



BANGKOK BULLETIN



The UN and Human Rights in Asia-Pacific Commission on Human Rights: Special Edition No.3

Regional Representative for Asia-Pacific, Office of the High Commissioner for Human Rights (OHCHR)

2002 Asia-Pacific Country Visits by Commission Experts: Oral statements by experts and government responses

AFGHANISTAN

Expert reports on human rights in Afghanistan

Kamal Hossein, Special Rapporteur on the situation of human rights in Afghanistan, told the Commission that lack of security had led to terrible acts in the country. On the positive side he noted that three million children have gone back to school in Afghanistan, including more than one million girls previously banned from education under the Taliban regime. Nearly two million refugees have returned to their homeland, 50 per cent of whom are women.

[Full text of statement](#)

[Summary of statement](#)

[Text of Report](#)

Security: essential for human rights in Afghanistan

The representative of the Transitional Administration of Afghanistan concurred with the findings of the Special Rapporteur. The Administration agreed that continued efforts of the Afghan Human Rights Commission, the Afghan Judicial Reform Commission and related governmental and non-governmental organisations are essential. The role of security was emphasised as the most important consideration of the Administration. It was also made clear that efforts to improve the rights of women have been multiplied under the Transitional Administration.

[Full text of response](#)

AUSTRALIA

ARBITRARY DETENTION

Working Group on arbitrary detention reports on mission to Australia

The Working Group on arbitrary detention, led by its Chair, Louis Joinet, visited Australia from 24 May to 6 June 2002. The visit was related to Australia's administrative custody of unauthorized arrivals in the country.

[Text of Report](#)

Australia concerned with Working Group's use of resources

In response Mike Smith, the representative of the Government of Australia, highlighted Australia's long and distinguished history of migration and its enviable record in welcoming not only migrants but also refugees. He said that Australia does not detain asylum seekers, rather people who arrive without legal authority are detained. He said Australia's detention of unauthorised arrivals is not arbitrary nor is it indefinite. In closing Mr. Smith made it clear that Australia is concerned that the Working Group's focus on immigration detention in Australia is a waste of scarce resources.

[Full text of response](#)

CAMBODIA

Expert comments on human rights in Cambodia

Peter Leuprecht, Special Representative of the Secretary-General on the situation of human rights in Cambodia, said that the atmosphere in the country was tense after the anti-Thai riots and that there had been some new assassinations. As Cambodia was progressing on the road to democracy, it was hoped that this year's elections would be held in better conditions than last year's elections. He said in regard to legal and judicial reforms, that progress had been disappointing and slow.

[Summary of statement](#)

[Text of Report](#)

Cambodia asks Commission for assistance on human rights

Sous Someth, the Representative of the Government of Cambodia, explained that the Government's efforts to implement projects with economic growth objectives and social uplift through poverty alleviation programmes constituted the foundation of Cambodia's promotion of human rights. He asked for assistance from the United Nations advisory services and technical cooperation and added that "One could correctly ask where the Commission and its instruments had been when human rights principles had been trampled under the feet of Khmer Rouge".

[Summary of response](#)

INDONESIA

INDEPENDENCE OF JUDGES AND LAWYERS

Expert on independence of judges and lawyers: Indonesia

Dato Param Cumaraswamy, Special Rapporteur on the independence of judges and lawyers, noted with extreme concern in his statement to the Commission, the lack of a culture of judicial independence in Indonesia. He commented that for some time, judicial power had been seen as an extension of executive power. This had resulted in the judiciary -- including the entire administration of justice -- plagued to a large extent by corrupt practices. These comments were based on his official visit to Indonesia in July last year.

