

Handbook of Guidelines for Working Strategies and Methodologies

The Asian Human Rights Commission

The human rights protection model in developed democracies

Since 1948 - A Human Rights System Based on
International Norms and Standards

Parliamentary System

Adequately
Developed Policing
System

Adequately
Developed
Prosecution System

Adequately
Developed Judicial
System

The human rights protection model in countries with inadequate rule of law systems

Since 1948 - A Human Rights System Based on International Norms and Standards

Parliamentary System

Inadequately
Developed Policing
System

Inadequately
Developed
Prosecution System

Inadequately
Developed Judicial
System

1.1 The Asian Human Rights Commission: Its purpose and mandate

The Asian Human Rights Commission (AHRC) is dedicated to the promotion and protection of human rights in line with international norms and standards based on the UN conventions. Its work is focused in countries where rule of law systems have very serious problems. This requires understanding and the capacity for spontaneous adaptation of its work to fit specific needs of human rights issues in these countries.

The AHRC's work on the promotion of civil and political rights

At the core of human rights work is the capacity to make complaints, process them and reach out to a targeted audience with an aim to secure a remedy. The promotion and fulfillment of international norms and standards for civil and political rights requires the development of adequate systems of policing on which the people can depend for their lawful protection.

The capacity to make complaints regarding human rights violations and have them investigated and processed is a prerequisite to achieving redress as envisaged by international norms and standards. This capacity is to a high degree hampered by the prevalent fear of state institutions, which is mostly permeated by the use of force, in particular the use of torture. Working against torture is thus a conscious decision made by the organization to effectively address human rights issues in the region.

The extremely ineffective systems of policing in Asian states remain a key obstacle for the realization of human rights. Added to this are issues in the prosecution and judicial systems; politicization of these systems often prevents the development of a proper framework of protection against human rights violations. Delay in the process of adjudication, the lack of witness protection, the absence of competency in policing, prosecution and the judiciary and manifold forms of corruption hinders the administration of justice in Asia.

Therefore, in the work of the protection and promotion of human rights, the organization by its mandate is compelled to engage in issues relating to the systems of policing, prosecution and judiciary in the region. This is necessary to enable people to have adequate protection under the rule of law; for their rights to be protected.

Illegal arrest, detention, torture, rape, the denial of the right to fair trial in manifold forms, the denial of freedom of expression and association, and the freedom to choose a government are some of the prominent human rights violations found in the region. Extrajudicial executions, forced disappearances and other forms of the denial of the right to life with statutory impunity are frequent in many countries. Dealing with these

problems is part of the core work relating to civil and political rights.

While all people in the region are affected by the problems of justice institutions, it is important for the organization to be extremely sensitive to the concerns of women, given the milieu of inequality, discrimination and the culture of fear that exists in Asia. The organization is involved in a considerable number of interventions involving women victims. Such involvement has sharpened the organizations' gender sensitivity in its work.

The AHRC's work on the protection and promotion of economic, social and cultural rights

Economic, social and cultural rights are often violated in extreme forms by enforced poverty, distress migration, corruption and discrimination. The denial of the right to food, water, education, as well as gender and racial equality are part of the region's daily reality.

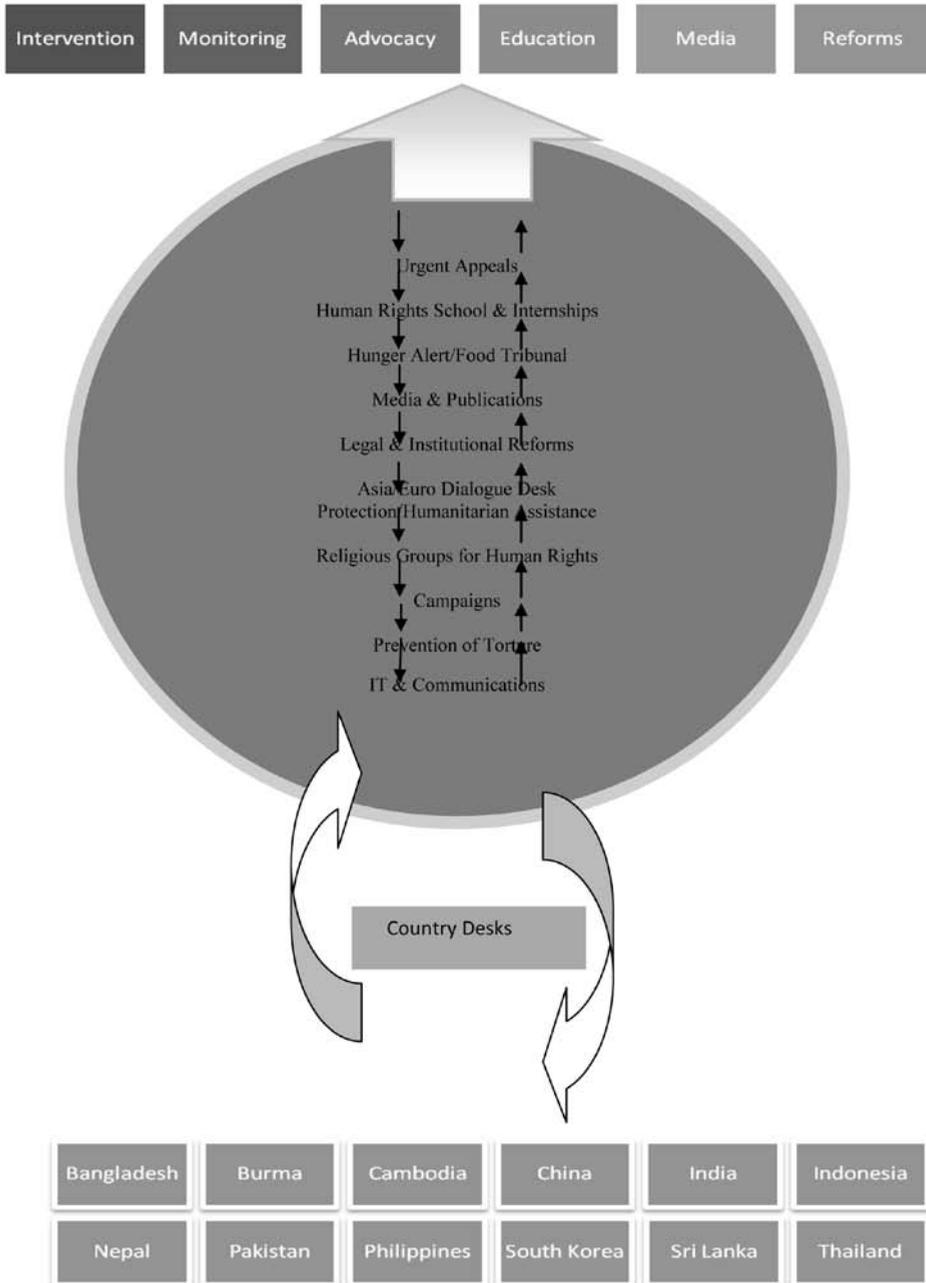
The concerns expressed above relating to civil and political rights directly affect economic, social and cultural rights as well. A state in which normative standards of justice do not exist cannot cater to the economic, social and cultural needs of its population. Women, children--in particular the girl child--and minorities face the maximum brunt in this context. It is within the organization's mandate to intervene in a way so as to empower weaker sections of society and to promote reforms that could improve their living conditions. Constant advocacy of human rights issues and the use of modern technologies, particularly information technology, to facilitate opportunities for seeking redress in economic, social and cultural rights is also within the mandate of the organization. This mandate has been practically articulated and developed over the last 25 years and has led to the development of strategies, methodologies and means of interventions used at present.

The mandate of the AHRC is carried out through interventions, monitoring, media, advocacy, education and reforms related to human rights protection and promotion. These functions are mentioned in the diagram of the AHRC's working model. The country desk work forms the bedrock and initiation point of the organizations' engagement.

The work generated from the countries are processed by the following desks to shape it into an effective, meaningful, and sustainable campaign. They are: the Urgent Appeals and Hunger Alert Desks; Human Rights School and Workshops; Media and Publications; Legal and Institutional Reforms; the Asia-Europe Dialogue Desk; Protection and Humanitarian Assistance; the Religious Groups for Human Rights; Campaigns; Prevention of Torture; and IT & Communications.

Each desk has developed unique features in carrying out the organization's mandate. This aspect of our organization is demonstrated by our working model:

AHRC Working Model

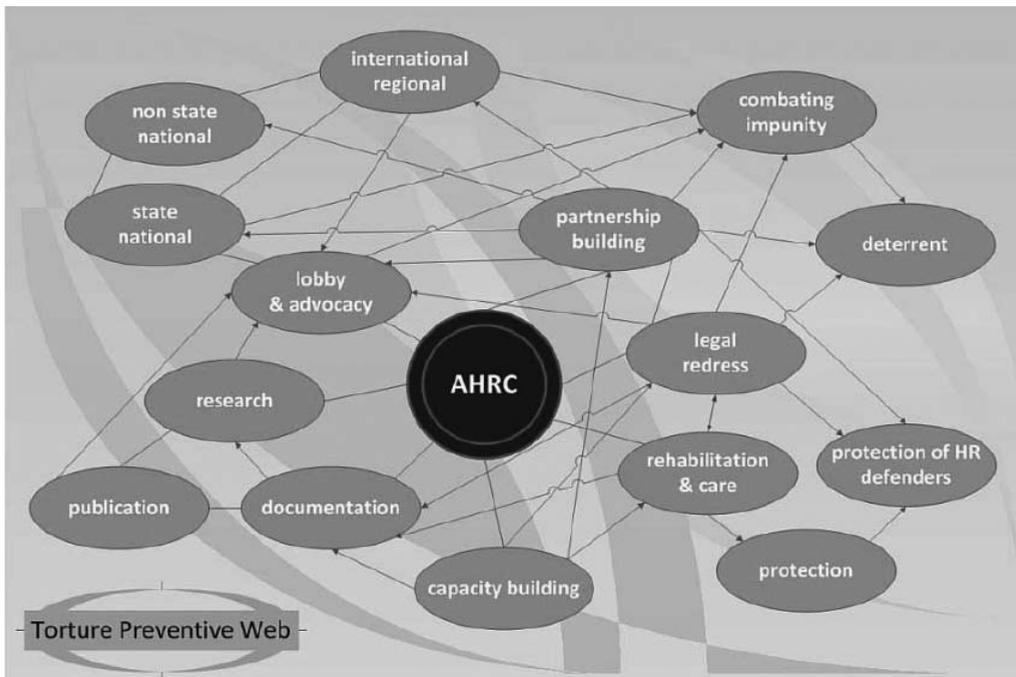


1.2. Key partners and beneficiaries

Given the mandate of the protection and promotion of human rights as exercised through the functions mentioned above and carried out through its specific desks, the organization has developed a number of key partners and beneficiaries of support over the years.

The key partners are various groups in the human rights field with which the organization has developed links for the protection and promotion of human rights. As previously mentioned, the work also engages the UN and its mandate holders. With these groups, the AHRC has a close partnership based on day-to-day activities, information sharing and developing common advocacy work on various issues, which are executed throughout the year by various programmes. Thus, the AHRC engages in country-based, regional and international partnerships in fulfilling its mandate.

Our partnership network is shown in this diagram:



The organization consciously attempts to develop partnerships with national institutions wherever possible. By national institutions, we mean state institutions that have the specific function of investigating into human rights abuses; the policing, prosecution and judicial institutions, as well as other state organs designed for this purpose.

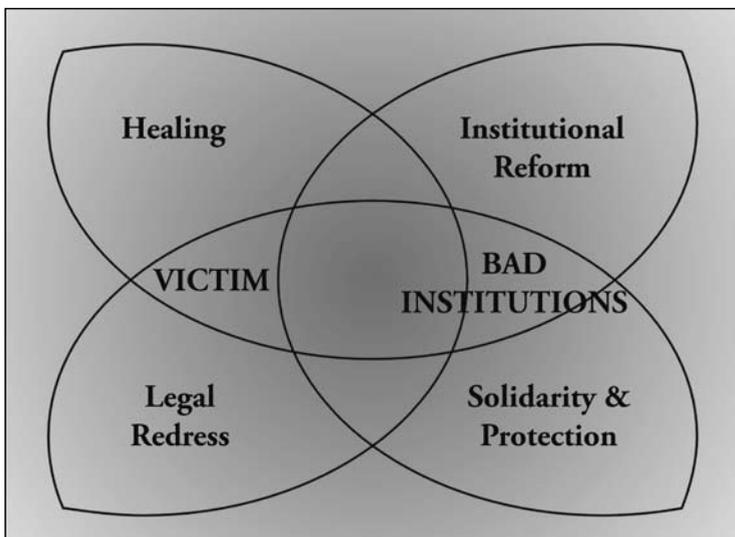
In the area of human rights protection and promotion, these basic institutions are the most important partners of the organization. We engage and interact with them through appeals to support legal actions undertaken for victims of human rights violations, and by making reports and critiques of their policies and practices, which are submitted both in the local and international sphere, with a view to maintaining a constant dialogue with these institutions.

The next most important partnership is with the victims of rights violations. The organization provides avenues assisting them to make complaints, including linking them with groups that provide various kinds of assistance to them, as well as enhance their education and awareness.

The AHRC constantly engages in generating public opinion both locally and internationally. Communicating and working with the media forms an integral part of this exercise.

Other beneficiaries of the organization's work are the human rights community in general and local rights groups in particular. The organization supports these groups by helping them establish a constant chain of communication and education, providing opportunities to expand their work, creating opportunities for capacity-building, and in particular to develop a system of protection for human rights defenders. This is done with the perspective that in times of danger the necessary assistance can be provided for people's security.

The AHRC approach to dealing with assistance to victims is shown in the following model:



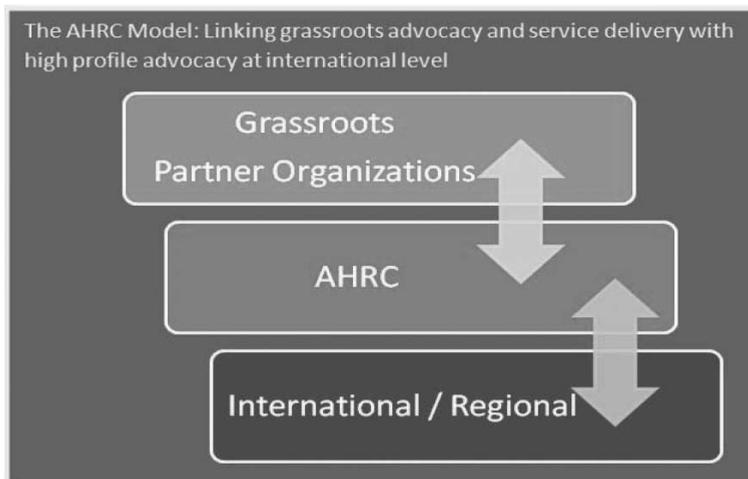
Besides this, the internship programme provides the opportunity for local human rights defenders to visit the organization and work together with the staff enabling them to acquire various skills and understand global human rights norms and principles.

The AHRC tries to provide local human rights victims and defenders with opportunities for advocacy at the UN by participating in the activities of the Human Rights Council and other UN and international agencies through its Asia-Europe Dialogue Desk. This is done with the view to build an international solidarity base for its protection and advocacy work.

Above all, the primary beneficiaries and support groups of the AHRC are the poor in the countries where we work. Whatever the form, the ultimate target of all human rights violations is the poor. Extrajudicial executions, torture and severe restrictions on civil liberties are overwhelmingly directed towards denying the poor their right to participate in democratic life. In fact, this denies them a life with dignity. In order to achieve its mandate of providing protection to the rights of the poor, the organization constantly tries to develop linkages that will help the poor have quick access to a complaint making process, thereby ensuring their security while seeking possible redress.

In order to reach these beneficiaries and support groups, the organization works on a **three-tier model of advocacy**. This involves advocacy at the grass root levels where those who are the most needy can be reached, advocacy at a regional level--reaching as many organizations as possible who would support victims--and advocacy at an international level with UN and other agencies.

