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PROMOTION AND PROTECTION OF HUMAN RIGHTS

The role of good governance in the promotion of human rights

Note by the United Nations High Commissioner for Human Rights*

The High Commissioner for Human Rights has the honour to transmit to the members of the Commission on Human Rights the report of the Seminar on good governance practices for the promotion of human rights, held in Seoul on 15 and 16 September 2004.

* The annexes are being circulated as received, in the language of submission only.

Summary

The present report, submitted in accordance with Commission on Human Rights resolution 2004/70, contains a summary of proceedings and the Chairperson's statement of the Seminar on good governance practices for the promotion of human rights, jointly organized in Seoul on 15 and 16 September 2004 by the Office of the United Nations High Commissioner for Human Rights and the United Nations Development Programme, in collaboration with the Government of the Republic of Korea. Participants included representatives of States, national human rights institutions, intergovernmental organizations, non-governmental organizations and invited experts and panellists.

The purpose of the seminar was to discuss examples of illustrative governance practices that have had an impact on the promotion of human rights and to draw lessons from them. Eight case studies were discussed during four substantive sessions on: the promotion of the rule of law; strengthening the delivery of services contributing to the realization of human rights; strengthening democratic institutions and participation; and combating corruption in the public and private sectors.

The meeting concluded that there is a mutually reinforcing relationship between good governance and human rights and that there is no exhaustive definition of the notion of good governance. However, common elements could be identified: participation, accountability, transparency, (State) responsibility and accessibility, in particular to marginalized groups. Technocratic approaches to good governance should be avoided.

Participants also concluded that there is a need for greater awareness of good governance and its relationship to human rights, particularly from the perspective of political will and public participation and awareness. This requires going beyond the ratification of human rights treaties, integrating human rights effectively in State policy and practice; establishing the promotion of justice as the aim of the rule of law; addressing the key linkages between good governance, human rights, poverty reduction and inequalities; understanding that the credibility of democracy depends on the effectiveness of its response to people's well-being; addressing mindsets, in particular regarding gender equality and cultural diversity; and responding to key challenges for human rights and good governance, such as corruption and the existence of conflict.

**REPORT ON THE SEMINAR ON GOOD GOVERNANCE PRACTICES FOR THE
PROMOTION OF HUMAN RIGHTS (SEOUL, 15 AND 16 SEPTEMBER 2004)**

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I. INTRODUCTION

1. In accordance with Commission on Human Rights resolutions 2002/76 of 25 April 2002, 2003/65 of 24 April 2003 and 2004/70 of 21 April 2004, the Office of the United Nations High Commissioner for Human Rights (OHCHR) organized, jointly with the United Nations Development Programme (UNDP) and in collaboration with the Government of the Republic of Korea, a seminar on good governance practices for the promotion of human rights.

2. The seminar was held in Seoul on 15 and 16 September 2004. There were 138 participants from 73 countries, including representatives of States, national human rights institutions, intergovernmental organizations, non-governmental organizations (NGOs) and invited experts and panellists. The Chairperson of the seminar was Mr. Lee Sun-jin, Deputy Minister for Policy Planning and International Organizations, Ministry of Foreign Affairs and Trade, Republic of Korea.

3. As requested by the Commission, the present report contains a summary of proceedings, including eight case studies, expert comments and discussions, together with the Chairperson's statement. It also draws on remarks by the seminar's Rapporteur, Mr. Vitit Muntarbhorn. Section II summarizes introductory statements on the relationship between good governance and human rights. Section III presents cases on the promotion of the rule of law. Section IV discusses examples of strengthening the delivery of services contributing to the realization of human rights. Section V looks at strengthening democratic institutions and participation. Section VI examines the relevance of combating corruption in the public and private sectors for the promotion of human rights. Section VII contains the conclusions of the seminar in the form of recommended actions for the future, the Chairperson's statement and some closing remarks. Annexes I and II contain the agenda and list of participants.

4. OHCHR would like to thank for their generous contributions the Governments of Australia, Nicaragua, Poland, the Republic of Korea, Sweden, Switzerland, the United Kingdom of Great Britain and Northern Ireland and the United States of America, which made the seminar possible.

