphasized their recognition of the importance of economic, social and cultural rights in the daily lives of all people of the region and the world. The judiciary, as servants of the people, shared the sense of urgency of the people that the objectives of the International Covenant on Economic, Social and Cultural Rights should be fully attained and its provisions given effect as far as possible.

ANNEX III

Workshop on the impact of globalisation on the full enjoyment of economic, social and cultural rights and the right to development

Kuala Lumpur, Malaysia, 8-10 May 2001

AGREED CONCLUSIONS

Preamble

Representatives of the Governments of the Asia-Pacific region participating, together with representatives of the national human rights institutions, UNDP, ILO, UNICEF, UN ESCAP, WTO, World Bank, IOM, UNIFEM, the private sector and others, and non-governmental organisations attending as observers, in the inter-sessional Workshop, part of the framework for regional cooperation agreed to in Tehran (1998) on the impact of globalisation on the full enjoyment of economic,

social and cultural rights and the right to development held in Kuala Lumpur, Malaysia, from 8 to 10 May 2001, 1. Recalling the important contributions made by previous Workshops, the recommendations adopted at the Beijing Workshop (March 2000), the Conclusions of Bangkok Workshop (February-March 2001), Conclusions of the Sana'a Inter-sessional Workshop (February 2000), General Assembly resolution 55/102, Commission on Human Rights resolutions 2001/9, 2001/32, 2001/64, the preliminary report of the Secretary General entitled 'Globalisation and its impact on the full enjoyment of all human rights' (A/55/342) and discussions held in Kuala Lumpur;

2. Recognising that the central challenge we face today is to ensure that globalisation becomes a positive force for all the world's people. For while globalisation offers great opportunities, at present its benefits are very unevenly shared, while its costs are unevenly distributed. We recognise that developing countries, in particular Least Developed Countries face special difficulties in

responding to this central challenge. Thus, only through broad and sustained efforts to create a shared future, based upon our common humanity in all its diversity, can globalisation be made fully inclusive and equitable. These efforts must include policies and measures, at the global level, which correspond to the needs of developing countries and Least Developed Countries, and are formulated and implemented with their effective participation.

3. Reaffirming the universality, indivisibility, interdependence and inter-relatedness of all human rights – civil, political, economic, social and cultural rights and the right to development;

4. Reiterating the importance of an inclusive, step-by-step, practical and building blocks approach towards enhancing regional cooperation for the promotion and protection of human rights;

5. Recalling that, according to the 1993 World Conference on Human Rights, the international community must treat human rights globally in a fair and equal manner, on the same footing and with the same emphasis, and that while the significance of the national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind, it is the duty of States, regardless of their political, economic and cultural systems to promote and protect all human rights and fundamental freedoms;

The participants at the Kuala Lumpur Workshop hereby:

1. Express appreciation to the Government of Malaysia for hosting the Inter-sessional Workshop on the impact of globalisation on the full enjoyment of economic, social and cultural rights and the right to development, and appreciation for the statements made by Hon. Datuk Seri Syed Hamid Albar, Minister of Foreign Affairs of Malaysia and Hon. Chief Justice P.N. Bhagwati, Regional Adviser to the High Commissioner of Human Rights.

2. Express their commitment to developing and strengthening national capacities, in accordance with national conditions and national needs, for the realisation of economic, social and cultural rights and the right to development;

3. Welcome the work of national human rights institutions in the Asia-Pacific region on economic, social and cultural rights and the right to development and encourage them to continue this work;

4. Affirm that effective and meaningful public participation, with the full participation of women on an equal footing, of civil society, including national non-governmental organisations and the private sector, is an essential component of successful and sustainable development, and of the implementation of the right to development;

5. Also affirm the importance of the human rights treaty system: in providing a legal framework within which states parties may address the various impacts of globalisation; in creating processes which enable the harmonisation of law and policy needed to achieve progressive realisation of economic, social and cultural rights and the right to development, and which can contribute to maximizing for everyone the benefits offered by globalisation; in clarifying the content of specific rights and in promoting awareness among the public and other stakeholders of the provisions and principles concerning economic, social and cultural rights;

6. Note the discussions held during the Workshop concerning the impacts of globalisation on the realisation of economic, social and cultural rights and the right to development in the Asia-Pacific region;

7. Recognise that success in meeting development and poverty eradication objectives depends, inter alia, on good governance within each country. It also depends on good governance at the international level and on transparency in the financial, monetary and trading systems. We are

committed to an open, equitable, rule-based, predictable and non-discriminatory multilateral trading and financial system.