This three-tier model is facilitated by a deliberate and conscious use of modern technology and constant contact with both the local and international audiences. The model is shown below:



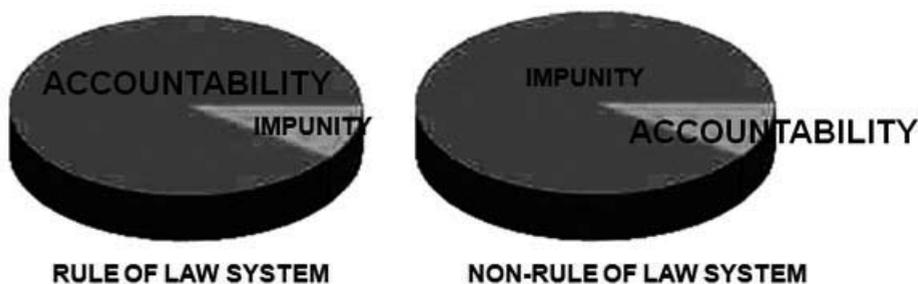
2.0 AHRC statement: Protection of human rights in non-rule of law countries

The celebration of the 60th anniversary of the Universal Declaration of Human Rights is a grim reminder that even after 60 years of its adoption, the gap between what is declared and what is actually achieved in terms of human rights protection is enormous. Both in the fields of civil and political rights as well as economic, social and cultural rights, people living outside developed democracies have so little to celebrate. It would therefore be prudent, on this occasion, to critically examine the real situation faced by the people and resolve to address the problems depriving them of their declared rights rather than celebrating in a self congratulatory fashion.

A meaningful discourse on working towards the realization of the rights declared in the Universal Declaration requires that distinctions are made regarding problems faced in countries other than developed democracies, as well as the way to resolve them. The grave impediments to the realization of human rights in these countries need to be articulated, agreed upon and resolved through global efforts.

A major such impediment in Asia is the defective justice administration system in most countries. There is a clear distinction between the justice administration system in countries where the rule of law exists, and the system found in many Asian countries, as depicted below.

2.1 A comparison between the administration of justice system in a rule of law country and those found in non-rule of law countries



This diagram shows that even in a developed rule of law system, defects can exist, as indicated by contemporary experiences about the Guantanamo Bay detention centre, the introduction of laws in most European countries and the United States restricting bail conditions for suspected terrorists, the introduction of various modes of surveillance, as well as the failure of courts to strongly defend individual freedoms.

Despite this, to compare justice administration systems in many Asian countries with the system found in a developed democracy would be misleading and would prevent a proper analysis of the problems faced in these jurisdictions.

As indicated by the diagram, while there can be defects within a rule of law system, these can be dealt with within a well established policing, prosecution and judicial framework, supported by viable public opinion and protest. In the non-rule of law model however, there is a situation of overwhelming lawlessness, with only a few institutions maintaining a semblance of rule of law. In such systems, institutions and individuals operate in a framework where rule of law is not considered important at all. Limited past developments regarding the rule of law are modified by political systems seeking absolute power.

What is important to note here, is that there can be no meaningful comparison of the limitations on individual freedoms within the two systems described above. To elaborate, let us take the case of Guantanamo Bay. The Guantanamo Bay detention centre was established to deprive prisoners taken by US agencies of the rights available within the US justice system. In other words, a strong and comprehensive justice system exists in the US, but certain persons are deliberately being denied the rights available within that system. Those wanting to fight against such denial have many alternatives, foremost being the abolition of the detention centre and bringing its detainees under US law. To achieve this objective, individuals and groups can resort to various avenues available for the freedom of expression, recourse to the courts as well as the electoral system. In the recent presidential elections, both candidates promised to abolish the Guantanamo Bay detention centre.

Dealing with a similar problem in a non rule of law system is far more difficult, with few avenues for redress available. Moreover, in many countries arrested persons are not kept in illegal prisons like Guantanamo Bay, but are forcibly disappeared or extrajudicially killed. Remedies such as habeas corpus and other applications to courts are defeated by delays in adjudication, witness intimidation and the destruction of evidence. Ultimately, a non rule of law system has no avenues to resolve politically motivated illegal arrests and detention. In such a system, the space available for creating and expressing public opinion is also limited. Newspapers and electronic media are subjected to severe restrictions, while limitations of the legal system, combined with restrictions on freedom of expression allow the state to develop propaganda justifying its actions and to label dissenters as traitors. The electoral process is so manipulated in these systems, that far from being used to change governments, it is used by authoritarian regimes to secure their power.

Given the consensus that non-rule of law systems do in fact function in the manner outlined above, there is little meaning in holding up a superior model and stating that it

should be adapted. Such an approach is intellectually evasive and morally timid; anyone with even some ground knowledge of these systems is aware that the mere restatement of ideals cannot alter existing realities. In fact, using such an approach is to behave like a patient with the phantom limb syndrome, where an individual believes that an amputated limb is still attached to their body. To live in a non-rule of law system and work as if it is a rule of law system amounts to the same form of delusion.

Rather, it is necessary to accurately articulate the problems faced in these systems, such as brutal policing, politicized prosecutions, corrupt judiciaries, authoritarian political systems and restricted freedom of expression. Only with a thorough understanding of the problems, can attempts to resolve them be made.

2.2 Institutional reform key for human rights protection

The serious defects in Asia's justice administration mechanisms mean that human rights work in the region should focus primarily on institutional reforms for the police, prosecution and judiciary. Previously, human rights related work has concentrated on education and the search for redress for individuals. These may make sense in developed rule of law systems, but have little impact in countries where institutional flaws defeat the possibility for individual redress, or for education and training to be put to good use.

Government human rights initiatives often request donor agencies to provide various forms of training, including for the police, prosecution and judicial institutions. When institutional defects are so overwhelming that the training of a few individuals is irrelevant to the normal (dys)functioning of the institution, such investments do not produce the expected results. Police officers who are given training in forensic science can do little investigative good for instance, if the system they work within does not operate on the basis of equality before law, granting impunity to many offenders, and ensuring their crimes are never even investigated. No amount of forensic training can alter this institutional practice of setting some persons above the law. Similarly, human rights education being imparted to state officers is of no value when the institutions meant to protect human rights are so politicized that they work to violate the rights of certain categories of persons. Experiences from several countries demonstrate a waste of resources invested in such reforms.

National institutions within the region, known as national human rights commissions, indicate a similar problem. Fundamental flaws in justice institutions leave little room for these commissions to work towards human rights protection; they cannot take the place of the police, prosecution and judiciary. The European concept of the ombudsman, developed after a well established system of justice administration was in place, cannot work in countries where basic justice institutions are flawed.

The considerable investments made by donors in such national institutions were thus doomed to failure due to basic institutional defects that must first be addressed. In fact, these national human rights commissions in a non-rule of law country can be nothing but a phantom limb.

It is thus clear that without improving the functioning of the police, prosecution and judiciary, there can be no effective promotion and protection of human rights. Improving these institutions requires an understanding of the political, social, cultural and legal aspects that have created the obstacles preventing their proper functioning. It also requires public support, for which human rights groups need to engage civil society by exposing the defects and creating relevant debates. Such exposures should include both the wrongdoings and the omissions of the justice system. These have to be thoroughly researched and documented, to ensure that the government cannot easily deny these violations as inaccurate or false. Human rights groups need to develop sophisticated mechanisms allowing them to communicate these exposures to large audiences locally and globally.

2.3 Policing institution's preeminence has damaged the justice system

A well functioning justice administration system ensures a balance between the investigations into crime, the prosecutions of crimes and the criminal trials where a judicial function is exercised. Such a balanced system has been envisaged in the legal texts of many Asian countries, most of which were introduced under the influence of colonial powers, and which make use of progressive and democratic jurisprudential developments. These texts therefore include safeguards against the police gaining a preeminent position within the system and diminishing the effectiveness of the prosecution and judicial branches. There is a vast gap however, between the legal text and actual day to day operations throughout the region.

The extent to which the police dominate the justice system in many places is scandalous, and leaves little room for the proper implementation of law or obtaining justice. Police abuse of power encourages widespread corruption and easy exploitation of the policing system by political and other elements of society. In many cases for instance, there is a close nexus between criminals and the police, posing serious threats to people's security.

The police investigating capacity can be undermined through the complaint receiving mechanism and the criminal investigations. The receipt of complaints is the beginning of any inquiry into crimes; unless complaints are received promptly and efficiently by a user friendly mechanism, much of the information and evidence needed to prove a crime can be lost. There are various ways in which the police can place obstacles in the making of complaints, from extortion to a lack of protection for victims. Indirectly, when people

realize they may face greater reprisals after making complaints, or making complaints does not lead to any positive result, people often refuse to make complaints. This is actually more effective in maintaining silence and a climate of fear than any direct obstacles.

Incompetence and impartiality will undermine the investigation process and reduce the possibility of achieving justice. Large numbers of policemen are often required for purposes other than investigation, such as providing security to VIPs. After lengthy periods of undertaking such duties, their investigative skills are underdeveloped. And yet, these same persons are given investigative responsibilities, while good investigators often face punishment transfers, other forms of reprisals or even death. Incompetence is thus not only a result of the absence of capable and trained personnel, it is also a result of deliberate internal policies that value political loyalty and compromise far more than competence and professionalism. It is not uncommon in many Asian countries to find investigations hampered by powerful interest groups and corrupt state officials.

Another instance when investigations are deliberately prevented are when the state itself encourages the police and military to engage in large scale rights abuse such as extrajudicial killings and torture. In these circumstances, the state directly or indirectly approves impunity by creating enormous obstacles for investigations into these abuses. This happens when emergency regulations and anti-terrorism laws are in place.

The possibilities for subverting both complaint-making and investigative procedures are directly related to the loss of effective command responsibility within the policing system. The police hierarchy often subordinates itself to politicians, thereby becoming an obstacle to rule of law. Such subordination may be due to the police believing circumstances to be beyond their control, or because they wish to acquire greater power and personal benefits. Once the chain of command responsibility is damaged, junior officers will also develop their own methods of gaining benefits from the system. In this way, personal gain and influence takes prominence over public interest.

The predominance of the police within Asian justice systems is the single most important factor obstructing the proper administration of justice. It is therefore not possible to achieve any improvement in the protection of the rights of individuals without addressing this factor.

2.4 Lack of funds allocated for justice administration

When budgetary allocations for the administration of justice are compared to other areas, justice administration clearly appears as a neglected item. The funds allocated for proper policing, prosecution and an effective judiciary are so inadequate that they predetermine the failures of these institutions.

Military budgets often far exceed justice administration budgets, which has a doubly adverse impact. The vast allocation of funds lends the military national importance, while diminishing the police and other justice institutions. Like characters in *Alice in Wonderland*, the public image of the military grows taller, while the institutions of justice, education, health and the like grow smaller. At the same time, a climate of impunity is necessary for the military to gain the upper hand; this only serves to diminish the supremacy of law and its related institutions.

One of the reasons for the lack of adequate funding given to justice institutions is that they are seen as a hindrance in winning the war against terrorism. Sri Lanka's former junior minister of defence succinctly noted in parliament that counter terrorist measures "cannot be done through the law". Throughout the region, judicial independence is seen as an obstacle to the defeat of terrorism. The view taken by Great Britain during the Second World War, that victory could be assured only if the courts were independent and functioning, is not popularly shared today.

Similarly, rule of law and judicial independence are not considered essential for economic and social development. Given such views, it is not surprising that many governments willingly postpone any reflections regarding the improvement of the administration of justice.

It is therefore important for the human rights movement to prioritize the issue of adequate budgetary allocations for justice administration. Without better funding, much of the discussions and work on human rights will not result in practical results. Local and international advocacy should thus be directed towards achieving this goal.

2.5 Problems faced by the prosecution system

A proper prosecution system requires the following conditions:

- A credible system of receiving complaints;
- A credible system of investigating complaints;
- A credible system of prosecution;
- A credible system of defence for the accused;
- A credible system of witness protection; and
- A credible system of judicial independence.

The absence of these conditions seriously affects the prosecution systems in Asia. In fact, in many cases these systems were not created to deal with state officers guilty of human rights violations, but merely to deal with criminals from mostly lower income groups.

Equality before law has not been realized in many societies, allowing powerful individuals and businesses to remain above the law. The prosecution systems of these countries do not have the will to address issues relating to wealthy and influential persons, or to deal with bribery and corruption, which is often linked to state officers. For this reason, the prosecution systems only deal with cases competently when they involve less powerful social groups. An increase in executive control of the prosecution also weakens the system.

In other instances, the prosecutor's failure to take effective action in various cases is justified by the misinterpretation of legal doctrines; for instance, prosecutors often justify their lack of action when police do not investigate a crime or rights violation and provide them with a case dossier, by stating that they are required to be 'neutral'. In fact, such a claim to neutrality allows prosecutors to perform their responsibilities in a selective manner. The different legal doctrines (mis)used by prosecutors should be documented and exposed.

2.6 Absence of effective witness protection

Most Asian countries have no effective means of witness protection, without which it is nearly impossible for witnesses and victims to provide testimony, which in turn is a crucial component of the justice process. A major reason for this absence is that witness protection requires a credible policing system. When the policing system itself is used to kill and harass witnesses, there is no possibility of protection.

2.7 Attacks on lawyers

The predominance of the police within the justice system serves to directly weaken the position of lawyers. Lawyers who want to be successful in criminal law need to collaborate with the police, and even have to act as intermediaries to carry bribes to the police and others.

Those who refuse to play such roles generally face harassment and intimidation, to the extent that their clients feel compromise is the only relief they can find within the system. The situation is worse for lawyers undertaking cases against state authorities, who become direct targets for attack by the police and others who feel threatened.

2.8 Pervasive corruption

The overwhelming corruption affecting the administration of justice in the Asian region is clearly indicated by the following anecdote: at the end of a lecture on the prevention of corruption by a senior lawyer, one law student asked, "Sir, when I join a chamber to

practice law, if I am given some money by my senior lawyers to carry to the judge, what do I do?"

This question sums up the pervasiveness of corruption within the system, with it becoming a business that benefits the police, lawyers, their touts and even judges.

Corruption invariably worsens when dealing with human rights violations. A policeman accused of torture for instance, may develop a relationship with a judge directly or indirectly, providing him with various benefits, greater than what usual clients can provide. While a torture case may proceed in court therefore, the relationship between the judge and the accused police officer will negatively impact the case proceedings as well as the entire justice system.

It is hence impossible to weaken the predominant position of the police without developing anti-corruption agencies outside the policing system. The human rights movement should therefore make the struggle against corruption a core part of its agenda. The Independent Commission against Corruption of Hong Kong (ICAC) is looked to with enthusiasm by many parts of the world as a credible model to be assimilated into local legal systems.

2.9 Linking the promotion of economic, social and cultural rights with resolving the fundamental problems of justice administration

The majority of Asian populations, belonging to lower income groups, are kept powerless by being denied justice within a functioning legal system. This denial also ensures that they have no capacity to assert their economic, social and cultural rights.

The question of entitlements in terms of economic, social and cultural rights is meaningful only when the justice system allows those deprived of these rights to express their grievances and seek redress. People deprived of their right to work need to find ways to highlight their condition and get the authorities to resolve them. People deprived of their rights to education and health need to have avenues through which they may influence public opinion and obtain the necessary measures that respect, protect and fulfill their rights. If the justice administration system is defective however, various reprisals will exist to suppress people who demand bread, medicine, schools and basic protection for their young. In another sense, maintaining a defective justice administration system also includes the maintenance of slavery-like living conditions.

It is quite obvious that without functioning justice systems, all attempts to improve human rights protection will appear as nothing but loud noises. Throughout the Asian

region, ordinary folk react to human rights discourse with little enthusiasm due to their realization that their defective justice administration systems will not allow them to enjoy their rights.

We therefore urge the global human rights community to seriously consider this issue during this celebration of the Universal Declaration of Human Rights, and support a human rights strategy that prioritizes institutional development.

The passing of the 60th Anniversary of the Universal Declaration of Human Rights (UDHR) was a grim reminder that even after 60 years of the adoption of this great declaration the gap between what is declared and what is actually achieved by in terms of the rights protection of people is enormous. Both in the field of civil and political rights as well as economic, social and cultural rights people in Asia, and in fact, the people who live outside developed democracies have so little to celebrate. Rather than self-congratulation, it is necessary to critically examine the real situation faced by the people, improve understanding, and resolve to address the problems depriving people of the rights declared as theirs.