II. GOOD GOVERNANCE PRACTICES FOR THE PROMOTION OF HUMAN RIGHTS

5. Opening addresses were made by H.E. Mr. Ban Ki-moon, Minister of Foreign Affairs and Trade, Republic of Korea, Ms. Louise Arbour, United Nations High Commissioner for Human Rights, and Ms. Anne-Isabelle Degryse-Blateau, United Nations Development Programme (UNDP) Resident Representative in the Republic of Korea. The keynote address was delivered by Mr. Surin Pitsuwan, former Minister of Foreign Affairs of Thailand.

6. In his opening remarks, the Chair emphasized the importance of the study of best practices of good governance as a way to elaborate the concept of good governance and to enhance it operationally in efforts to promote human rights.

7. In his introductory remarks H.E. Mr. Ban Ki-moon noted, inter alia, that, although progress had been made towards achieving a universal culture of human rights and fundamental freedoms, today's world had not yet witnessed the ideal society and human rights violations still

occurred. Good governance should be seen as a prerequisite for the protection and promotion of human rights and the international community had reaffirmed its central role in a number of cardinal declarations, for instance in the Millennium Declaration and the Monterrey Consensus of the International Conference on Financing for Development. That was also recognized by the Commission on Human Rights in its resolutions on the role of good governance for the promotion of human rights, sponsored by countries from all regions and adopted without a vote every year since 2000. Although there was no “one size fits all” solution to human rights abuses, it was crucial to find the best practical ways to implement human rights standards in local contexts. He stressed the Republic of Korea’s commitment to human rights, participatory democracy and an active civil society as part of efforts to achieve a more mature democracy, as well as its support to a number of international events to further these objectives.

8. The High Commissioner stressed that whereas governance, as a neutral notion, referred to mechanisms, institutions and processes through which authority was exercised in the conduct of public affairs, the normative concept of good governance had expanded over its recent history from concerns over economic performance to include other dimensions, such as political concerns, human development and the realization of human rights. The two concepts of good governance and human rights were mutually reinforcing and shared many core principles, namely participation, accountability, transparency and responsibility. Indeed, human rights needed a conducive and enabling environment, in particular appropriate regulations, institutions and procedures framing the action of the State. Human rights provided a set of performance standards against which Governments and other actors could be held accountable. At the same time, good governance policies should empower individuals to live with dignity and freedom. Whilst human rights empowered people, they could not be respected and protected in a sustainable manner without good governance. In addition to relevant laws, political, managerial and administrative processes and institutions were needed to respond to the rights and needs of populations. It was important to note that there was no one single model for good governance and that institutions and processes evolved over time.

9. The UNDP Resident Representative in the Republic of Korea recalled that, in 1998, the United Nations Secretary-General had said that good governance was perhaps the single most important factor in eradicating poverty and promoting development. But there were a host of different definitions of this notion which could be apprehended from many different angles and had many facets. Exploring the dimensions of the relationship between good governance and human rights would contribute to the understanding of the good governance practices that would enable people to live in dignity, providing true meaning to the vision of the Secretary-General.

10. Mr. Pitsuwan noted that the people of the Republic of Korea had struggled through various forms of tyranny and poverty to achieve democracy. Yet, globally, the world might still resemble the Hobbsian state of nature, in that various democracies were just “forms without content, institutions without mission”; democracy was not there in spirit. Political instability, social strife and underdevelopment continued to ravage societies. Many cultural relativists challenged the concept of good governance as a new form of colonialism. The overwhelming power of the State could lead to the manipulation of citizens, with national goals pursued regardless of the means used. Instead, he argued, individual security and freedom required objectivity and universality in the application of the law. Participation was a key element of good governance and required an active civil society. Transparency and accountability were also required. In his view, good governance, as a prerequisite for the realization of human rights in a

sustainable manner, was more than a legal concept or institutions; it required a culture of human rights and democracy. When confronting a new age of globalization, with immense destructive powers, a competition among civilizations should be avoided. Every great tradition was committed to human rights; there were different roads to promote a global consciousness and a culture of human inclusivity. Quoting Shirin Ebadi, winner of the 2003 Nobel Peace Prize, and other authors, Mr. Pitsuwan called on participants to promote this sense of belonging and the spiritual growth of our human specie.