[Full text of statement](#)

[Summary of statement](#)

[Text of Report](#)

Indonesian Government: judgements of expert grossly exaggerated

Djismun Kasri, the Representative of the Government of Indonesia, said the tendency of the report in the Special Rapporteur was to make grossly exaggerated judgments. Since 1998, the Indonesian Government, parliament and judiciary had embarked on a number of judicial and legal reforms aimed at strengthening the judiciary and combating corrupt practices. The pace of technical implementation of this process might have been slower than expected. However, when the Special Rapporteur stated that there was no apparent interrelationship between the various steps taken to reform the judiciary or that these steps had not been translated into visible reality, Indonesia felt compelled to object.

[Full text of response](#)

[Summary of response](#)

RIGHT TO EDUCATION

Expert on education says rights-based education strategy is needed in Indonesia

Education has a role to play in Indonesia in eradicating poverty, mitigating and preventing conflict, and promoting gender equality. Katarina Tomasevski, Special Rapporteur on the Right to education, is encouraged by the Government's rapid and positive response to her report. Her key recommendation is the immediate elaboration of a rights-based education strategy.

[Full text of statement](#)

[Summary of statement](#)

[Text of Report](#)

Indonesia recognises importance of education

Djismun Kasri, the Representative of the Government of Indonesia, said that Indonesia placed a high priority on the realisation of the right to education. He said that the amended Constitution not only guaranteed every Indonesian's right to education, but also the obligation of the State in this regard. The Government of Indonesia was well aware that many challenges still needed to be overcome, particularly in view of the pivotal role of education in the fight against poverty and in the promotion of national development.

[Summary of response](#)

MYANMAR

Special Rapporteur says substantial progress on human rights in Myanmar is limited

Paulo Sergio Pinheiro, Special Rapporteur on the situation of human rights in Myanmar, reported that while some progress had been made in the area of confidence-building, substantial progress on human rights had been very limited, the holding of political prisoners continued to be a cause for concern, poverty was endemic, and much remained to be done to create conditions for national reconciliation and the establishment of true democracy.

[Full text of statement](#)

[Summary of statement](#)

[Text of Report](#)

Myanmar Government: sustained, steady and significant progress on human rights

The Representative of the Government of Myanmar said in response that progress in political, economic, social and cultural conditions in general and improvements in human rights in particular had been sustained, steady and significant in the country. He reported that the Government had released 45 prisoners on 16 March 2003, bringing the number of prisoners released in the past few months to over 1,000, and that there had been 12 meetings between a special team led by a cabinet-level representative and Daw Aung San Suu Kyi.

[Full text of response](#)

[Summary of response](#)

PHILIPPINES

RIGHTS OF MIGRANTS

Expert on migrants: Concerned with sexual abuse of Filipina migrants

During Ms. Rodriguez Pizarro's mission to the Philippines last May she found that many Filipino migrants overseas were trapped in situations of helplessness in jobs as "entertainers" and domestic workers. She also found that there was a huge migrant flow from the Philippines to many parts of the world -- some 7.4 million Filipinos, or around 10 per cent of the country's inhabitants, were working in more than 150 countries. Illegal migration, trafficking, and trading, and their social costs, were evident.

[Full text of statement](#)

[Summary of statement](#)

[Text of Report](#)

Philippines Government clarifies migrant's situation

Yap Lepatan, Representative of the Government of the Philippines clarified several issues in the Special Rapporteur's report including: rescue of migrants, complaints of migrant workers, delays in repatriation and relations between sending and receiving countries. On the whole the Government was pleased that the Special Rapporteur had recognized the efforts made to address the problems faced by Filipino migrants and that she had brought to the Government's attention the deficiencies in its national programme.

[Summary of response](#)

INTERNAL DISPLACEMENT

Special Representative on internally displaced persons reports on mission to the Philippines

The Representative of the Secretary-General on internally displaced persons, Mr. Francis M. Deng, undertook an official visit to the Philippines, from 6 to 14 November 2002. The objectives of the Representative's mission were to develop a better understanding of the situation of internal displacement in the Philippines and to explore how to enhance national and international responses to the plight of the internally displaced. The Representative's mission focused on the situation of displacement in Mindanao resulting from the armed conflict between the Moro Islamic Liberation Front (MILF) and the Armed Forces of the Philippines (AFP) in 2000.