If there is to be a meaningful discourse on the future of the work towards realizing the rights declared in the Universal Declaration on Human Rights, sharp distinctions must be made about the problems faced in countries outside developed democracies and the way to resolve these. There are grave impediments to the realization of the UDHR in these countries, which need not only to be articulated and agreed upon, but also require global efforts to address them.

The major impediment to the realization of the rights declared in the UDHR in Asia is the seriously defective justice administration system in each of its countries. These serious defects of the administration of justice may be related to political and other reasons. However, without dealing with these defective systems the protection of human rights in the region will remain pie in the sky.

As a prelude to a discussion on dealing with this problem the Asian Human Rights Commission thinks it necessary to state this problem more clearly by setting out the distinction between the administration of justice system in countries where the rule of law exists as against those found in most Asian countries.

3.0 Criteria for the assessment of impact

To judge the impact of human rights advocacy in a particular context requires an analysis of the following aspects:

- a. The success of attempts at individual redress.
- b. Upholding values, principles and perspectives that affirm human rights, rather than those of inequality, cruelty and inhumanity.
- c. The success in knowledge generation and knowledge dissemination.
- d. The success in generating public opinion of measures to improve various aspects of human rights.
- e. The success in influencing policies.
- f. The success in promoting legislation.
- g. The success in monitoring the implementation of legislation regarding human rights.

3.1 The success of attempts at individual redress

The assessment of success in individual cases is not difficult. However, the degree of success often depends on particular circumstances. To illustrate, a person may suffer from a particular type of violation of his human rights, such as illegal arrest or detention, torture, denial of fair trial, the denial of the freedom of expression and assembly, or the denial of the right to food, water, health or education. When such a case is taken up by way of advocacy, either through the urgent appeals or by interventions with the government or the UN, we can easily measure whether there has been some impact. If arrested, was the person produced before the court or released, for instance. If tortured, has the person been given medical treatment, have judicial medical officers examined him and made reports to be used in courts, has an inquiry into the matter started, has there been any prosecution, has there been any witness protection, has there been any final judgment from a court?

In this manner, for each rights violation, several questions can be asked and a review can be made through contact persons known to both the victims and the AHRC.

It is also possible to ask what more could have been achieved in relation to that individual case, and what means might have been used. It is also possible to measure the advocacy methods used (urgent appeals, publications in the press, letters to governments and UN Rapporteurs, meetings, press releases and so forth) and the outreach to see whether such methods were used well.

3.2 The success in knowledge generation and dissemination

To achieve any change, it is necessary to demonstrate the extent of the problem relating to any particular human rights issue. Very often only a vague idea of a particular problem exists in the public mind. For example, in a particular country people may say that forced disappearances are taking place. However, if one were to develop effective advocacy against such disappearances locally and internationally, it would be necessary to collect as much knowledge as possible about the extent of the problem; how forced disappearances are done and by whom, what limitations of law allow such things to happen and what are the absences in the institutional framework that make it difficult to deal with such problems. It is also necessary to generate knowledge about the victim, the impact on their families, what they and others are doing to get redress, what is the evidence regarding each individual forced disappearance, what is the treatment they receive when they try to make complaints and other related matters.

Detailed knowledge is required not only about the violations, but also about the political situation, the nature of the legal system and various agencies that can play a useful role in changing the situation. Without such knowledge, any advocacy is quite useless. This knowledge is important to develop material that can generate public opinion, counteract propaganda denying such violations, and to get assistance from UN and other agencies.

The following are some ways of measuring the success of these attempts:

- a. **The quantity of information.** If we know only five instances of torture or forced disappearances, the same impact cannot be achieved as when we know about a hundred, two hundred or more instances of such violations. The greater the number of cases, with detailed information, the stronger the argument. Moreover, it becomes difficult to deny the problem, which leads to more space for discussion addressing the issue. While statistics can be useful, it is more effective to have detailed records of as many violations as possible. It is thus easy to measure progress in this way.
- b. **Qualitative measurements.** Qualitative measurements of the knowledge that has been generated can be measured in the following ways:
 - (i) By publishing the available knowledge, the information can be tested regarding its adequacy and impact. Publication will lead to either the challenge of such information by those opposing it, or the generating of further information by those supporting it. If the information is of a certain quality, it will make an impact in many different ways in both the short term and the long term.

- c. **Information dissemination** is easier to measure, through the following questions:
- i. How many people receive the publications with that knowledge?
 - ii. How often do the same people receive updates on the same issues?
 - iii. Which authorities, local and international, receive such information?
 - iv. How is the collected information stored to ensure it is not lost or damaged?
 - v. How is the information access to as many people as possible guaranteed?

All this can be measured through the numbers of distribution and the distribution methods. In modern times the potential for wide distribution with minimal cost exists.

3.3 Upholding human rights values, principles and perspectives rather than those of inequality, cruelty and inhumanity

Human rights work involves a constant battle to encourage and inculcate values such as equality, respect for the human dignity of all, justice, fair play and love for humanity. The articulation and realization of these values has occurred through a global human struggle; sharing these experiences with the countries in which we work is one of our primary objectives. This is necessary because several changes that have taken place in the west, like the French, British and American democratic revolutions have not yet become part of the Asian culture. In most of the region's countries, while there has been some adjustment to modernization, there is still considerable feudal influence, although these feudal cultures differ in different countries. In south Asia for instance, the feudal culture is based on the caste system, which regards inequality as an ideal and a basis for 'harmony'. Hierarchical values are therefore preferred over equality, and there is no notion of any common humanity. People were instead divided into grades ('graded humanity'). Within such a system the idea of rights does not exist. Similarly, in cultures influenced by Confucian values, hierarchy is again a very strong element, making equality and human rights thorny and problematic concepts. However, as compared to caste based social values, these cultures have greater room for the acceptance of common humanity.

In each of these countries, there is a need for constant engagement and debate to reaffirm and reiterate the values of democracy and human rights. Human rights education and the publication of various materials are the main instruments of participating in these debates. The extent of such educational sessions, their quality, as well as the extent and quality of publications can be measured.

3.4 Success in generating public opinion to improve various aspects of human rights

Factual knowledge on human rights alone is not adequate; this knowledge needs to be analyzed and various materials developed in order to influence public opinion, nationally and internationally. This is primarily a task of developing the capacities of communicators.

As proof of the pudding is in the eating, proof of the publications is in the reading. Moreover, reputed publications will not publish articles and essays that are not up to the mark. Publications can thus be tested by seeing whether media have picked them up, as well as whether fellow human rights promoters have taken an interest. They can also be compared to those of more established organizations. For instance, if a human rights group's publication is comparable to that of Amnesty International or Human Rights Watch, its material is of the necessary standard.

If public opinion begins to appreciate the values and attitudes represented by a human rights organization, this is a measurement of success. In the case of torture for instance, after a rights group works on the issue for some time and it surfaces in public debates, that indicates the impact of the group's work. If at a later stage measures for stopping torture become part of the public debate, then the impact has been more significant. In this way, it is not difficult to measure the impact on public opinion on any human rights issue.

3.5 Success in influencing policies

The more difficult area of human rights work in countries where there is a rule of law crisis, is transforming public opinion into public policy. The following situations are an indication:

1. In the Philippines there was some public agreement that torture should be made a legally recognized crime; however, this agreement only recently led to the development of a government policy to bring about such a law. A comprehensive law making torture a crime has now been passed, but there is no procedural law to ensure that there will be investigations into all complaints under this law. There are thus many matters to be addressed regarding the implementation of the law.
2. In Pakistan, India, Nepal, Sri Lanka, Philippines and several other countries there is robust public opinion against forced disappearances. Bringing about a local law criminalizing forced disappearances or ratifying the UN convention

- against forced disappearances however, has proved elusive.
3. In many countries there is public opinion that corruption needs to be eliminated. However, it is very difficult to get the government to approve policies regarding the development of proper legal and institutional measures to eliminate corruption.

For any human rights issue in any country, it is essential for there to be policy level agreement amongst the relevant authorities and players for any effective action to be taken.

An advocacy group can advocate such policies, and such advocacy can be measured for its success. In the same way, the success of implementation can be measured by the extent of discussion at the policy making bodies on the relevant issues.

3.6 The success in promoting legislation

At any given time there are a number of instances where a particular form of legislation in favour of the protection of a right is limited. Therefore it is not difficult to analyze the laws that a particular organization has lobbied for, and how successful such lobbying has been. It is important to realize however, that this kind of work takes a long time. Any improvement in the attitudes favouring such legislation can also be measured for success though.

3.7 Success in monitoring the implementation of human rights legislation

This is an area in which human rights organizations can play a greater role and their work can be measured. In fact, this monitoring work is related to that mentioned under section 3.1 'The success of attempts at individual redress'.

By monitoring individual cases and analyzing the extent of redress achieved, it is possible to gauge what attempts have been made to implement human rights legislation. This can also be done by studying each piece of relevant legislation.

4.0 On administration of funds, budgets and programmes

The AHRC/ALRC are *donor dependent* organizations, meaning that our entire expenditure is derived from donors; we do not have any other income sources. However, we are not *donor driven* organizations.

Donor dependent vs. donor driven and the implications

A donor driven organization carries out a task decided by the donor. The AHRC/ALRC are not organizations where the tasks are decided by the donor. Rather, the tasks are decided by the organization and written into work programmes. What the organization wants to do and how it wants to do it are decided by the organization; the programme costs are given by the donors.

At the stage of entering into agreements with the donors the AHRC/ALRC submits its work programmes which the donor organization goes through. Agreements are then reached to support the submitted programme.

To reiterate:

- a. Work programmes are developed by the AHRC and ALRC;
- b. These are submitted to funding agencies;
- c. Agreements are arrived at, which are then developed into contracts;
- d. These contracts are implemented by the AHRC/ALRC;
- e. Reports on implementation as well as detailed accounts are submitted to the donors;
- f. The donors examine whether the work is accomplished and funds are spent in the manner agreed upon.

Writing the work programmes and budgets

The AHRC/ALRC write their work programmes every 3-4 years, depending partly on the requests of donors. In recent years, work programmes have been written in consultation with all the programme and desk officers. They are asked to submit their suggestions for work within that time frame. These different proposals are brought together into one document and the administration calculates the expenses required and develops the programme budget.

Usually the programmes for the coming three years are developed on the basis of the programmes of the previous three years. If there are new developments and there are needs for adjustments, these adjustments are made on the basis of the previous year's

experiences. New items of work need to be added at the new development of the three year programmes.

Can we change programmes and budgets?

Once we enter into agreements we cannot unilaterally change any programme or budget. If there are serious reasons for change, we have to get the donors' consent first. Minor changes may not be a problem, but any significant changes in the programme are difficult as they involve the reconsideration of the programme by all the authorities of the donor organization. Moreover, weighty reasons need to be given regarding why the programme was initially thought as important, and what now is the reason for the change. Once a programme is agreed upon, we have contractual obligations which are legally and morally binding.

In the same manner, we cannot change any of the approved budgets except with the express consent of the donors. We do not have the discretion of utilizing funds as we would wish in different times, but rather we have to stick to our budget lines as given to our donors.

How to add new programmes outside the general 3/4 year programme?

This can be done only if new donors are found to support the new project. There are two projects outside our previous three year programme for instance, related to a UN funded programme in which we are partners with other organizations. These new projects do not carry any burdens to our donors in our regular 3-4 year programmes.

Alternatively, at the time of preparing the 3-4 year programmes, the new items can also be proposed to the donors. If they agree to fund them, they can be added.

What is the usual mode of donor approval of funding proposals?

- a. Relevant desk officers from the donor organization evaluate our submitted programmes and make their proposals to senior officers.
- b. Senior officers have their own ways of evaluating the proposals, and thereafter express their willingness or otherwise to support the proposals.
- c. Finally all proposals need the approval of the donor organization's governing board.

Managing funds

In managing funds the AHRC/ALRC has the following obligations:

- a. To maintain a credible book keeping system and;
- b. To ensure that an independent auditor audits all accounts and submits an independent report about income and expenditure.

Bookkeeping

The bookkeeping function in the organization is done by the administration, who:

- a. Maintain a record of all incomes and expenditures.
- b. Maintain and preserve all vouchers, receipts and other documents relating to expenditures.
- c. **Authorization:** Take authorization for all expenditures and the monitoring of transactions. This authorization can only be given by the board of the AHRC/ALRC, which has been delegated to the Executive Director. Two persons authorized by the board, one of which is a board director, signs all the cheques. The administration cannot grant authorization themselves, but must direct the staff to contact the Executive Director for approval. This is not a matter of hierarchy, it is a matter of legal obligation.
- d. Our administrative division has done its job of bookkeeping and keeping of accounts excellently, resulting in the following evaluation by the Centre for the Rehabilitation of Torture Victims (RCT):

"The Financial Management System of the project account in Hong Kong is well maintained and no problems were detected at AHRC. The AHRC staff maintaining the system is all well qualified" (RCT Report October 2008).

Contributions to core funds or specified funds

The donors at the time of entering into agreements indicate whether the funds they approve can be used for the core fund or specified funds. The core fund is the budget for all the important activities of the organization. As one single donor cannot cover the whole cost of the project, many donors contribute to the core fund so that the entire project can be run on that basis. The obligation of the AHRC/ALRC is to show in our audited reports the expenditure for the whole project and the contributors to the project.

A specified fund is one where the donor states that the money should be used for a specified purpose. For example the donor might say that the money should be used for torture elimination or for one particular country. In these instances the expenditure of such donations should be confined only to the specified purpose and the accounts should show how the money is spent for that specific purpose.

The implications of the above considerations on the AHRC/ALRC

- a. It means first that we are not in any way a profit making organization. 9029524391
- b. We are also not a corporate body, as the work programmes and ethics of a corporate body are based on profit making.
- c. Our organizations consist of activists, who of their own choice, wish to engage in the protection and promotion of human rights and the donors support these activists by providing the funds that enable them to engage in that work. At both ends, that is from the point of view of the activists and the donors, the relationship is one of a voluntary nature. What brings the activists and the donors together is agreement between both that the objectives pursued are worthy of their efforts and contributions.

The gap between creativity and funds

Since 1995 we have creatively undertaken an enormous amount of work on limited funds. Over the years the funds have increased and so have the activities. The activities have also brought along new staff. The work and staff expansion has therefore not been accidental, but occurred on the basis of programme development and implementation, with continuous support from our donors.

There will however, always be a considerable gap between our creative energies and the funds we can raise. In the past, this gap was resolved by staff performing multiple functions; a staff member may be paid for one particular job but does many other necessary jobs for which funds cannot be found. One person may be a desk officer for instance, while at the same time may also be working for a particular country. One person may have to take up the functions of administration, planning, advocacy, monitoring, working on a particular country and many other things. If we waited to find funds for all of our activities, as they would do in the corporate sector, many activities would never happen. *Thus, the idea of staff engaging in multiple functions has been at the very core of our organizational struggle.*

5.0 AHRC policy development relating to communications

In November 1994 when we started the new orientation in the AHRC, it was agreed that one of the most important pillars of the new orientation will be the use of communication technology to protect and promote human rights.

This policy was based on several considerations. The type of human rights problems that exist in the countries in which we were working were little known to the rest of the world, including UN circles involved in human rights and international human rights organizations like Amnesty International and Asia Watch, and therefore enjoyed little discussion. Instead, what often take place are generalized human rights discussions based on principles rather than concrete knowledge about actual violations taking place and their causes. Later we termed this kind of analysis the 'micro-approach' as against the macro approach.

The countries in which we were working at that time were Sri Lanka and Cambodia. At that time Sri Lanka had experienced over 30,000 forced disappearances and in Cambodia the entire institutional structure had been destroyed during the Pol Pot period. Aware of the horrific realities, we felt that global discussions remained ignorant of the situation facing these countries.