11. During the discussion that followed, participants emphasized that both political will and public awareness were needed for good governance. Participants shared practical examples. Bhutan's development goals, for example, envisage a balance between spiritual and material enhancement. The example of the New Partnership for Africa's Development (NEPAD) and its associated African Peer Review Mechanism, allowing Governments to be evaluated by their peers, was also mentioned. It was also noted, however, that electoral democracies had not always provided well-being for populations, as illustrated in a recent UNDP report on democracy in Latin America. The failure of States to understand democracy as a means of enhancing people's lives had made the threat of the return of non-democratic regimes in the region possible. The international community needed to take into account the situations of countries coming out of conflict that need assistance and know-how in order to establish good governance. One participant noted that good governance might be used to avoid talking explicitly about human rights.

12. The High Commissioner, responding to these comments, stressed that neither democracy nor good governance could be understood without a moral component; they were not just "mechanics", but had to be infused with the values of fairness, equality, the importance of economic and social rights, and equal delivery of, and access to, public services to all.

III. PROMOTION OF THE RULE OF LAW

13. Justice Michael Kirby moderated the first thematic panel discussion and also provided expert comments. The first presentation was that of Mr. Choi Young-Jun on the efforts of the National Human Rights Commission of Korea to better protect the human rights of migrant workers. Mr. Cristián Correa Montt provided lessons from the programme of reparation and comprehensive care in the fields of health and human rights.

14. Mr. Choi Young-Jun introduced the National Human Rights Commission of Korea. Established in November 2001, it was an independent organization based on the Paris Principles, with an annual budget of US\$ 17 million and a staff of 200. It could investigate human rights violations and has the power to offer remedies. It could also provide policy recommendations to Government. A recent successful example of such a recommendation was the case of human rights protection of migrant workers. Migrant workers in the Republic of Korea were mostly employed in low-wage, sweatshop jobs. Over 80 per cent of the estimated 340,000 migrant workers were said to be illegal residents. Several factors contributed to an increase in the number of illegal migrant workers: demands for cheap labour, unauthorized recruiting agencies and faults in the Industrial Trainee Programme. Illegal status exposed migrant workers to exploitation by employers and human rights violations, such as insults, beatings, unlawful confinement, racial discrimination and sexual harassment, as well as sexual violence. In August 2002, the National Human Rights Commission presented its first recommendation on this

subject to Government. It was rejected, on the grounds of unsubstantiated claims and insufficient data. A second recommendation was presented in February 2003, based on a nationwide survey and research which analysed the conditions of migrant workers, using international human rights standards as the framework for analysis. The Commission recommended the introduction of an employment permit programme to replace the controversial Industrial Trainee System; applying the same level of wages, labour standards and insurance schemes as for national workers; granting the same legal rights as nationals; a complete overhaul of the Arts and Entertainment Visa Programme; and providing basic human rights information. As a result of the recommendation, the Act on the Foreign Workers Employment was passed in August 2003. It includes implementation of the Employment Permit System in parallel with the Industrial Trainee System; legal rights equal to those of national workers, including wages and insurance coverage; and an additional two-year work permit for some categories of foreign workers. About 200,000 illegal migrant workers earned legitimate visa status and a considerable number of human rights violations were resolved and restricted by law.