8. Note the ILO Declaration on Fundamental Principles and Rights at Work and stress that labor standards should not be used for protectionist trade purposes, and that nothing in the Declaration on Fundamental Principles and Rights at Work or its follow-up shall be linked, invoked or otherwise used for such purposes;

9. Note the General Comment on the Right to Health adopted by the Committee on Economic, Social and Cultural Rights in May 2000;

10. Recognise that an improved level of health contributes to economic growth and the critical importance of access to essential medicines at affordable prices and encourage the pharmaceutical industry to make essential drugs more widely available and affordable by all who need them in developing countries;

11. Emphasise that the provisions of the Convention on the Rights of the Child and other relevant human rights instruments must constitute the standard in the promotion and protection of the rights of the child, and reaffirm that the best interest of the child shall be the primary consideration in all actions concerning children;

12. Welcome the benefits of new technologies, especially information and communication technologies, and call upon States and other entities to make their best efforts to ensure that the benefits are available to all, and to take appropriate steps to combat their misuse;

13. Note the need to take measures to ensure respect for and protection of the human rights of migrants, migrant workers and their families, to eliminate the increasing acts of racism and xenophobia in many societies and to promote greater harmony and tolerance in all societies.

14. Acknowledge the need to promote measures, at the national and international levels, to prevent trafficking of persons, particularly women and children;

15. Affirm that in the light of recognised mutual interest of all countries, international cooperation is important and therefore, that such cooperation should be strengthened in order to inter alia financially and technologically support the efforts of developing countries to solve their social and economic problems and to benefit from the multilateral trading system, and to assist them, wherever possible and upon their request, in the fulfillment of their obligations with regard to the promotion and protection of all human rights and fundamental freedoms;

16. In addition to the foregoing conclusions, further call upon member States, the Office of the High Commissioner for Human Rights (OHCHR) to consider the following steps as contained in the annex:

Annex

- i) To make a compilation of good practices on responses to globalisation, through national and sub-regional workshops at which information on national and local experiences can be exchanged.
- ii) To consider acceding to the relevant human rights instruments.
- iii) States parties to the relevant human rights instruments from the Asia-Pacific region should prepare and submit reports to the relevant human rights treaty bodies in a process, which may include participation by civil society. Their reports could include consideration of the human rights impacts and implications of international and regional trade, investment and financial measures, for the treaty bodies to take into account these facts.
- iv) To encourage all the human rights treaty bodies, as well as Commission on Human Rights and Sub-Commission on the Promotion and Protection of Human Rights rapporteurs and experts, within their respective mandates to examine as appropriate, the impacts of globalisation on all human rights, and report on best practices in responding to the challenges and enjoying the benefits of globalisation.
- v) To encourage governments, national human rights institutions, non-governmental organisations and UN agencies to undertake studies to address the effects of economic globalisation on migration trends and the resurgence of racism, racial discrimination, xenophobia and related intolerance.
- vi) To monitor and share information regionally and internationally on the cross-border trafficking of persons, and to educate law enforcement and judicial officials to respect the dignity of persons, particularly women and children, who have been trafficked.
- vii) To encourage the Office of the High Commissioner for Human Rights to consider acting as the depository of good practices on responses to globalisation and its impact on economic, social and cultural rights.
- viii) To encourage United Nations country offices in the region to further enhance, within their respective mandates, their involvement in the Tehran Framework.
- ix) In this regard, Governments of the Asia-Pacific region are invited to consider hosting the sub regional workshop involving national planning authorities, relevant ministries, national institutions and representatives of civil society to explore means to integrate human rights in national development plans, included in the 'Plan of Action' adopted at the Eighth Workshop on Regional Cooperation for the Promotion and Protection of Human Rights in the Asia-Pacific Region.

Kuala Lumpur, 10 May 2001