With no financial resources available to us at that time, and only two staff, the question before us was how to bring the information to others so they could recognize these weighty human rights problems. **The only way was through extensive writing, while disseminating this writing as widely as possible.** At this time, personal computers were becoming more widely used, while email and websites were in their infancy. We decided that all our communication should be done through email networking, and organized our setup accordingly, so that we would be able to share our information with a wide group of people.

This strong point allowed the organization to regain its activism, build linkages and communicate the message that we were going to play an active role in regional human rights issues. The mainstream media not being a real option for promoting human rights work, we were aware of the enormous potential that could be opened up for civil society organizations due to the new communication technologies. Many organizations that had tried to obtain greater access to the mainstream media were very often disappointed.

The AHRC had analyzed the issue and was of the view that we would never succeed in getting large scale space in the mainstream media for human rights work. The news in the mainstream media is quite different and much of its considerations are driven by commercial interests. Issues relating to human rights are of little importance to

commercial interests; one or two articles may appear on various rights aspects, but these could not become a regular form of information sharing. The primary interest of the mainstream media and those trained to use it are different from that of those involved in human rights or civil society work. **In order to be communication effective therefore, it was important for us to enhance our own communication capacities.**

Many organizations had small networks to whom they would distribute their periodic newsletters or books. These were reaching a few hundred people and were only printed occasionally. Daily publication was not possible due to the costs involved in.

Though print media was difficult for a small organization to engage in from the point of view of costs and the work entailed, it was possible to produce regular publications through the internet. **What was required was a new mental orientation, skills development and communication capacities. We engaged ourselves in acquiring the necessary skills so that we would be able to publish issues of concern to us on a daily basis without depending on mainstream or print media.**

In doing this work, we realized at an early stage that it was not just a lack of concrete information on the relevant countries that was missing in the human rights discussion, but also an analytical approach. Human rights work at the time consisted more of propagating international principles and analyzing why they were not being practiced in various countries. To establish human rights work that is relevant and useful to our part of the world, it is essential that problems relating to the development of institutions and the ways of dealing with these problems should become a central part of the human rights discussion. **Any analysis of the relationship between human rights principles and institutions was not common during that time. People would talk about the need to eliminate torture, but would not discuss in detail why it was taking place. Not only was constant analysis thus needed on these issues, but this analysis needed to be shared so that the discourse could be intensified.**

Related to this was analyzing jargon such as 'creating awareness of human rights' and 'creating the empowerment of the people'; what did all this mean? We found that very often there wasn't much content in such words. We cultivated an awareness of why rights were denied to the people, what were the obstacles to realizing their rights and how these could be overcome. We also encouraged people to improve their knowledge of these problems so they could deal with them on their own. **Empowerment for us meant people thinking through their problems and participating in discussions on human rights.**

It was on this basis that we tried to find other ways of doing this, particularly through the Danish folk school concept under **the NFS Grundtvik school of thought**. We made

extraordinary effort to understand this movement and brought this consciousness into our work. Our early work on human rights education was termed 'Folk School Education'. This concept was incorporated into a book we published under the title of *Demoralisation and Hope*. We made a deliberate attempt to bring this approach to communications based on historical work of civil society organizations of the past. Thus the idea of awareness building of consciousness was the awareness of the people themselves discussing their own concrete problems and coming to terms with why certain things were happening to their lives and countries and thereby developing strategies to deal with them.

We also realized at an early stage that in order to do this we would have to establish contacts with people outside Sri Lanka and Cambodia (where we were working at that time). **We also felt the need for a new type of human rights activist, who would be prepared to undertake thorough documentation of the causes of human rights violations.** Through our training programmes and other means, we decided to get in touch with people from various Asian countries and train them to develop this component in their work. It was through this process that the AHRC's country work evolved.

To ensure that our work would not be lost sight of or once again suppressed by the macro approach--the dominant approach of developed countries--we had to remain constantly vocal. It is quite difficult to introduce a new approach to human rights work or any work in fact, when there are prevailing dominant modes in the field. **We had to demonstrate that the old approach had certain defects and that we were able to bring a new approach.**

Today, the fact that we approach our work differently from other organizations is well known in the human rights field. We have made a significant contribution to the human rights field, and the basis on which this was possible was effectively utilizing modern communication technology. **The importance given to advocacy based on communications is a unique feature of the AHRC work, which is not generally followed by any other organization.**

6.0 Developing work programmes for 2010

The work programmes for countries, as well as for different programme desks, needs to be formulated at the beginning of the year. The following are some considerations for assisting in their development.

6.1 Country programs

In some countries, such as China and Sri Lanka, particular programs have been already developed on the basis of past work, with the objectives accepted by partner organizations and others we work with. These programs are available for anyone to see and use as reference to develop programs for other countries.

In general, the following are some of the considerations which are useful in the development of country programs:

Firstly, our previous work. Having done some work in each of these countries, a review of what has been done in the past could be a good place to begin developing the work program for the coming year:

- a) What are the objectives that were pursued through the work in the previous year?
- b) What have been some of the achievements of the previous year, and the previous work?
- c) What are some of the lessons learned about the human rights problems in the country through the previous work?
- d) What are the contacts established through the work, which could be useful in future work development?
- e) What are some of the acute human rights problems in the country, and how can they be addressed?
- f) How best can our Urgent Appeals system, our human rights education program and other programs be utilized for the country's work in the coming year?

Having reviewed our previous work, the following considerations can be explored in developing programmes for the coming year:

- a) Identify the human rights issues that we should concentrate on. In doing so, we should consider what are the most acute human rights issues in the country, and what is our capacity in dealing with these problems.
- b) Having identified some issues, we can reflect on how communication capacities between individuals and local groups can be established so that we receive the

- necessary information for the development of our own country work.
- c) How can we develop stable partnerships with groups or individuals in the country, and what would these partnerships be engaged in?
 - d) What assistance would the country desk require from programme desks in order to facilitate its work?

When deciding on issues to work on, it is necessary to focus on the problematic areas of human rights improvement in particular countries. In this, the following matters need to be considered:

- a) What is the possibility for people who face human rights violations, either in the area of civil and political rights or in economic, social and cultural rights, to respond to the violations?

The question here is about the capacity of people to make complaints. In the political and civil rights arena, complaints are usually made to the police. A consideration of the nature of the police in the country therefore, as well as the facilities available for people to make complaints to them, is essential. Can complaints be made in a reasonably satisfactory manner? Will the police receive these complaints? Will there be speedy inquiries into these complaints? Who will make these inquiries? Generally, what is the impression of the people, particularly the victims known to us, about the complaint-receiving capacity and complaint-investigating capacity of the police in the country? What can human rights organizations do to facilitate complaint making by victims and others? How can they initiate a public discussion in the country, as well as within the international community, to achieve an improved system of complaint-making?

If this problem is considered carefully, taking into account our previous knowledge on it and seeking to improve this knowledge, many of the programmes for the coming period could be developed around this issue.

- b) **Complaints should lead to legal redress.** This redress usually takes place through prosecutorial authorities and the judiciary. Once again, similar questions asked about the police can be asked of the prosecution and judicial systems: What is the experience of the victims with these systems? Do people have access to these institutions? What are the difficulties associated with such access? What is the relationship of the victims to their lawyers? Is the legal profession a recognized profession within the country, given the required liberties in order to function efficiently and perform their duty to their clients? Are there problems within the legal profession itself, such as exorbitant lawyers'

fees, other systems of prejudice where ordinary folk may not have equal access to legal services? In particular, what are the possibilities of getting legal aid for the victims? Does the state provide legal aid, or are there means developed by human rights organizations to provide assistance to victims?

Is the judicial system fair and efficient in dealing with human rights problems? What is the status regarding delays in dealing with court cases? What is the prevailing attitude of judges regarding human rights problems and are human rights organizations trying to deal with and improve these situations?

- c) **What is the role of regional organizations in trying to raise people's awareness, locally and internationally, on these matters?** How far is the public opinion-making capacity being used by human rights organizations to deal with these problems? Are ways found to constantly raise these issues locally, as well as internationally?
- d) **Is there a role for new technologies, including the Internet, to improve the work related to public opinion-making regarding human rights issues?** Have other human rights organizations utilized such facilities in their work? Have we utilized these capacities, and what are our experiences?

Having examined the above issues, we can then decide **on the areas we should concentrate on the most**. Is there frequent use of torture for instance? If so, what are the ways by which human rights organizations are trying to deal with this problem? In which ways can we also take up this issue, not only in providing redress to victims, and improving the local capacity of organizations to deal with these problems, but also to improve the public opinion making process so this matter is brought to discussion constantly locally as well as internationally? What specific actions can we develop for this purpose? Can the Urgent Appeals system be utilized for such purposes? How can our human rights education work, both at the local and regional level, be utilized in order to raise some of these issues and make more lively interventions within the country?

Regarding **economic, social and cultural rights**, the following questions can be asked: Are there any areas relating to economic, social and cultural rights identified through our past work which we could take a greater interest in over the coming year? Particularly in the area of health, education and food, are there any acute problems known to us? Is there any research work done by human rights organizations into these areas? And are there ways by which we could contribute to creating greater awareness about these problems?

Gender-related human rights issues

In all human rights abuses, whether of a civil and political nature, or of the economic, social and cultural nature, the problem of discrimination against women, as well as gender-related issues, play a significant role. What methods can be used to improve this area of our work in the future?

6.2 Dealing with redress and reforms

One of the major aims of human rights programmes is to seek redress against violations of human rights. In dealing with issues such as illegal arrests, illegal detention, torture, denial of fair trial, deprivation of freedom of expression, publication and the like, the direct demands by human rights organizations are to have a credible investigation into the violation and to prosecute the offenders.

A key premise upon which the human rights system is based, is that proper investigations into rights violations, followed by prosecution, will on one hand deter future violations, while also providing the victim with the required redress. That the violators should be punished, and the victim should be restored to her position before the violation, with adequate compensation and rehabilitation, are essential components of human rights work.

While acknowledging the central importance of redress, those engaging in human rights work in countries where rule of law systems are defective, are faced with an often impossible task. Despite complaints being made, and pressures being brought on authorities, investigations into human rights abuses often do not take place. Depending on the degree of development and functioning of their rule of law system, different countries have different experiences regarding the difficulties involved in obtaining redress.

Victims of human rights abuse and the local community are fully aware of the problems associated with their systems. Believing therefore that nothing positive will come out of making such complaints, people do not usually take the trouble to complain about violations. It takes an exceptionally courageous person to come forward and complain in the face of severe abuse, intimidation and hassle. This of course also depends on individual countries. While in **some countries people may be unlikely to speak out against the violations they suffer, in other countries there might be more confidence in the system and in the possibility of redress.** Attitudes towards making complaints are also related to personal safety; often, many victims feel that speaking out will endanger them and their families, and bring them further problems. They may also worry about the social response to making complaints, which will depend on the extent to which

concepts of authority are entrenched within the society.

Women

There are many countries where women would be particularly reluctant to make complaints about any human rights abuse, due to the threat of sexual harassment by the police, as well as the element of gender discrimination and prejudice. A woman making a complaint of domestic violence in certain cultures for instance, may find herself ostracized by state agencies as well as the very family system and community within which she has to survive.

Attitudes to authority

Complaints against authorities are deeply discouraged within some societies, even when the authorities are in the wrong. Such sociological and psychological barriers against seeking redress need to be understood in depth by human rights activists if they wish to conduct their work effectively.

Combining redress with reforms

Many of the above stated concerns make the struggle for redress alone insufficient in combating human rights abuses. **Meaningful efforts seeking redress need to be combined with attempts to reform the system; only then can the potential for genuine remedies be realized.**

In fact, without a deep involvement in seeking reforms, the attempt to seek redress can become a negative experience. Activists who initially expend great effort to seek redress for some abuses may become frustrated and even cynical about their efforts after some time, due to the enormous obstacles faced. Those who take a keen interest in human rights should thus be made aware from the beginning that achieving redress is no easy task. They should also be encouraged to associate with efforts at reforming the system. Such a dual policy of work on redress and reform will be more likely to ensure that activists find their work meaningful, as well as create greater discussion regarding the nature of human rights violations and the system allowing them.

It is also important to remember that working for human rights improvement in countries where legal systems are less developed, does not consist purely of legal work—while better developed legal systems may allow for rights violations to be dealt with through legal means, in countries with lesser developed legal systems, the issue of reforms should go hand-in-hand with all attempts to find redress. The combination of these two activities is essential to create meaning in the human rights field.

Shaping public opinion

Working towards reform involves constantly targeting public opinion. The ultimate barrier to redress is the negative public opinion existing in society, which is the result of past social experiences. If for instance, the system of authority within a country in the past was using violent means to control society and fighting against it proved difficult, negative opinions would hence be formed regarding the possibility of finding redress. Such opinion should therefore not be treated as a permanent barrier or cultural impediment based on the nature of a particular society. Instead, pains should be taken to understand the system and its means of control; this understanding will lead to a stronger fight, which in turn will lead to more positive public opinion.

Sustainability and meaning

A successful human rights organization should always be concerned about 'meaning' within its work. Only a sense of meaning and satisfaction gives any human endeavor its sustainable capacity. Meaningful human rights work—which is then sustainable—must deal with problems related to both redress and reform.

6.3 Preparing work programs: Publicity as a fast remedy against bureaucratic blunders resulting in human rights violations

Many of the human rights violations reported from countries with weak rule of law systems are the result of bureaucratic blunders or certain systemic problems. When such cases are encountered by victims, they often look for relief outside the normal remedies that can be obtained through the legal system, which often take a long time.

When a person is illegally arrested by a police officer on mistaken identity for instance, or for the purpose of obtaining a bribe, the victim and his relatives would naturally want to remedy the situation as soon as possible. In such incidents, it is often the immediate officer engaged in the violation who is causing the problem, not the system as a whole. Therefore, if the issue can be brought to the attention of higher officers, it is quite possible to get immediate relief for the victims involved. When an appeal goes to higher officers, it is likely that they may call for the file and examine what has really happened. Also, if interventions are made to higher officers, their immediate superiors may also be questioned, which may activate a more serious enquiry than under normal circumstances. **Publicity in these instances is thus a quicker remedy than seeking justice in courts, particularly in circumstances where the court system is beset with serious limitations and extensive delays.**

The systems in many of the countries we work in are slower than we would expect, and some interventions to immediate officers may not receive the attention required for an effective remedy. It is therefore useful to communicate the details of the case to as many superior officers as possible, in order to ensure that someone or the other may take some action to safeguard a person's human rights.

Without extraordinary efforts taken by the individual or organization intervening into a particular case, simply by sending letters to as many officers as possible, and even to the central government, by making copies of whatever has been written some relief can be brought about on behalf of the persons involved.

There are some assumptions on the part of the intervening person or organization which can be detrimental to taking actions in such situations. Those of us used to expecting rational behavior on the part of bureaucracies may be reluctant to make such interventions, thinking that the type of error that has happened may not be true at all. The expectation of rational behavior from the bureaucracy is a product of living in places where the system functions well, or at least, better than what happens in most Asian bureaucracies. In order to assist individuals in countries where the systems are defective, the intervening persons should be prepared to abandon mindsets formed under different circumstances, and instead make an effort to understand the functioning of bureaucracies in country they are working in.

The human rights movement suffers a lot due to its incapacity to appreciate the difficulties faced by ordinary folk living under backward and ineffective systems, where normal rational behaviour simply does not exist. Human rights organizations should therefore sufficiently prepare their staff in dealing with this. Lethargy and complacency caused by cultural assumptions can be a huge deterrence in dealing with human rights problems in Asia.

Publicity through media

Besides publicity through the system (by writing to higher authorities), interventions can also be made by resorting to publicity in the media. Today, there are many media options for organizations to make use of, in order to generate publicity on behalf of human rights victims.

Many backward bureaucracies pay considerable attention to adverse publicity due to their political impact. Bad publicity could bring up embarrassing questions in parliament or during elections for instance. A human rights organization should be able to gauge the compulsions that make a system work even under circumstances of neglect and apathy. To help victims of bad systems, it is essential to exploit all possible avenues.

Human rights work requires the ability to circumvent convenient thinking, which requires the constant examination of our assumptions of problems. It also means an examination of our knowledge about the way systems function in different parts of the world, under different economies, circumstances and cultures.