15. Mr. Correa Montt presented lessons from the Chilean initiatives to provide reparations to the victims of human rights violations, particularly from the Programme of Reparation and Comprehensive Care in the Fields of Health and Human Rights. During the 1973-1990 dictatorship, thousands of Chileans were arbitrarily arrested, tortured, kidnapped, disappeared or executed for political reasons, and many others lost their jobs in government agencies and public companies, lost their agrarian reform benefits, or went into exile. A number of policies had been implemented since the return of democracy, including reparations for the relatives of victims of enforced disappearances, political executions and deaths owing to political violence, and reparations for victims of torture (a commission was to submit its report in November 2004). A process for acknowledging the truth and obtaining justice, which included a Truth and Reconciliation Commission and a Round Table Dialogue on Human Rights with the Armed Forces, had also been established. It had taken several years to implement these initiatives, some of which required new laws or complex processes that delayed reparation for victims. The Programme of Reparation and Comprehensive Care in the Field of Health and Human Rights of the Ministry of Health sought to contribute to the physical, psychological and social rehabilitation needed and provided free mental, physical and social assistance, with a special focus on mental health, to the victims and relatives of victims. It was supported by specialized teams sensitized and experienced in treating victims of human rights abuses. The programme started right after the return of democracy and its flexibility allowed victims to receive reparation while more comprehensive policies were developed and implemented. The programme had benefited some 180,000 persons, either direct victims or relatives. Services were valued by victims: they were seen as flexible and accessible and provided a framework for people to acknowledge their common condition as victims. Challenges included poor funding, the need to provide for specialized assistance according to different victims' needs, quality problems of the national health-care system and the need for official and public recognition of the victims, which would be addressed through the publication of the report of the Commission on Political Imprisonment and Torture.

16. Justice Kirby underlined the need for human rights education to start when people were young and in particular, for judges to be educated in international human rights law. In his view, courts needed at times to take courageous decisions that demonstrated justice, going beyond upholding the rule of law as a rigid concept involving enforcement of law, whatever its content, particularly in view of the demands for protection by especially vulnerable or unpopular

minorities. However, human rights could not be left to judges and lawyers; the spirit of human rights must pervade the community, finding expression in a questioning civil society and in informed citizens. In addition, he proposed the institutionalization of law reform as a way of avoiding the corruption arising from unjust laws. Justice Kirby also stressed the universal character of human rights, their current influence on national courts being supported by the demands of globalization. In his view, implementing universal norms required a particular effort to respect culture diversity.

17. During the discussions, the need for both independent and properly funded human rights institutions was underlined. Appointing eminent persons as leaders was seen as a means of underlining the legitimacy of such institutions. Their work was an important complement to the work of the courts and the executive. The need for adequate resources for a functioning legal and judicial system with competent and independent personnel of integrity was equally underlined. However, democracy and the rule of law required not just institutions, but also ethics, equity and a culture of legitimacy as opposed to simple legality, since what was legal was not always legitimate. A call was therefore made to shape domestic law according to international human rights and to strengthen the credibility of the judiciary and other key institutions in order to generate the trust of the citizenry in the rule of law. International and regional human rights mechanisms played an important role in that regard. Several obstacles were identified to achieving the rule of law, including impunity for human rights violations committed by non-State actors and the lack of resources and insufficient international assistance, especially in post-conflict situations. The important role of international non-governmental organizations in this context, as well as that of international cooperation for addressing problems of a transnational nature (i.e. trafficking), was also noted.

18. Lessons learned from the practices presented during this session included:

- Good governance for the promotion of human rights requires a focus on the most vulnerable (e.g. the psychologically damaged, children). Non-nationals are part of the human rights framework (e.g. illegal migrants, trafficked persons);
- National human rights institutions need to be both independent watchdogs and act as partners of Government in order to effect change. They need objective research and data collection to influence policy and to use international norms to analyse and resolve domestic human rights problems;
- Capacity-building and institutional reforms are required. Local law reform is central, especially when domestic laws are unjust. Leadership and the quality of the judiciary are important. Judicial personnel need to be educated in human rights;
- It is important to face up to the past: truth is part of a process of social recovery, but it is possible and important to care for victims of human rights abuses even when a political transition is under way. Here, health can serve as an entry point for human rights;
- International collaboration and assistance (financial or technical, from both Governments and non-governmental organizations) is often needed.

IV. STRENGTHENING THE DELIVERY OF SERVICES CONTRIBUTING TO THE REALIZATION OF HUMAN RIGHTS

19. Ms. Rosslyn Noonan moderated the second thematic panel discussion and also provided expert comments. Mr. Ivan Fernandez described the role played by the Ecuadorian Social Front in increasing transparency and social spending in public budgets. Ms. Namirembe Bitamazire presented a programme of alternative basic education for pastoralists.