[Summary of statement](#)

[Text of Report](#)

Philippine's ready to implement expert's suggestions on internal displacement

In response to the report of the Special Representative on internally displaced persons Denis Yap Lepatan (Philippines) said that the Philippine Government openly acknowledges the problem of internal displacement and the need to respond to it effectively, including exploring durable solutions. Fortunately, the problem of internal displacement for the Philippines was relatively small compared to many other countries, and translating Mr. Deng's recommendations into practical solutions would pose no major problem.

[Full text of response](#)

[Summary of response](#)

INDIGENOUS PERSONS

Expert finds land rights to be the major concern for indigenous in the Philippines

The Special Rapporteur on human rights and fundamental freedoms of indigenous people told the Commission that in the Philippines, legislation recognized the right to land ownership by indigenous peoples. However, there were still some disparities in the application of this legislation. Other sources of long-term concern were the effects of mining and military exercises in indigenous areas. The Special Rapporteur recommended the establishment of national commissions on indigenous issues.

[Summary of statement](#)

[Text of Report](#)

Philippine's Representative disputes findings of Special Rapporteur

In response Denis Yap Lepatan, Representative of the Government of the Philippines the report of the Special Rapporteur. Unlike the two previous Rapporteurs, this Rapporteur gave little importance to dialogue and cooperation with the Government.

He said it was evident that the Special Rapporteur had gone to the Philippines not with an open mind nor in a constructive manner. Notwithstanding the Special Rapporteur's malicious intentions, the Philippines had allowed the visit to proceed. Since the Philippines had nothing to hide, it was its hope that reason and a sense of fair play would eventually guide the Special Rapporteur in preparing his report. That was not to be, as shown by his report, which was nothing more than a litany of unsubstantiated allegations and ridiculous recommendations.

[Summary of response](#)

Oral statements of other thematic mechanisms:

✓ indicates hyperlink to report or statement

Mechanism	Summary of oral statement	Full text of written report
The question of torture	✓	✓
Extrajudicial executions	✓	✓
Enforced disappearances	✓	✓
Right to health	✓	✓
Right to food	✓	✓
Right to housing		✓
Religion		✓
Racism and xenophobia	✓	✓
Violence against Women	✓	✓
Sale of children, Child prostitution child pornography	✓	✓

Reports relevant to Asia-Pacific recently considered by the Commission:

Vulnerable Groups:

- Report of the Special Rapporteur on **disability** of the Commission for Social Development (E/CN.4/2002/4)
- Report of the Special Rapporteur on the situation of human rights and fundamental freedoms of **indigenous people** [E/CN.4/2003/92/ Add.1](#)
- Report on the rights of persons belonging to **national or ethnic, religious and linguistic minorities** [E/CN.4/2003/82](#)
- Report of the Special Rapporteur on the situation of human rights and fundamental freedoms of **indigenous people**: Mission to the **Philippines** ([E/CN.4/2003/90/Add.3](#))

Other Reports:

- Report of the High Commissioner for Human rights on the role of **good governance** in the promotion of human rights [E/CN.4/2003/103](#) and on practical approaches and activities to strengthen good governance (E/CN.4/2003/102)
- Report of the Secretary General on **impunity** [E/CN.4/2003/97](#)
- Report of the Special Representative of the Secretary-general on **human rights defenders** [E/CN.4/2003/104](#) and [E/CN.4/2003/104/Add.4](#)
- Report of the Secretary-General on the effective functioning of human rights mechanisms: National institutions and regional arrangements (**Regional arrangement for the promotion and protection of human rights in the Asian and Pacific region**) [E/CN.4/2003/109](#)

Asia-Pacific Country Reports:

- Report of the Special Representative of the Secretary-General on the situation of human rights in **Cambodia** [E/CN.4/2003/114](#)

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Text of statements and responses has been included where available.