6.4 Development of work programs: Development of communication for local contexts

We have earlier discussed both the need for constant commentary-making on human rights issues, as well as the importance of focusing on a reforms approach if redress for human rights is to become a reality. This section will discuss how constant communication can assist human rights work to improve awareness about problems relating to reforms.

Institutional development is the permanent guarantee for improved human rights implementation in any context. Therefore, any reform work must begin with the understanding of the problems involved in developing an institutional framework for the protection of human rights.

Institutions and communications

In the modern social context, the working of public institutions can be very much influenced by those representing civil society organizations; all that is needed is the capacity to publish the concerns of ordinary people on a constant basis. When civil society organizations lack the capacity to let institutions know the adverse effects they are having on people because of their defects or malfunctioning, the institutions will naturally not take any steps at correction. However, if it is constantly made known to the institution that its problems are understood and publicly discussed, the likelihood of corrective actions being taken is increased.

For civil society organizations to express their opinions to these institutions, they first need to have regular interaction with the people, so that their understanding and perceptions regarding the institutions can be documented. **This means that civil society organizations must improve their capacity to interact with the people whose concerns they wish to represent.**

Once again, modern communication systems have provided enormous opportunities for such actions. A civil society organization must have the capacity to constantly interview persons whose interests they wish to represent; if the group is interested in the eradication of torture or illegal detention for instance, it must be able to voice the concerns of

those experiencing these problems. The group must train its activists to constantly talk to their clients, and record, transcribe and communicate their concerns to the centres of their organization. This information should then be analyzed and critiqued by the organization.

If the organization engages only in an abstract discussion of problems and principles, the research will not have a direct impact on the relevant public institution. **For any discussion on torture to be effective for instance, it must combine the knowledge of the problem as faced by individuals together with the related legal and international principles.**

In the past, most of the work of human rights organizations consisted of a discussion of UN and other principles. While the actual problems faced by people were brought up from time to time, there were no regular or worthy interactions between activists and victims. There were many reasons for this, one of which was the expense of such interactions, as well as other communication problems.

Today however, with voice recorders, telephones, computers and other forms of quick transmission, what someone says in the remote corner of a village in a particular country, can easily be known to an organization half way around the world from there. It merely requires a conscious effort to improve one's communication capacity—the grassroots level contact capacity, as well as the capacity to record, transcribe and transmit what is being heard to the organization centre.

The discussion about the interaction of activists with people on the grassroots level has gone on for a very long time; it has in fact become a cliché to talk about grassroots work. However, influencing changes at public institutions becomes possible only when there are deliberate attempts to organize contacts and communicate what is said at the grassroots level to the centres where work is being done, and have that information disseminated back to the grassroots in a dynamic fashion.

As communication develops, it will become deeper and more intense. What may begin as a casual conversation one day with an individual about a problem, can develop into a tremendous amount of knowledge about the problem within a few short months. **This requires constant engagement, documentation and transmission.**

To influence and reform institutions it is essential to have in depth understanding of the problems they are supposed to resolve, as well as what changes are needed for them to effectively deal with these problems. This cannot be done without intense communication with affected people themselves. **Today, a human rights activist should, above all, be skilled at not just communication, but also in obtaining information from the people.**

6.5 What is institutional reform?

The promotion of human rights can only be achieved through the institutional framework of society. There may have been societies in the past where an organized institutional framework may not have been necessary, but it is an extremely important aspect in modern times. Today, the connection between human rights and social organization always needs to be kept in mind.

In modern societies with an effective human rights discourse, there has been a historical development of the justice administration system within the governance framework. The type of governance where the executive alone matters is not considered as governance in modern times. Today, while the executive is there for the basic task of governance, the entire framework is subjected to justice institutions, which ensure fair and just treatment of all citizens.

Rule of law systems

The basic justice institutions developed in the last few centuries within established and adequate rule of law systems are the police, prosecution and the judiciary. When we speak of adequate systems, we mean that there is a certain level of public satisfaction and people trust that these institutions can provide them basic safeguards.

An adequate policing system is one where people believe the officers will work within the accepted norms of the known law; the law sets the parameters within which the people and the officers operate. There is also a fundamental belief that a sufficiently capable inquiry system into crimes has been developed in order to safeguard some of the most fundamental aspects of life, such as the protection of people from murder and other forms of physical abuse as well as protection for their property. Where there is a threat to any of these basic rights, there is the belief that the policing system can rapidly investigate into the situation, punish the perpetrators and restore people's comfort and security level. In fact, the belief in rational criminal investigation is a key tenet of any modern society's security guarantee.

To ensure that the investigators have done their job within the legal framework and to ensure that any punishment is given after due process requires an adequate prosecution system. Prosecutors will examine the evidence gathered by investigators and accordingly develop accusations against perpetrators. On the one hand the prosecutorial system tries to avoid any neglect of investigations into crime, while at the same time it provides some basic fairness in dealing with the accused. The prosecutorial system also presupposes the existence of a legal profession, which will act on behalf of anyone accused of any crime, and ensure that their basic rights are protected.

The judiciary is the third institution that needs to exist, to adjudicate on the evidence collected by the investigators, raised by the prosecutors and challenged by the lawyers for the accused, thereby guaranteeing a fair and impartial observation of the law within a rational discourse.

After centuries of the development of these three institutions, there also developed the scheme of monitoring the process of governance—the parliamentary system. The very idea of a parliamentary system is to monitor the performance of justice institutions and ensure they operate in a rational standard acceptable to the population.

Besides this, since 1948 there had also been the development of human rights norms to ensure that both the democratic and administration of justice processes are subjected to certain standards.

Non rule of law systems

Let us compare the above analysis with the situation of countries where the rule of law and democratic systems have not been developed. In these places the police investigation systems will have been inadequately developed, with the inadequacies differing from country to country. One inadequacy is the lack of laws and their poor implementation. Insufficient funds and facilities to develop the necessary skills and competence of police officers allowing them to undertake their duties within the legal framework is another inadequacy. Without these tenets, the system will resort to many methods outside the rule of law framework. Police officers may use torture or other forms of coercion instead of collecting evidence in a rational manner for instance. In this way, there will be many opportunities for extortion and abuse of the whole legal process, resulting in little security for citizens.

Similar defects can exist within the prosecutorial system as well as the legal profession. If these two systems have not been adequately developed, they will also be prone to abuse, which again will affect people's rights.

Also, if the judiciary is not developed with independence, impartiality and competence, then once again there will be abuses of the process. In such countries, the parliamentary process of monitoring these institutions can also be defective.

At present the international human rights norms and standards are applied in both the developed and underdeveloped legal systems. However, while developed legal systems support these norms and standards, underdeveloped systems do not. For human rights organizations, it is not enough to merely talk about international norms and standards, they have to also engage in discussing how these norms and standards can

be incorporated within their countries' existing institutional frameworks. Without this framework and the proper functioning of justice institutions, human rights organizations will not obtain the results they are hoping for.

What this means is that human rights organizations should develop their capacity to gather information about the state of these institutions. This information can help to create a conversation about these matters and thereby cause some improvements. In working on individual cases and helping victims, organizations should also use the cases to study the institutional defects which prevent citizens from realizing their rights. It is not enough for instance, to ask for the prosecution of the torturers in a case of torture; it is also necessary to work towards the elimination of conditions that allow or even encourage torture. If adequate funding is not put into the policing service, if officers are not properly trained and if there are no laws to prevent abuse, then torture will continue to take place despite the punishment of a few individuals.

Human rights groups should use a similar approach towards all public institutions. Adding this component to their work will help the victims, as well as the wider population, in both the short-term and long-term, in improving their institutions.

7.0 The theory behind the AHRC's Urgent Appeals Programme

Ordinary people throughout Asia are frustrated by the lack of respect for human rights in their countries. In fact, there is unlikely to be any individual not unhappy about the denial of his and others' rights. The denial of rights affecting one person may be different from those affecting another. Some may be concerned with the limitations imposed on their freedom of expression or restrictions on privacy. Others may be more concerned with police brutality, military killings and forced disappearances. Yet others will be frustrated with the absence of rights relating to labour, environment and gender issues. Whatever their specific concerns, people in all countries of Asia face deep frustrations regarding their enjoyment of human rights.

However, the expression of these frustrations remains largely within the private sphere. Individuals complain about their frustrations to their friends, family and other personal acquaintances. These frustrations may even be shared during random conversations. But these frustrations are not reflected in any public discourse. Certain print media, including feature articles, columns and editorials may broadly refer to some of these frustrations, but the content of private discourse is largely not reflected. The same is true of the electronic media. Furthermore, all media in general attempt to reflect a happy or sober mood among the population, discouraging portrayals of discontent. Apart from the media's self censorship, many Asian societies may have some unwritten or even unconscious rules—social taboos—which prevent the public reflection of private frustrations and grievances. In societies where authoritarian control is more absolute, sophisticated media practices prevent the portrayal of any forms of social discontent. Even where such authoritarian control does not exist, a high degree of control over private expressions can be exercised by a small group of elite.

The divide between private and public expression means that some of the causes of private complaints may go socially unnoticed. In order for society to take action relating to private frustrations, there must be ways for these to be expressed in the public sphere. If for instance, an individual complains in private about limitations to his freedom of expression or privacy, or about police and military brutality, and these are reflected in various media, then there is a possibility that society may get involved to address some of these matters.

Bridging the gap between private and public expressions was seen as a formidable task in the past, largely because channels of public expression were built on heavy monetary investments and thus controlled by the investors. To illustrate: a printing press—which would produce material on a large scale—was beyond the means of most people; through capital investment, a select few could control public expression. It was only in a few revolutionary situations when the media was not controlled by this select few. The last

two decades however, has seen an enormous communication revolution, which has separated investment and expression. Without investing heavily on communication, it is now possible to communicate with large audiences, therein creating an avenue for making private frustrations publicly known. Modern communication technology allows any creative individual or group to facilitate what in the past would have been possible only in the private sphere. All that is required for information to now be transmitted on a large scale is the basic organization of communication channels and some technical skills.

The AHRC's Urgent Appeals Programme was organized as a means of bringing to public notice the private frustrations arising from human rights violations, and then to create a public discourse on these issues. If X suffers from limitations of freedom of expression, if Y suffers from torture and other forms of abuse by the police or military, or if Z suffers from the denial of labour rights, gender discrimination or environmental degradation, such suffering could be brought to public notice in the expectation that some form of solidarity will develop to resolve the relevant issues.

In bringing the private frustrations into the public sphere, a good recording of the privately expressed grievance is the most important tool. If an individual somewhere is suffering from a lack of food or from torture, and this suffering is well recorded, it would allow the story to be shared with a large audience. **The heart of this approach is therefore the grassroots' recording of the private grievance with objectivity, compassion and competence.** The AHRC's Urgent Appeals Programme relies on the recordings of such frustrations and grievances by human rights activists who are directly or closely linked to those expressing their distress.

In order to immediately communicate such stories to a large audience, a central space where basic technological facilities and staff are available on a constant basis is needed. The facilities must include an adequate communication network capable of transmitting information to a significant audience, and the staff must have capable writing and communication skills.

The key to the urgent appeals success is the story—the expression of the grievance itself. A well written urgent appeal is one where the individual's voice is heard in expressing his frustrations. For this reason, even technical details must be arranged in such a way so as to retain the narrative value. From the AHRC's experience, when the story in an urgent appeal is well written, it is more likely to be taken up by the media.

It must be stressed here that the impact of an urgent appeal cannot be measured by the list of recipients. From studying the AHRC appeals taken up by the media and other civil groups, it can be seen that the number on the list who directly receive the appeals does not matter. What matters is that the list is organized to include relevant media and

civil society groups. For instance, it is very important that an urgent appeal on torture in Sri Lanka is sent to the relevant Sri Lankan media sources, as well as groups dealing with torture or police abuse. In this way, other media and civil groups may pick up the story from those on the AHRC list. The urgent appeals therefore are circulated to a much wider audience than that on the initial mailing list. When the story is picked up, the AHRC staff are often interviewed on the relevant issues by print and other media. In Sri Lanka and Thailand, the AHRC has in fact become a reference point for the media on important human rights issues, and is often the initiator of public discussion. The AHRC strives to achieve this in all Asian countries.

It is for this reason that the Urgent Appeals Programme is primary to all of the AHRC's work. It is from an individual urgent appeal that a campaign is started; the two are not separate. The AHRC's press releases and statements are complementary to its urgent appeals. It is the story that brings about the reflections and analysis published by way of statements and press releases. The organization's other activities such as UN interventions and workshops, are also secondary to the urgent appeals.

The urgent appeal introduces narrative as the driving force for social change. This idea was well expressed in the film *Amistad*, regarding the issue of slavery. The old man in the film, former president and lawyer, states that to resolve this historical problem it is very essential to know the narrative of the people. It was on this basis that a court case is conducted later. The AHRC establishes the narrative of human rights violations through its urgent appeals. If the narrative is right, the organization will be doing all right.

Police torture in Sri Lanka: Developing a narrative as a way towards radical reform

In the mid 1990's, the AHRC's main focus in Sri Lanka was forced disappearances. The massive disappearances that took place there were shocking, and there was a need to find out why and how they occurred. In the process of being engaged in that discussion, by early 2000 we got the discussion more focused on torture. We linked the disappearances of the 1980s with the ongoing torture at police stations, and covered it under the theme 'Disappearances of persons and the disappearance of a system'. During the last five years, as we worked on various cases of torture, we were able to put more flesh into our narratives.

Today, when torture is mentioned, the following associations are made by persons directly or indirectly influenced by the AHRC's work:

- Torture is a common occurrence and happens in all police stations, discipline in the police has broken down, delays in the court system contribute to this situation.

- Though there are some investigation mechanisms on torture, these are not effective; complainants face mortal threats and there is no witness protection system.
- Though torture is a crime under the law, it is very difficult to get proper prosecution.
- There is deep dissatisfaction about the state of the judiciary in the country with allegations of abuse of power, inefficiency and corruption.

These associations, making up a narrative, are regarded as helpful in understanding the problem and opening up avenues to introduce the issue into public debate. In early 2000 we were relying on our own publications to share victims' narratives—either by email or small scale print media—while by 2003, we were able to gain considerable attention in the print media. By 2005 we were heard a few times a week in the local radio, and in 2006 we were able to have a weekly radio programme, as well as regular interviews with local media channels.

On certain issues the AHRC has been looked to as the main spokesperson, such as the resignation of two judges from the Judicial Services Commission; this became a national debate only through the AHRC's intervention. In all such interventions, we take our overall narrative to larger audiences. As we do this, more people speak up and engage in detailed discussions regarding the narratives we present. The stories that we are collecting at present on delays in the justice system adds further flesh to the existing narrative. With people beginning to talk on delays, we can expect a large amount of new information emerging from all over the country on this issue. And so the narrative grows.

As the narrative grows in detail, so does the participation of people in debate. When the participation grows, we have greater potential for change. With an increase in contacts and human resources, coming from quarters which were not known to us before and mostly voluntary, comes more possibilities of solutions. In order to improve this momentum, we must constantly improve the narrative.

The following are questions that can be used during any introduction, training or evaluation of the urgent appeals system:

1. Have you personally taken any interest in doing an Urgent Appeal for any individual? If so why did you think of doing that?
2. Think of one or more cases where you have personally worked on an Urgent Appeal, what was the case? How did you get involved in that case? Did you have any direct contact with the victim? Did you interview the victim yourself? How long did you pursue the case?
3. In one or more cases that you have done, what were some of the lessons you

learned from getting involved in making an Urgent Appeal? Did that help you to understand as to why that particular problem happened in the country? Did it help you to understand why this victim needed help? Why, for example, he or she was unable to get all the help necessary by themselves?