20. Mr. Fernandez presented the work of the Social Front, a strategic alliance between civil society, the Ministry of Economics and Finance and the United Nations Children Fund (UNICEF) in Ecuador, to increase social spending in public budgets. A number of serious political, financial and macroeconomic crises during the late 1990s had resulted in high levels of poverty, inequality and exclusion, especially of Afro-descendants and indigenous peoples. The negative impact on the most vulnerable was aggravated by a particularly sharp decrease in social expenditure of around 25 per cent. This was due in part to the lack of transparency and poor civil society participation in the budget process. The situation had been reversed in recent years. A basic social agenda had been adopted, with five main components: social support networks (conditional cash transfers and subsidies); programmes targeted at vulnerable segments of the population (e.g. children); plans for the provision of education and health services for all; plans for job creation and micro-financing; and a common component on the protection of social expenditure. A process of public social expenditure transparency had also been implemented, covering the stages of budget formulation, expenditure follow-up and evaluation. The result had been increased social spending across a range of programmes and increased transparency. That had included, for example: relevant line ministries preparing a negotiation strategy for discussing the budget allocations with the Ministry of Economics and Finance; dialogues with Congress, civil society, the mass media and donors; quarterly independent monitoring of overall expenditure and priority programmes; better information flow with disaggregated data; and technical assistance to strengthen institutional capacity. Remaining challenges included: a better integration of economic and social policies in the budget process; further improving the quantity and quality of social expenditure; further strengthening the information culture; improving partnerships to reach vulnerable populations; addressing corruption and maladministration; and further the understanding of public expenditure as a way of reducing poverty and inequality and realizing human rights. He assessed that change had been achieved by transforming the institutional culture to make the Ministry of Economics and Finance more responsive and involved in dialogue so that national resources were best used to achieve social justice. Thus, the realization of economic and social rights was seen as the objective of a reform involving complex institutional processes.

21. Ms. Bitamazire presented a programme that provided alternative basic education for Karamoja (ABEK) in Uganda. The Karimojong were a semi-nomadic pastoralist people living in north-east Uganda, a region affected by conflict and characterized by poor social indicators, including low school attendance and very low literacy levels (12 per cent for men and 6 per cent for women). The Karimojong rejected the existing formal education system for various reasons, partly associated with colonialism, but looked upon it as incompatible with the need for children to participate in the household work and irrelevant to the survival needs of the community. Attitudinal change and a strategy appropriate for the Karimojongs' livelihoods were therefore needed to guarantee the right to education of Karimojong children, as provided by the Ugandan Constitution. After negotiation with elders, the Ministry for Karimojong Affairs started a

programme in 1998 with: flexible times (early mornings and late evenings), to allow children to perform their community tasks (fetching water and caring for animals); a practical and relevant curriculum (including issues such as livestock raising and crop management); facilitators drawn from communities; and “learning centres” established near settlements. ABEK resulted in enthusiasm for education, high girl child enrolment, improved youth literacy rates, improved relations between the community and the centres, and locally trained teachers. Also, elders benefited from ABEK, as they too visited the learning centres. Another incentive to attend classes was the provision of meals by the World Food Programme. Remaining challenges included: better coverage, increasing the still low enrolment rates, improving the learning environment and young children attending the learning centres with their older siblings. The aim was to scale up the programme, mainstream it in the Ministry of Education and established better linkages between ABEK and the formal education system. Ms. Bitamazire concluded by noting that a culturally appropriate curriculum was important for promoting the economic and cultural survival of communities.

22. Ms. Noonan noted, inter alia, that the realization of human rights, and particularly economic, social and cultural rights, required efficient and effective government structures able to deliver required services. She further noted that it was the responsibility of the State to ensure service availability and accessibility to all, in particular the vulnerable and marginalized groups of society.

23. During the discussions, it was noted that realizing economic, social and cultural rights required breaking an institutional culture where social policy was subordinated to economic policy. Thus, the need to protect social expenditures was emphasized, particularly during crises. Strengthening human rights in service delivery implied considering people as actors in their own development and not just beneficiaries of policies, which required developing mechanisms for stronger accountability. The importance of “good” local governance and decentralization were also underlined. It was recognized that the implementation of human rights at times implied transforming deeply rooted social beliefs, and that this could be done through a strategy of progressive realization of rights which was adapted to local cultures. Also, local belief systems were not static and also evolved according to circumstances. Recognition of the indivisibility of human rights should also be a factor (e.g. the need to respect the right to play as well as the right to education). It was noted that the challenges to the realization of the right to education posed by ethnic diversity were not limited to one region, as demonstrated by the situation of the Roma in Europe.

24. Lessons learned from the practices presented included:

- A human rights-based approach to public policy and service delivery includes starting with an explicit identification of international and local standards, finding ways of translating them into practice (e.g. right to education) and adopting a holistic approach to implementation, for example looking at the whole set of children’s rights;
- Public expenditures, and particularly social expenditures, for realizing human rights need to be protected. When resources are limited, the focus should be on the most vulnerable, such as children;

- Public expenditure can be mobilized through transparent budget processes. Information can be very powerful, especially disaggregated data as part of a mobilization process targeted at reform, and made available for ordinary people;
- Human rights require the availability, accessibility and flexibility of services, including primary education. Education for all needs to be promoted based upon daily-life experiential learning. Programming targeted at acceptability and adaptability can be fostered by tapping into local resources and facilitators;
- Empowerment and self-determination require respecting the legitimacy of people's own knowledge. Participation should start with those who are directly affected and then be widened to include civil society. Strategic alliances need to be built between Government, non-governmental organizations and intergovernmental organizations. This can require partnerships with community leaders, including elders, and local non-governmental organizations.

V. STRENGTHENING DEMOCRATIC INSTITUTIONS AND PARTICIPATION

25. Mr. Jody Kollapen moderated the session and provided expert comments. Ms. Eva Josefsen discussed the inclusion of indigenous people in democratic institutions. Ms. Rose Shomali provided a case study of women's empowerment through participation and legislation.

26. Ms. Josefsen explained that the Sami Parliament (Sámediggi) had been established in 1989 to meet Sami claims of political rights and also Norway's international human rights obligations. Its ability to play an important role in safeguarding the culture of the Sami indigenous people in Norway resulted from the strong leadership of its first President; its origin as the outcome of civil disobedience activities by Sami activists in the 1970s and 1980s, which drew attention to their cause and required the Government of Norway to defend its international human rights reputation; as well as changes in international law regarding group rights, for example International Labour Organization Convention No. 169. It served as an advisory body to the Government of Norway and also had the authority to safeguard and manage the Sami cultural heritage. The Sámediggi had implementation powers in some policy-making areas, such as education in the Sami language and Sami handicraft. In other areas, the Sámediggi placed Sami issues on the public agenda, but depended on the Government's will to participate in its deliberations. An example was the Land Rights Act, which was prepared by the Government in 2003 to clarify and regulate Sami land rights without seeking the advice of the Sámediggi. Upon rejection of the Government's proposal at the Sámediggi, a cooperative structure was established between the Sámediggi and the Norwegian Parliament. However, the challenges of serving as both an advisory body and as a manager of Sami values were also noted. At the international level, the Sámediggi participated in United Nations meetings as part of the Norwegian delegation, a unique position for an indigenous people. The Sámediggi experience had taught two important lessons: domestic law reform was a slow and complex process; and the realization of indigenous rights was about recognizing the equality of cultures and not about taking power away from others. The Sámediggi also faced challenges: only 18 per cent of its representatives were women, and civil servants had little knowledge of and interest in Sami culture.