4. Did your involvement come through a partner of the AHRC or some third party? If so how did working on this case help to improve your relationship with the partner? Are you now aware of the kind of work the partner's organization or the partner does in the particular country?
5. Did you come to a better understanding of the legal problems associated with the case; what the legal system is like, why this type of problem takes place, what kind of complaint mechanism exists, and what people's attitudes are about obtaining relief through the legal process?
6. Did your work help you to understand the compensation systems available in the country? Do people get compensation for human rights violations? If so, how do they get it?
7. Did the case help you to understand the trauma and psychological problems associated with human rights abuses? Are there any systems present for victims to get counseling or other assistance for psychological and physical injuries?
8. Did your work on the Urgent Appeals help you understand certain aspects of mass communication and its use in assisting people who face human rights problems?
9. In what ways will the cases you worked on help you to deal with other cases you may come across?
10. Did your work on Urgent Appeals lead to the writing and reading of reports about particular human rights violations?
11. Do you think the Urgent Appeals case work is reflected in the various interventions of UN bodies? Do the Rapporteurs for instance, talk about the type of problems that you have dealt with in their reports, recommendations or speeches?

8.0 Local knowledge: Human rights practices to improve knowledge about particular countries

Each country is unique, having its own history, political institutions, administrative institutions, forms of political organizations and cultural habits. The understanding and practice of international legal and human rights norms must happen through an interaction with these unique characteristics. This means that there will be both areas where cooperation is possible, and areas of conflict. To decide whether to gain cooperation or to fight in favour of international norms when there is a conflict, a human rights organization needs to have detailed knowledge about the society and its governance structure.

By its very nature, a regional organization is situated outside most of the countries in which it works. One of its inherent problems therefore, is that it—and its staff—do not possess a common understanding about all the countries it engages in. A regional organization may have one or more staff from a particular country, as well as staff from many different countries and even regions. This is different to a local organization where all the staff belong to that particular country and have a certain degree of common understanding about it.

If a regional organization wants to be effective in assisting various countries in their realization of human rights, it must gain the relevant knowledge and experience of each country. This knowledge, combined with a knowledge of universal norms and standards, is what will help the organization in developing strategies and action plans for a particular country.

As mentioned earlier, the regional organization can only acquire this type of knowledge through interaction with local groups in each country. Any organization that wants to be effective within a national context cannot opt out of this. The organization needs to gradually recruit people from each country, and provide facilities for them to work out strategies and action plans for their own country. A regional organization may provide opportunities for understanding international human rights norms and standards as well as technical and communication assistance to these persons; these are all but tools for them to develop their own local strategy on specific human rights issues.

Persons coming from completely different environments will need to develop extremely close links within these countries if they are to do any effective human rights work. When the organization recruits such persons, it must provide opportunities for them to do so, which can include living and working with local individuals or associates of the AHRC for a considerable period.

A regional organization stands between each unique country and the international community—meaning the various components of the UN human rights mechanisms such as the Human Rights Council, Human Rights Committee, sub commissions, Rapporteurs, as well as various countries with an interest in human rights. This standpoint needs the organization to be competent in dealing with both. It must not only have a great deal of local knowledge, but it must be able to transmit this effectively to the international community.

To summarize, it is essential for a regional organization to improve its knowledge about each country it works in. Without this, it cannot promote and protect international human rights norms; this knowledge is directly related to the organization's legitimacy. Since 1995, we have struggled hard to carry out our obligations through various means depending on our human and financial resources. There is no doubt that we have taken many constructive steps and can even claim to be the only regional organization that has consistently pursued this path. However, our work is only just beginning. We are more capable now than in the initial years to engage in improving knowledge through close interactions. There is yet a very long way to go if we are to make the contribution that each of these unique country situations require to improve the understanding and practice of international norms and standards.

9.0 The communications desk: IT and more

As information and communication technologies (ICT) play a major role for a regional human rights organization, its provisions and accessibility are vital for the AHRC/ALRC. The exchange of information is key in overcoming a culture of human rights violations by way of publicising, raising action, collecting support, documenting and raising awareness. One of the key roles in that is documentation. Several cases per day are brought from the local context to international attention.

The purpose of ICT in human rights is to bring people together as fast and as conveniently as possible in order to share information. This allows urgent interventions with greater participation of society. The emphasis on ICT makes the difference between the AHRC and many other organizations in Asia, as it tries to create a more capable platform of action and communication.

In order to fulfil this role, the AHRC's Communications Desk is trying to develop new tools for human rights work. In 2005 the desk developed the Urgent Appeals Online Response System (www.ahrchk.net/ua/support.php) and the AHRC online petition system. The desk is trying to promote the use of ICT among local human rights groups through consultations, meetings and technical support.

Major plans for the future include a comprehensive database for victims of extrajudicial killings and disappearances, more interactivity on websites, an improved Urgent Appeals Online response system and multimedia provisions with online audio-visual files.

IT provisions of the Communications Desk

On a regular basis, the Communications Desk has to ensure the stable availability of web servers and websites, database servers, mail servers, the email dissemination system (mailing list), internet access and technical facilities in the office, such as file server access, provision of desktop computers, printers, telephones and so forth. Some of these services are outsourced to commercial partners. Security for data (backup solutions) and protection from hackers and viruses are a major concern of the Desk.

Additionally, the Communications Desk has to assist the AHRC/ALRC staff, from the point where their technical understanding or experience ends. In this way the Communications Desk provides services to other Program and Country Desks.

IT services that can be requested from the Communications Desk include: making layouts for new websites, publications and other materials; content organization on websites; enabling internet, file server and printer access for new staff; installation of

software to office computers; setting up online petitions; dissemination of technically advanced newsletters such as PH and article2; programming of new tools like feedback forms; tutoring on computer, software usage and the like.

Non-IT activities of the Communications Desk

Non-IT activities include knowledge management and data organization in the digital libraries and archives and the video collection of the AHRC/ALRC; the update of online databases e.g. for statements; daily reading of AHRC/ALRC general incoming requests and redistributing them to appropriate staff; gathering of contents for thematic websites; graphic design; establishment of partner programs and volunteer gathering; workflow considerations and efficiency optimization.

The discussion of our first interest group meeting, to generate more ideas and reflections on our use of IT services and online communication means is summarized below:

We can understand communications to consist of the following four components: A- Content, B- Presentation style, C- Distribution Channel, D- Target Audience

A. Content

- Individual case of human rights violation from partner organization
- More widely known human rights violation picked up from media
- Highlighting general human rights issues as a country phenomenon
- Demand for specific actions from domestic institutions
- Report on institutional developments
- Report on political developments
- Commentary on developments with the view to opinion-making
- Highlight international responses to human rights situations e.g. Louise Arbour statement, rapporteur visit
- In- depth reports on situations
- First hand news on developments

B. Presentation style

- Using different content types: UA, Statement, Press Release, Open Letter, Special Report, Column/Commentary
- Different writing styles may be required based on content type or even combined:
 - o non-sensational, objective statement of facts
 - o awareness-creating, concern creating calls to the public or even agitations
 - o opinion or "speech giving" style motivational writing, opinion leading, inspirational

- o demanding, reaction-oriented, (letter style)
- o report style: conclusion drawing, analysis, elaborating claims
- o recommendations
- o interviews (dialogue style with different speakers)
- o reader attracting, interest-catching
- o academic writing based on objective and clear facts making use of and references to other writings
- Using / preparing different versions of the same document
 - o original article
 - o attracting/summary paragraph (e.g. of a statement) for highlighting on the front page of our website
 - o attracting introductory paragraph e.g. of a UA for a different audience (weekly digest)
 - o pieces of one article in order to distribute the document over several pages (more clicks, more visits, more content exposure) e.g. "click here to read part II of this article"

C. Distribution channels

- Website
 - o Website found by going to address
 - o Website found through general content search engine such as Google
 - o Website found through news search with search engine
 - o Article found on website through other related content on website
 - o Article found on website through link in email
 - o Website found through links from other pages
- RSS feed
 - o RSS feed on other website
 - o RSS feed on other blog
 - o RSS feed subscribed by user through his/her computer/net device
- Email
 - o Article in individual email (such as statement)
 - o Article listing in emails such as Weekly Digest
- Facebook
 - o Facebook Personal account updates on Friends pages
 - o Facebook organization account updates on Fan's pages
 - o Facebook Cause connection
- Twitter
- Youtube video

D. Target audience

1. Grass roots human rights community in an Asian non-rule of law country

2. Human rights interested persons/groups/NGOs in an Asian non-rule of law country
3. General public in an Asian non-rule of law country (a) with access to web (b) relying on non-digital communication such as press)
4. Journalists and media in Asian country (a) national level media b) very local media
5. Government officials, politicians, parliamentarians in Asian countries
6. International media and national media in countries outside Asia
7. International human rights mechanisms (Human Rights Council, Special Procedures, Treaty Bodies)
8. The international public and national public in rule of law countries
9. Governments and development related bodies in rule of law countries
10. Academics, scholars, researchers

Combining choices from A, B, C, and D strategically is one aspect of successful communication.

Given that framework we may look into different ways to increase our readership for online communications:

1. Providing new content type pieces such as "News and country developments" as in daily news or more frequent updates which would result in:

- a) better google rankings - bringing in more readers
- b) attract more readers outside the "human rights community"

Issues to be considered here are:

- i) the capacity of country and programme desk staff to follow up the situation closely and to put in the time to write more general news & developments
- ii) how wide to open the field of articles/issues in terms of their relation to human rights.

2. Having our external writings more presented in our online presence

This includes 'columns or commentaries' similar to UPI Asia online. This option has two advantages:

- a) allows expression in a more outspoken way since statements given in such writings "do not necessarily reflect the position of the AHRC/ALRC"

b) more writers and readers are involved in our website where such writings are located

Issues to be considered here are:

- i) In what way does that affect the editing resources
- ii) On what level to decide on allowing / disallowing individual authors or writings to be reproduced on the website

3. Country level promotion of AHRC's online presence

This would thus create more distribution channels. Local partner organizations with websites/blogs can be invited to reproduce an AHRC RSS feed on their page or links to the website. Country and Programme Desk coordinators would have to be centrally involved in this. The communications desk should make it more easy to pick up feeds, e.g. by putting 'how-tos' on our website that other organizations can follow.

4. Graphical elements based on weekly highlights on the front page of humanrights.asia

Similar to Amnesty and Human Rights Watch websites we could start with a graphically supported story on the front page.

Problem: getting good quality photographs regularly.

Solution: make photo database management more sophisticated and get dedicated person to do that e.g. intern/volunteer. Also request country and programme desk coordinators to remind local partners to share more photos and remind folk school participants about photo sharing.

Other aspects: What is the quality image editing capacity?

5. Start counter linking initiatives with other sites

This way the AHRC page is linked on more pages and would get a better Google ranking.

Problem: limiting linking to those organizations that are trusted, dealing with follow up requests of other sites, where to locate and highlight the links - probably country sections.

10.0 Discussion paper on security issues

The following are some basic guidelines regarding protection based on past experience.

Security of partners

The obligation to undertake every possible action to protect local partners is ours. This principle arises out of the protection function of the AHRC as stated in *Protection and Participation*, one of our basic texts explaining how our development of the human rights movement in Asia lies in our capacity to improve the protection function. The basic assumption is that improving the protection of individuals, groups and organizations dealing with human rights will automatically increase people's participation in matters relating to their lives.

The basic functions carried out from the head office of the AHRC are geared towards protection: urgent appeals and documentation; direct interventions with authorities; interventions with UN agencies and various forms of lobbying on individual cases are all geared towards protecting people's rights, lives and dignity. On several occasions we have taken up the protection issue of our partners through these means; we made interventions on behalf of Kirity Roy, West Bengal, India; Dr Lenin in Varanasi, India, W R Sanjeeva in Sri Lanka, Fr Nandana, Sri Lanka, U L Joseph also in Sri Lanka (in the case of U L Joseph, after our interventions the police provided physical protection to him at his house for two months until he himself declared that it was no longer necessary). All these proved effective and no harm has come to these partners. We also know that when we took up such issues many human rights organizations and UN agencies intervened on behalf of our partners.

When one of the AHRC's partners feels that there is a security threat, the practice so far has been to take the following actions:

- An AHRC staff member, preferably the person dealing with that particular country will talk to the partner and get a detailed account of the threat.
- There will be discussions with the Executive Director and other colleagues regarding appropriate actions to be taken, in consultation with the local partners.
- After these actions are taken, the outcomes should be closely monitored together with other local partners.
- Individuals under threat are also assured that if they need to move away from their present location, the AHRC will assist them in the process. During the coup in Nepal for instance, Mandira Sharma was invited to stay in Hong Kong

for several months. Others were helped with financial donations to stay in India.

- Besides this, we advise our partners to take whatever appropriate action they deem necessary, including ceasing their work, and that whatever contributions we are making to their subsistence will not be affected by this.

It is necessary to note here that it is primarily up to the person suffering threats to assess the situation and indicate how we can help.

The protection issue raises the need for the staff at the AHRC to have closer knowledge of our partners—how they work and how to participate in the mutual development of our partners and ourselves. It might also be a good thing to develop country interest groups within the AHRC staff. Not all persons can be interested in all countries all the time. For very natural reasons some persons may have a special interest in a country even though he or she may not be the person dealing with that country. If such country interest groups can be developed, it will help not only on the protection issue but also in developing greater expertise and local knowledge about each individual country and also about the partners with whom we work. Our partners deserve closer friendships from the staff at the centre. Such friendships contribute not only to good personal relationships but also to better insights into country situations.

11.0 Human rights editing—The AHRC experience since 1995

The Asian Human Rights Commission is an Asian organization, which means that it is composed of people working on several Asian countries, alongside human rights activists from Asia. Among many other problems, we have to deal with the pressing issue of language. English is no longer the working language in most of the Asian countries in which we work. Each country has its own language; in fact, many languages and numerous dialects. Even so, English will remain an important second language in Asia, as it is the language most used in communication between countries. It is also a vital medium of communication for commerce and governmental institutions. As far as the communication of ideas goes however, English is a secondary means of communication.

As a regional organization with the intention of collaboration, English is our primary medium of communication as it brings together people who speak different languages. For activists from different countries who are working in English, their original training would have been in their local languages; they often hold degrees from universities in these languages. They are extremely articulate in their own communities, societies and in their own languages. The use of their second language as a primary communication tool is a difficulty to be overcome.

If this organization is to be effective, it should have communicators who are deeply rooted in their own societies, since all human rights problems are problems of societies. Whether we are dealing with civil and political rights, or economic, social and cultural rights, we must keep in mind that these issues vary greatly from one society to another. One Asian country will be markedly different from another in many of these matters, as a result of differences in affluence, communication facilities and development of institutions. It is those who have experience and intimate knowledge of these issues, and have had time to reflect on these problems, who are best equipped to communicate with the larger masses and the government about the changes that society needs, and how to incorporate international human rights standards into the local framework.

In a regional organization, difficulties arise when there are many people using their second language, English, to communicate. Given the resources available, resolving this problem is often difficult. It often comes down to the practical problem of being constantly in need of people who speak English as a first language for assistance. This is where the real problems arise. Knowledge of English as a first language does not carry with it any guarantee of knowledge about local problems. The general assumption would be that a person who speaks English as a first language (hereafter referred to as a first language speaker) is from a country of a different origin than an Asian country, and therefore there would be a language and cultural gap between them and the person from the Asian country who speaks English as a second language (hereafter referred to as the second language speaker.)

The process of editing is not just a question of language; it is a question of meaning, specifically, the meaning of different things in different contexts. In the process of editing, unless the first language speaker understands what the second language speaker is trying to say, there might be large gaps in communication. A first language speaker from a different social and cultural context may find the subject that is being spoken about to be unfamiliar, since it is not part of their experience. Today, problems such as extrajudicial killings, routine police torture and disappearances are not part of the experience of someone who has grown up in a developed country. The functioning of underdeveloped democracies and institutions, as well as the challenges and corruption faced by ordinary citizens and the people who work in underdeveloped institutions, are not part of the experiences of many of those who live in developed countries.

Without understanding and reflecting on these experiences, there would be gaps in meaning between a second language speaker's written material and that edited by the first language speaker. This is and always will be, a problem of communication within a group of people who work in the way that we do. The second language speaker could think that the first language speaker is being careless, or is not sensitive to what she or he is talking about. On the other hand, the first language speaker could think that the second language speaker does not know how to communicate their ideas, or might imagine something to be untrue because they have not experienced it. To a certain extent, this is a problem that can never be fully resolved. There are possible solutions. The second language speaker could acquire language abilities to the extent that she or he is no longer a second language speaker, or the first language speaker could acquire the relevant knowledge so that she or he is no longer alien to the context about which the second language speaker has spoken.

This issue cannot be resolved bureaucratically, by enforcing rules which people must follow. It can only be resolved by cultivating an understanding, and making a genuine effort at communication, with a high level of tolerance and understanding. It is about striking a balance; if the first language speaker dominates then the material will be rendered meaningless to the place where it should have meaning first (the place where the activist of the particular country is sending the material to, with the view that she or he might be able to influence societal change). On the other hand, if the material is not arranged in a way that makes sense to an outsider, it will also be meaningless. This issue is at the heart of the problem of editing, which we have seen repeatedly over fifteen years. Individuals change but the problem remains, with no easy resolution.

For a person from a metropolitan city, and for a person from a less developed region, the following words would have different meanings, which would affect their understanding and consequently, their writing.

Security officer: In a metropolitan city, most security officers have no status, they may just be responsible for the security of private banks or private properties. Other than everyday security functions, they have no other status. However, a security officer in many other countries refers to a security agent who is working for a particular political alliance, spying on people, and could exercise enormous power in the form of abductions, murder or providing secret information that could damage employment and other opportunities. Anyone working with material on these issues should know the context from which people have allegations or suspicions of such officers.

Judge: In a metropolitan city, judges are usually regarded as people who have independence, are of a particular status and generally speaking, have normal suspicions. In other words, they would be capable of being impartial and competent in their work. However, in many other contexts, judges do not enjoy such a reputation. Ordinary citizens are often suspicious about judges; in some instances, they are presumed to be partial towards the ruling regime as well as towards the security apparatus of the country. Their actual concern for the liberty of citizens is usually considered to be under great suspicion. While in a metropolitan city, it may be presumed that there are methods of keeping judges above corruption, but such credibility is not enjoyed by judges in many other contexts. Therefore, once again, we see the problems in writing and editing on matters which are related to context.

Complaining to authorities: In metropolitan cities, in the general culture, the average citizen has the competence to complain, and normally, is not afraid to complain about normal violations by officers. However, a completely different situation prevails in other contexts, where making complaints against officers could lead to tremendous adverse consequences. Therefore, the fear to complain prevails in such a society. This context influences the behaviour of complainants as well as the overconfidence of the authorities who may engage in acts which, in a metropolitan city, would be extraordinary if they ever happened. Again, this context needs to be understood in the writing and editing of materials relating to such issues.

Harassment of women: The harassment of women takes place in metropolitan cities as well, but the level of harassment that authorities and others are able to impose on women in a repressive culture and political regime are proportionally enormous, and would be called abnormal in a metropolitan environment.

Normal and abnormal behaviour: The normal behaviour in a metropolitan city is created by the social conditions which have developed within the metropolitan city, and the capacities of the state to maintain security. Therefore, certain behaviour has already been conditioned to adjust to certain rules. However, what is normal for one society is not so for another; normal fears, levels of trust, precautions normally taken for this or that, differs in terms of context.

Proofreading

Minor errors relating to spelling, singular/plural usage, incorrect spacing or misplaced punctuation can be taken care of through simple proofreading; these do not require serious editing. One exercise conducted at the AHRC, whereby four second language speakers were given a book review written by a well known Indian writer and political activist, revealed two things: first, that even such an experienced writer had missed a few minor corrections, and second, that the second language speakers were able to point out the errors.

The text could have been read by the average reader even if those small errors had gone uncorrected. The knowledge of the second language speakers was adequate to read the text and detect such errors. This suggests that some minor misunderstandings in the area of editing can be cleared up by making arrangements for proofreading amongst colleagues themselves.

12.0 Developing politically sensitive communications for the promotion of human rights

The purpose of our writings is to achieve our aims, which are inherently linked to the political developments in the countries we work. The people who read our material have their own political sensitivities; it is by relating to those sensitivities that we are able to communicate about the issues that we are interested in. If we want other people to become interested in the same issues that we think are important for the betterment of people's human rights, we must be able to tap in to their interests and attract their attention.

Our specific aims in the human rights field are to help instigate the changes necessary for a country to honour its obligations to the UN human rights conventions. In other words, to make UN conventions real by domestic implementation. To achieve domestic change and implementation necessitates an involvement in domestic debates. Through our writings and communications, we participate in these domestic debates so as to achieve the changes required.

The way human rights problems in each country are portrayed is unique. One country may face large scale illegal detentions, while in another, illegal detention may be linked to the issues of torture and corruption. The issues in each country are different due to a variety of factors. Addressing those unique issues is the way to grab the attention of local people. That same issue may not have a similar impact in another context or country.

The issue of local sensitivity is a very complex one. By not paying attention to it, we will become irrelevant to our audience, despite having a wealth of information useful to them. Our special reports, documentation and experience on various human rights issues will not become part of the local debate if our knowledge is not articulated in a way cognisant of the sensitivities of our audience.

Different audiences

Many issues that are relevant to a particular country need to be communicated to external audiences with the view of building understanding and solidarity amongst the international community. In talking to an international audience, the methods of communication can be and in fact, need to be, different. It is thus important to make a distinction between material produced for local audiences and that produced for international audiences.

When no distinction is made, and when common material is produced for the two audiences, that material loses its value. There is a lot that is written but not read by many. To overcome this, it is necessary to maintain separate distribution channels for the two audiences. This will enhance both our local and international reception.

13.0 Elimination of corruption and the creating of conditions for transparency, integrity and accountability

Statement of participants of the regional consultation held from 11-15 January 2010 at Hong Kong

We, the participants of the Regional Consultation on Anti-Corruption Mechanisms in Asia, held at the Asian Legal Resource Centre in Hong Kong from 11 to 15 January 2010, express our deep concern about the acute problems that people of our countries face, particularly for the large majority of people who still live in relatively poor conditions, which affect economic, social and cultural rights as well as civil and political rights. In areas of food and water, education and health, employment and so forth people across Asia face extremely serious problems of corruption. When attempting to gain the basic services to which they are entitled as members of society, corruption remains a serious obstacle.

While budgetary allocations are inadequate to meet legitimate public expectations, state authorities misuse the allocations themselves. Apart from this, foreign aid for socio-economic development projects often ends up in the hands or pockets of corrupt politicians and those in authority, defying all attempts at accountability.

Corruption is also playing a role in stimulating violence and internal insecurity, as it shrivels the prospect of government supplying people with basic services, opportunities, rights and entitlements. As a result, people choose to remain silent on internal conflict and do not support the state in handling crises. Further, people also opt not to participate in governance. In this sense corruption weakens people's democracy and creates space for authoritarian rule.

There are also problems associated with the planning and allocation of resources that are conditioned by the institutional gaps and defects associated with systems of power in society. In the development of policies and their implementation, serious inequalities in the distribution of basic resources often affect the structural issues that engender conditions enabling corruption. On the other hand, in the struggle for the eradication of corruption, obstacles arise due to political and social factors that are associated with inequalities imbedded in society. Therefore, realization of the basic human rights of persons, promotion of the rule of law and achievement of democratic rights in countries of the region are all very much linked to the problems of eradication of corruption.

Eradication of corruption as a human rights issue

The treating of eradication of corruption as a human rights issue speaks to the fundamental indivisibility of socio-economic rights and civil and political rights. In all problems associated with corruption, whether in the form of land grabbing, corrupt development projects, deaths caused by corrupt practices in health institutions or otherwise, our countries lack good policing, independent investigative agencies and well-functioning justice institutions that can meet the needs and expectations of people.

Questions of illegal arrest and detention, denial of access to justice and denial of fair trial are often associated with the unaffordability of justice, which is also associated with problems of corruption that beset institutions for the administration of justice, particularly the police, prosecution services and judiciary. The right to life is deeply affected by problems created through institutional malpractices that are the result of deeply corrupt practices within society. Among the people who face these problems in the most acute way are more vulnerable groups such as women and children, and minorities.

Historical and contemporary causes of corruption

The root causes of corruption are the histories of our society's feudal social structures as well as the problems created during long periods of colonial rule. The development of a basic institutional framework for our societies has been affected by these historical problems and in many of our countries these problems need to be resolved in an attempt to deal with the demands of the times and in order for the societies to develop with a framework of rule of law and democracy. The realisation of people's aims in modern circumstances requires attempts to understand these historical problems and find strategies to deal with them by developing institutions that are relevant to the conditions of our societies in order to ensure equality among all sections of the population and stability through the practice of democratic norms and standards.

Feudal traditions are continued through patronage politics, which are a feature of many countries in the region. Party political systems are often organised on the basis of patronage of one or a few powerful persons. The party systems are often controlled without any kind of observance of democratic norms relating to the relationship between party members and the development of party leaderships. Often there is an inherent system of corruption within the party structure itself. Within the party often there is no transparency in relation to funds and power relationships. Top party leaders are not accountable to their party members and to the inner structure of the party. The inner structure of the party is often developed in a manner to eliminate fair competition. The leadership of some is protected for a lifetime, and family members or very close associates whom the leaders nominate often become their successors.

The absence of democracy within the political party system affects the political system as a whole. The lack of healthy development of leadership within political parties also denies fair competitive practices between parties. The denial of fair competition between political parties is often the source of violence in the political life of a country. This violence also leads to the cooption of the law-enforcement agencies in favour of ruling regimes. Discrimination against those who keep out of party political loyalties develops and often penetrates into the total system of the public service. Thus, the absence of internal democracy within political parties ultimately develops into violence between political parties and corruption within the public service itself.

The absence of democracy within political parties is often the basis upon which authoritarian forms of rule develop. Such authoritarianism in turn destroys whatever freedom may have existed within a political party. Naturally authoritarian rule destroys the capacity for the emergence of other political parties. The internal violence inherent in authoritarian rule develops into societal violence, which suppresses all freedoms. The absence of freedom makes corruption easier. Critics of corruption fail to find supporters within political parties. Thus, the development of organised resistance to corruption through party-based democratic mechanisms becomes difficult and sometimes even impossible.

In recent history, neo-liberal policies have also been considered a source of corruption in state and social services. Increasing privatization is reducing the role of states in governance and provision of services and is functioning to favour profit-based functions and systems, reducing the space for public entitlements. State functions, policies and policy formation processes are under the control of capital and market forces, which decide how to distribute revenue for specific sections of society, not for the protection of the economic, social and political rights of the people. In a sense states are subsidizing private profits through use of constitutional powers and public resources.

Public institutions and prevention of corruption

One of the major institutional aspects that must be understood and dealt with in the process of achieving equality among all sections of society is policing. Policing systems developed in the past reflect the social contradictions of those times and also the inequalities inbuilt into earlier societies. In most societies policing systems have been used for the suppression of the poorer sections of society as well as other sections that consist of vulnerable groups. Careful studies into the nature of policing in contemporary societies and the development of new strategies to develop policing systems in keeping with democratic norms and standards to safeguard the dignity of all persons are vital for the eradication of corruption.

People are obliged to interact with the police in dealing with their problems and therefore dealing with this institution in terms of the goals of modern democratic societies is a precondition to dealing with most problems in our societies. The capacity of a population to make complaints against authorities without fear is conditioned by the nature of policing. Therefore in creating effective mechanisms for complaint-making into all aspects of the lives of citizens it is essential to ensure that the policing system acts to assist in complaint-making, to prevent it from becoming an intimidating factor within society.

In the development of complaint mechanisms to prevent intimidation there is a need for a law to protect witnesses and complainants. In most countries of the region laws relating to witness and complainant protection do not exist. The same forces trying to maintain corruption are preventing the development of such laws. Those who are fighting against corruption need to make strenuous efforts to build social consensus to ensure the development of law in this direction. The payment of adequate salaries for law-enforcement officers is also a necessary component in developing proper protection for witnesses and complainants.

Democratisation within any society requires that citizens have the capacity to make their voices heard on all occasions without fear and in a spirit of freedom. Therefore freedom of expression and publication are essential in providing for participation in a democracy. Unfortunately, in many countries legislative processes lack transparency. People's participation and accountability are defeated by corrupted party politics. The lack of access to information also adversely affects the capacity of people to participate in the legislative process.

People's participation requires not only participation by way of representatives but also direct participation, with the capacity to make grievances heard on all occasions. Therefore a climate needs to be fostered where all citizens irrespective of their social positions feel confident that they are able to express their grievances freely. Confidence-building is a necessary pre-condition for the developing of such a climate, through well-resourced organizations, which must take initiatives to instill confidence by involving isolated voices and making them into a community of strengthened voices so that elected representatives have to take serious note.

The development of machinery for the administration of justice in a manner that legal remedies are made available to people is also an essential component of a strategy against corruption. Where there are inordinate delays relating to the administration of justice these are exploited by corrupt elements. Corruption often feeds on inefficient systems for the administration of justice. Therefore the elimination of inefficiencies and incompetence in the administration of justice at all levels is essential in dealing with corruption.

Often impediments in justice are caused by the insufficient allocation of funds. Due to insufficient allocations sometimes the salaries of officers involved in the administration of justice are affected. This creates an excuse for corruption among these officers. Therefore, providing sufficient funding for the proper administration of justice is a further precondition to deal with corruption. The salaries of officers should be adequate based on the job analysis and related to the work performance. Towards this end, not only the salaries for the higher judiciary but also the salaries of lower judges must be protected constitutionally and paid out of a consolidated fund.

Specific institutions to eliminate corruption

The development of institutions specifically devoted to the elimination of corruption is a necessity for the maintenance of the rule of law as well as democratic institutions within the countries of Asia. Institutions that are specifically devoted to the elimination of corruption are found in most countries of the region but they have not been designed to achieve their purported ends. Most agencies have very limited powers and work on small budgetary allocations. These agencies often create the impression of the existence of initiatives for the elimination of corruption but in fact these are only cosmetic. This is due to the absence of political will to create effective institutions to eliminate corruption. In the absence of political will, purely rhetorical statements are made about the elimination of corruption while ruling regimes in fact want to continue with the corrupt practices inherent within the system. The will to change among people who are the victims of corrupt practices is strong, but unless people who have the will to change express their will in a forceful manner and replace political leaderships which want to continue with corrupt practices, change for the better will not take place.

Institutions specifically designed for the elimination of corruption should have the following characteristics:

- a. Independence in mandate, powers and appointments—not only for those who are in charge but also for all other employees. Personnel must be provided with security of tenure—if their independence in executing statutory functions is to be a reality—by making provisions in relevant legislation that they are not liable to be removed from office other than for misconduct or bad behaviour. Constitutional safeguards are needed to ensure the integrity of persons appointed to hold public positions in these institutions.
- b. Adequate budgetary allocations to carry out investigation, prosecution, prevention, education and all other associated functions required for effectiveness. An effective law-enforcement component to combat corruption must include an investigation wing with sufficient training and resources. In Indonesia, a special court was set up to adjudicate corruption cases.

- c. Accessibility for people to make complaints through various means, including through branches around the country.
- d. Answerability to parliament and accountability through proper procedures that have been designed to prevent interference by the executive or any other branch of government.
- e. Design within the framework of the rule of law and the UN Convention against Corruption.

Learning from successful ventures for elimination of corruption: Hong Kong ICAC

There are successful attempts at the elimination of corruption that need to be studied and replicated with suitable adjustments. The example of the Independent Commission Against Corruption (ICAC) in Hong Kong is one of the more successful in Asia. This legal initiative has transformed Hong Kong, where there was rampant corruption prior to the introduction of the law establishing the ICAC in 1974, into one of the societies where there has been considerable success in the elimination of corruption. The ICAC is fully independent and protected by effective measures to prevent executive interference, or that of any other authorities, in the implementation of its objectives.

The ICAC has played a role in improving the discipline of the public services as well as the private sector in Hong Kong. In the public sector it has been able to improve discipline within the police. This has been achieved by the complete independence of the ICAC from the policing system, with powers to control investigations into corruption of police as well as any other public service. The ICAC also has powers to investigate all citizens, including judicial officers. No one has been excluded from the jurisdiction of the ICAC. The ICAC concentrates on education as an important component in the elimination of corruption and much of its resources are devoted to this purpose. The internal checks and balances within the ICAC have measures against the possible abuse of powers within the institution. Therefore this model for the elimination of corruption needs to be studied comprehensively and introduced into other countries with suitable adaptations.