27. Ms. Shomali presented the activities of the Palestinian Women's Affairs Technical Committee (WATC), a coalition of women's organizations affiliated with different parties and research and legal centres, which aimed at increasing women's political representation and gender-sensitive legislation. Her message was that a national struggle should not be a substitute for a democratic struggle and the recognition of women's rights. WATC was established following the large demonstrations that took place in 1995 for more gender-sensitive laws and policies, against a background of low representation of women at the national and local level: the 1996 elections had brought only 5 women representatives into the Palestinian Council, and while elections for the local councils did not take place, advocacy campaigns by WATC had resulted in 56 women being appointed in the West Bank; local councils in Gaza had refused to have any women appointed. WATC had lobbied for an amendment to the electoral law to include a 20 per cent open quota for women, in addition to a 30 per cent open quota for the parties' lists. A proposal had also been submitted to the Palestinian Legislative Council to have a more gender-sensitive penal law. The Committee had also been successful in drafting and presenting to the Legislative Council a unified family law based on studies and advocacy, a particularly difficult task in light of the coexistence in Palestine of so many legal systems. WATC used many strategies and tools: working with the media to support its demands; undertaking community campaigns; building coalitions across civil society and not just the women's movement; training potential women candidates; and preparing manuals and guidelines, for example on gender-sensitive public policy decisions and legislation. Reform was made extremely difficult by the conflict situation, constraints on mobility, increased poverty and the influence of conservative parties. Progress made also included the creation of the new Ministry for Women's Affairs, in addition to women's units in other ministries. However, many constraints remained owing to the attitude towards women's role and participation, such as the scheduling of local council meetings at times when it was impossible for women to attend.

28. Mr. Kollapen noted the growth in the number of democracies during the last 20 years. Yet, democracies had not always yielded dividends in terms of well-being and ending conflicts, and the Gallup Millennium Survey in 2002 had indicated a global sense of disillusionment. That was no reason to reject democracy, but should deepen it, paying more attention to its qualitative dimensions and to issues such as participation, transparency, accountability and inclusiveness, acknowledging the progressive nature of the democratic process. Mr. Kollapen made a few remarks on the South African experience, which showed that democracy was more than elections, and required the separation of powers as well as respect for economic and social rights. A multicultural society needed to recognize diversity, such as the role of traditional leaders and healers. A participatory public culture was important. Under the Constitution, the National Assembly must facilitate public participation and needed to respect human rights standards. For example, as a result of submissions by the National Human Rights Commission and civil society hearings, Parliament had withdrawn a piece of anti-terrorism legislation. The Judicial Service Commission had an element of public participation and there was also access to information legislation that allowed citizens to obtain information relevant to the exercise of their rights.

29. Several issues were raised during the discussion. Democracy required checks and balances, as well as establishing strong institutional networks. Deepening democracy required dealing with inequality and poverty; quoting again the UNDP report on democracy in Latin America, it was proposed to add the concept of "social citizenry" to that of civil and political citizenry, referring to a minimum level of well-being. Conflict resolution could also strengthen participatory democracy, as demonstrated by the experience of several national

human rights institutions. Electoral reform was also important in order to democratize parties internally and address party corruption; a party system also lacked checks and balances when one party dominated. A call was made to reverse the trend in some countries towards considering good governance merely as a “technical issue” void of human rights. Human rights standards needed not just to be incorporated in policy-making but also in the operational procedures of the police and other agencies, which could be efficient and violate human rights at the same time. Human rights education should also be emphasized. Reference was made to the role of regional structures to strengthen democracy and a call was made to establish such structures where they were absent. Supranational bodies too should respond to public opinion. It was recalled that women’s rights were not yet recognized worldwide; in addition to quotas and affirmative action, more action was needed to transform patriarchal societies and ensure that women could fully take part in public life. Ethnic diversity and separatist movements posed a challenge to democracy. The Sami example showed, however, how nations and States could work together. Several examples were mentioned to illustrate these points.

30. Lessons learned from the cases presented included:

- Indigenous institutions can act as a voice for indigenous peoples, contribute to self-determination and group rights, and enable countries to meet their human rights obligations. Indigenous parliaments are an expression of democracy and represent respect for cultural diversity. They can influence the political agenda and act as a bridge between different parts of society, including State authorities. Questions of land and national resource rights and women’s representation in decision-making can pose challenges and need to be addressed;
- Democracy depends strongly on the absence of conflict, but addressing the struggle for women’s rights goes hand in hand with the struggle for self-determination - one is not a substitute for the other;
- Greater respect for women’s rights can be achieved through various means, for example, analysing the impact of cultural diversity and moving towards unified laws based on the international human rights framework addressing women’s participation (e.g. through quotas and other means) and changing mindsets, or establishing strategic alliances and networking between women’s groups and other actors, including the media, to advocate change;
- Democracy is not merely free and fair elections, but also includes other imperatives such as separation of powers, independent judiciary, human rights protection, transparency of political funding and quality personnel;
- Participation and diversity are central to democracy. Examples of good practice include creating a space for public dialogue; addressing cultural diversity through peaceful means and pluralistic mechanisms; enhancing access to public information; and/or promoting public participation in screening personnel, including judges.