People's movements for elimination of corruption

The creation of effective anti-corruption agencies as well as the maintenance of these agencies depends on the extent of public involvement and interest in the elimination of corruption. Public movements are essential for the emergence and success of these institutions. Therefore all civil society organizations should carefully examine their strategies for involvement in the creation and maintenance of institutions for the elimination of corruption within our societies.

Public movements for the elimination of corruption should constantly articulate the problems of corruption for people, particularly those who do not belong to the privileged sections of society, and more specifically for the poorer sections of society. Constant articulation of these problems can create the necessary ethos as well as popular support for the creation of agencies to eliminate corruption, and their sustenance. In this respect, the media has a huge role in highlighting issues and increasing public awareness. Utilizing the Internet too we can disseminate a huge amount of information that can reach a large audience.

Some NGOs need to be developed to serve as corruption watchdogs, to get people to complain when they experience or see corruption, to investigate and take cases to the public, and to anti-corruption institutions. These NGOs have to maintain high accountability and credibility to build public trust.

The role of the legal community in the elimination of corruption needs to be emphasised. The legal community can play an enormous role in educating a population on legal safeguards against corruption and also in providing the necessary services to victims of corruption, as well as to movements fighting against corruption, so that their interventions can be enhanced with a proper understanding of the law. Labour unions and professionals such as medical doctors can play positive roles in fighting corruption in business and the public sector, such as in the public health sector.

In recent times there have been positive developments in the civil society organizations of some countries that have contributed to the possibility of more effective intervention for the creation and sustenance of attempts to eliminate corruption, and these movements need to be closely studied and replicated. Among these are groups that have worked for the right to information. Comprehensive laws on the right to information can provide citizens with the powers necessary to obtain information with which to deal with their problems and those relating to their communities. The poorer sections of society in particular have to depend on public services, and the right to information given to a citizen can reveal details of the entitlements that they have under law and the means by which to obtain them. Thus initiatives to demand such laws could be an effective means of developing strategies to deal with the elimination of corruption. Where such laws already exist, citizens' movements can assist in their implementation, so that people are enabled to fight against corruption through all means available.

14.0 Organizational evaluations

14.1 EED Evaluation report

1. Success of Attempts at Individual Redress

A success of attempts can be measured either by the comprehensive standard composed of quantitative and qualitative elements or simple standard composed of quantitative or qualitative elements. A result of attempted redress, however, cannot be measured by a single quantitative standard. The success of the AHRC/ALRC's attempts at individual redress level is to be measured by a substantial and comprehensive standard with its key elements of; (1) the AHRC/ALRC's expectation for an individual redress; (2) victims' expectation for this program with respect to an individual redress; (3) general expectation toward a competent NGO working for a redress in this region.

The AHRC/ALRC's general expectation for an individual redress is publicity.¹ In this regard, the AHRC/ALRC's attempts of individual redress are assessed as being successful because all but except few extraordinary occasions the issued Urgent Appeals have been well publicized through the networking of AHRC/ALRC. From the perspective of victims' expectation, the attempted redress has been quite successful also. Perpetrators usually feel enormous pressures, whether it is from inside or outside, and difficulties in continuing human rights violations.

We verified this aspect of success from personal interviews with several victims from various countries and member of staff at office in Hong Kong. Annual Reports for last 7 years contain reports on intervention and issuances of the Urgent Appeals that have put pressure upon the perpetrators, resulted in deterrence of their violations. Increasing significant numbers of official responses from authorities represents a success of the AHRC/ALRC in pursuing individual intervention.

We noticed that under emergency situations where rapid actions are needed, the AHRC/ALRC eagerly extend necessary services such as medical treatments, dispatching lawyers, providing shelters and others to the victims immediately. This program provides also the public with a general satisfaction from the redresses of well-known cases. The AHRC/ALRC usually select a few important or significant cases and concentrates its capacity

1 "Under all such conditions the only resort left to persons who face human rights violations is publicity, and even in this area restrictions on media freedoms can create limitations of finding such publicity." See 2007 Annual Report, p 21. his is an edited version of an article originally published on 18 June 2010 by the Sri Lanka Guardian.

to produce a substantial redress for the selected individual case, which brings significant media exposures and raises public awareness on the root causes of the human rights violations. From the perspective of generally competent NGOs, this program is well fitting to harvest a concrete redress from a symbolic cases of violation.

2. Success in Upholding Values, Principles and Perspectives of Human Rights

Human rights principles are the universal fundamental values applying every aspects of human life on the earth. In Asia, however, it is difficult to apply the human rights principles uniformly throughout the region where remnants of colonialism are still in power, traditional feudalism is subsisted, modernization is not yet in full blossom, political situations are precarious and cultural divisions cause discriminations.

The Organizations focused on Asia's particular situation in spreading human rights principles in the region and initiated adoption of Asian Human Rights Charter that reflected distinctive Asian human rights values as being against negative values of inequality, cruelty and inhumanity. The Organizations have embraced these distinctive Asian human rights values into the aims of program flexibly. Especially the Organizations always uphold Asian human rights values when it submits working proposals.

Two ways of upholding human rights values are noticeable; one is 'by abolishing negative values' and the other is 'by promoting positive values'. The Organizations have paid more emphasis on the former in its campaign and operation of programs. Major campaigns such as Disappearances, Massacres in Asia, No Torture belong to the 'abolishing negative values' category. Activists and local partners visiting the office in Hong Kong unanimously recognized the Organizations' endeavors of upholding human rights values under the Asian perspective as being appropriate and effective in pursuing its campaign and programs in Asia when interviewed.

In order to uphold human rights values, direct and indirect human rights education are essential. The AHRC/ALRC devised a human rights school in charge of its education. Books, magazines and other electronic documents published are used as the direct and indirect educational materials. Direct human rights education is conducted under diverse formats of study in accordance with its purpose and utility. Timely issues and practical lessons are spotted, generated and taught at the human rights school convened locally and regionally. The lessons are sent to human rights groups and interested individuals from time to time through networks developed. Internship program is substantially productive.

3. Success in Generating and Disseminating Knowledge

The AHRC/ALRC recognize that the knowledge on practical human rights issues is

critical to improve human rights conditions in Asia. The knowledge of redress achieved in one place in Asia encourages other similarly situated regions to obtain identical measures. Knowledge of success is highly contagious, whereas knowledge of failure gives lessons.

Evaluators find that the Urgent Appeals Program is the source of knowledge on human rights situations in Asia. Victims all around Asia send their causes and requests every day to the office in Hong Kong out of trust.

The AHRC/ALRC generate knowledge of human rights by publishing various books and booklets, education and campaign materials, electronic documents and on-line materials. All publishing works are results of processed knowledge generated by the collaboration of all members and partners of the AHRC/ALRC. The AHRC/ALRC publish periodicals titled *The Article 2*, *Ethics Action* and *Human Rights Solidarity*, and 53 books full of information and knowledge of human rights situations in Asia. Those periodicals and books are offered in online as well as printed. Lots of articles and texts are free to use.

Major characteristic of publications is that articles and texts are mainly intended for laymen readers and styled in narrative or story-telling format. The AHRC/ALRC publish books, periodicals and on-line documents not so much for the purpose of an academic research as of disseminating story of human rights and related materials to ordinary people and activists. Media exposures are an efficient medium in spreading knowledge. The AHRC/ALRC have utilized major media exposures in its full measure.²

4. Success in Generating Public Opinion

Evaluators find that influential and reputable medias frequently rely on the AHRC/ALRC for news reports on major human rights issues in Asia. The AHRC/ALRC are regarded as trust worthy as internationally renowned Amnesty International or Human Right Watch.

Frequent quotes of the Organizations are found in local news outlets, which lead in sways of public opinion. Several serious public discourses on human rights issues in Asia initiated by the news coverage that the Organizations contributed to.

Extra judicial killings, disappearance, delays in the justice system, defunct states in rule of law, traditionally subsisting cast-based discrimination, land grabbing, gender-equality are some of the issues that major media usually cover relying on the Organizations.

Considerable authorities and politicians are reacted to those public attentions by sending their views to the Organizations or starting to seek a solution to the issues

² See 'AHRC in the news' section in the home page of AHRC

at the respective institutions. International bodies and institutions react favorably to the Organization's request by building a public international pressure against relevant countries.

In this regard, the AHRC/ALRC are successful in generating public opinion on the measures to the human rights infringements.

5. Success in Influencing Policies

Evaluators do not find significant substantial policy changes on the important human rights issues in the target countries despite significant persistent efforts of the Organizations.

Several countries, however, show their potentials in changing their stance on specific human rights issues targeted by the Organizations. Their attitude and reactions through governmental bodies or concerned authorities are more frequent and extensive.

In the Philippines, government authorities started to view torture a crime. In most countries covered by the Organizations, anti-corruption is accepted as an immediate policy target.

Forced disappearance is an imminent and fundamental issue; however, it does not receive favorable reaction by the concerned authorities in most countries. Governmental bodies tend to avoid this issue. Evaluators found that lobbying efforts for changing national policy direction have not been fruitful. Moreover NGO's lobbying efforts have inherent limitations.

In sum, the Organizations have been successful in initiating public debate in a concerned country. In this limited extent the efforts have its meaning.

6. Success in Promoting Legislation

The AHRC/ALRC's efforts in promoting legislation to correct and prevent human rights violations have insufficient results despite its accumulated endeavors. Evaluators noticed several fierce efforts and commitments that the AHRC/ALRC has made in the mean time.

In Bangladesh the AHRC/ALRC assisted a member of parliament of the ruling party introduced a draft relating to the Convention against Torture and Other Cruel and Inhuman Punishment or Treatment to the parliament, and mobilized media exposure. In Sri Lanka, campaigns for adopting a witness protection law and a contempt of court law

are not fruitful yet. In the Philippines, efforts of the AHRC/ALRC to pass a bill relating to prevention of torture did not produce considerable progress until now. In India, the AHRC/ALRC is mobilizing public debate on the anti-torture legislation.

The AHRC/ALRC, together with RCT Denmark and other partner organizations, exerts its efforts to legislate laws adopting the Optional Protocol to the Convention against Torture and Other Cruel and Inhuman Punishment or Treatment in Cambodia, the, Bangladesh and Sri Lanka in several different stages.

In sum, the AHRC/ALRC's efforts in promoting legislations are cut in the middle. The AHRC/ALRC and other partners need to devote time and resources more to see the appropriate laws be legislated and enforced.

7. Success in Monitoring

The AHRC/ALRC have taken a role of monitor in the realm of human rights in Asia since its foundation. For significant and fundamental individual violations, the Organizations have utilized the Urgent Appeals Program as a monitoring apparatus. Key areas of monitoring are police activities, judicial procedures, mandatory social services of governmental bodies and other institutions involved in violations of human rights.

Evaluators notice that the AHRC/ALRC have proven its ability of monitoring individual and sporadic occasions of human rights infringement through its victim-oriented approach. Reputation of the AHRC/ALRC as a reliable regional watchdog is built upon its persistent devotion for a long period of time. Each issue of the Urgent Appeals is comparable to a monitoring report. Monitoring legislation procedure needs comprehensive collaborated works with media, NGOs, activists, politicians and concerned group of volunteers, which is another challenge of the Organizations. Considering the amount of resources committed, monitoring whole process of legislation by the AHRC/ALRC alone is not appropriate. Collective work by partners, academia, media and public is desirable.

8. Extent of Success

Evaluators examine each items of purported success according to the criterion provided by the Organizations. The AHRC/ALRC are considered not a big organization. Its operation budget is considerably limited. Weighted portion of budget is earmarked for maintaining office and communication facilities, travel expenses and other inevitable costs. Considering those material limitations, we find that the AHRC/ALRC manage itself more than efficiently.

The AHRC/ALRC have achieved considerably in the area of individual redress, education, monitoring and knowledge base works. The Organizations, however, have not materialized significant changes in governmental systems. Nevertheless, the Organizations' achievement is recognized as successful in terms of the significant impacts that it has brought in. The impacts are comparable to plowing a field. The Organizations soften hard soil of dire situation of human rights in Asia by well-designed programs. It should take for a while to see considerable systemic changes in the society or governmental body. In the mean time, a degree of substantiality and utility of impacts is a suitable yardstick in assessing the achievements. Now people in the region of active service have a high level of expectation over the Organizations. That is the most relevant material evidence of success among others.

14.2 RCT report 2009

1. The Multilayer Approach of Human Rights Advocacy

AHRC/ALRC have repeatedly highlighted the link between the improvements of legal systems as a necessary condition for providing protection for human rights for the poor and the marginalized. They also point out that the absence of the rule of law in most Asian countries is the major obstacle for the realization of human rights. Through the urgent appeals program, AHRC/ALRC, on one hand, provide a protective cover for local movements to voice their concerns and demands. On the other hand, it also creates the climate for local people and groups to slowly organize the people to take action for change. In addition, through the concentrated efforts of producing substantive reports and campaigns on important human rights issues in Asia, the organizations were able to undertake very high profile campaigns on individual cases as well as on issues of concern for a particular country or even on regional issues, such as campaigns against torture, disappearances, caste-based discrimination, etc. As a result, such interventions have led to U. N. agencies taking effective action in many instances.

2. The Effectiveness of Modern Communication Technology

Since the 1990s, AHRC/ALRC have recognized the enormous potential of the rapid development of information and communication technology in enhancing human rights advocacy globally and have made it a priority to develop its communication system and the communication skills of their staff. With the launch of AHRC/ALRC's first web site in 1995, the importance of AHRC/ALRC on the internet has grown to an extent that is comparable to that of a popular newspaper. The role of AHRC/ALRC in the region therefore is that of an information center. Many activists and human rights groups today rely heavily on AHRC/ALRC information resources on the internet. The urgent

appeals online response system belongs to the most frequently visited pages on the site and is a good example of a provision of functionality that goes beyond the mere offer of information.

3. The Strong Links of Local Human Rights Groups

AHRC/ALRC recognize that an understanding of the problems of the denial of rights can come only through close contact with those who face such problems and a careful documentation of the narrative of such problems. AHRC/ALRC call this the micro study approach. For example, if the concept of fair trial is to be introduced into a country that believes in summarily punishing someone, it is not enough to condemn such summary punishment. It is also necessary to point out how crime prevention can take place through investigations, prosecutions and the judiciary. Then it becomes necessary to do advocacy to improve investigation mechanisms, prosecution mechanisms and the judiciary. This requires a constant review of the legal system of each country. In order to get involved in more in-depth studies into the different contexts of the countries in Asia, AHRC/ALRC have gradually developed local country desks for 12 countries. The primary function is to develop knowledge about the context in that country and to build local contacts. At the same time, each country desk is involved in advocacy through urgent appeals, working with the U. N. human rights system and other international organizations and campaigns.

4. Human Rights Education to Empower Ordinary Folk

One unique characteristic of AHRC/ALRC's human rights education programs is the guiding principles of the folk school methodology as formulated through the work of the Danish educator Dr. N. F. S. Grundtvig. It is the conviction that all people are equal, that knowledge is not the privilege of the elite and that, when ordinary people come together to discuss their problems, they are likely to also find solutions to these problems. Following this methodology, AHRC/ALRC were able to empower the ordinary folk throughout Asia whose lives are most affected by their country's defective justice systems. This methodology is invaluable in building a movement for legal reform and the establishment of the rule of law.

Another important component of the organizations' Human Rights Correspondence School is the perspective of action. This involves the process of thinking through human rights problems to find solutions to those issues which formed the starting point of the learning process and the development of strategies and tactics to bring about change.

5. Legal Reform and Human Rights Education in China

It is important to note that through the coordination of Wong Kai-Shing the China project has flourished and has made many great achievements since its inception in 2000. They include (1) an increased awareness and recognition of human rights and fair trial principles among Chinese judges; (2) the development of a group of Chinese scholars, NGOs and lawyers to be ALRC partners in promoting human rights and legal reform; (3) increased awareness and application of the ICESCR among civil society groups in their work and advocacy; (4) greater awareness and recognition of human rights and anti-torture principles among criminal investigators and police school teachers; (5) the production of comprehensive research on the problems of torture and recommendations for judicial and police reform; (6) the development of human rights research on ESCR.