VI. COMBATING CORRUPTION IN THE PUBLIC AND PRIVATE SECTORS

31. The session was moderated by Mr. Marek Ostrowski. The first panellist, Mr. Vijay Nagaraj, described the work of Mazdoor Kisan Shakti Sangathan (MKSS) in realizing the right to information. Justice Emmanuel Okello O'Kubasu examined reforms to eliminate corruption in the judiciary. Mr. Peter Rooke provided expert comments.

32. Mr. Nagaraj introduced MKSS, a people's organization from Rajasthan, India, which had campaigned on a number of issues, including local government accountability. He underlined that there was a clear link between corruption and human rights: the abuse of power, office or privilege could undermine the right to equality and non-discrimination and was a threat to the livelihood and survival of the poor. Money intended for development projects or public works wages could be siphoned off, or subsidized food grains or medicines illegally diverted to the open market. The battle for local transparency waged by MKSS was based on the principle "our money, our accounts". It demanded access to bills, vouchers, receipts, approvals, evaluations and audited accounts from local governments to see how public money had been spent, and, at first, access to such documents, considered protected under the Official Secrets Act, was refused. Public hearings (during which information provided in official documents was verified) were an exercise in accountability, "moving from subjects to citizens, recipients to actors, from democratic form to action". They had resulted in an altered balance of power, forced officials and elected representatives to explain themselves, and led to tangible outcomes: return of embezzled money, completed projects, improved services, and administrative or legal sanctions. Nationally, a "right to know" campaign was pushing for legislation and greater transparency. Since 1996 legislation had been passed in seven States and a national bill was passed by Parliament in 2003. Transparency was, however, only a step towards informed participation in decision-making processes. Demanding accountability meant asserting equality, which was not easily granted because corruption was about power. It was also not just about poor governance, but about people being excluded from governance. A key question was who defined the "good" in good governance: it should be the people themselves. Transparency needed to also apply to non-governmental organizations and private bodies and to be part of personal life. More generally, corruption also affected decision-making in all countries, for example when corporations funded political parties or judicial training.

33. Justice O'Kubasu in his presentation underlined the need to balance human rights, the rule of law and good governance when dealing with corruption. Kenya's new Government was committed to combating corruption, including in the judiciary. A Committee on Reform and Development of the Judiciary had been appointed by the new Chief Justice. Its Sub-Committee on Integrity and Anti-Corruption had identified 23 out of a total of some 60 judges and 82 magistrates as being corrupt, and the standard procedure for removing judges from office was bypassed. The new method adopted in Kenya might not meet human rights standards: some judges resigned, others were suspended awaiting investigation by the tribunals and still others retired, and the tribunals established to deal with those cases had still not reached decisions. In addition, the Government wanted the trials to be held in camera. In a case that was tried in public, the accused judge was perceived to be innocent owing to a lack of evidence against him. There had been some recommendations for reforms to improve the performance of the judiciary and deal with corruption, including fixed terms of service, merit-based promotion, better staff supervision and improving the working environment. Strengthening judicial independence was a

priority, and at present the judiciary was moving towards receiving its own funding from the consolidated funds rather than via the executive. Steps taken towards the judiciary had been drastic and painful, as judges could not defend themselves. However, Transparency International results for 2004 ranked the judiciary as one of the most improved organizations.

34. Mr. Rooke argued that corruption caused and facilitated human rights abuses and was an enemy of good governance. What was required to combat corruption was a holistic approach to enhance transparency, accountability, political will, public awareness and participation of non-State actors. He drew attention to progress in placing corruption on the global agenda since the establishment of Transparency International 10 years previously, setting the challenge now at the implementation level. The adoption of the United Nations Convention against Corruption in 2004 constituted a broad agenda for prevention and enforcement at the national and international levels. He also underlined the tenth principle added to the United Nations Global Compact in June 2004: "Business should combat corruption in all its forms, including extortion and bribery", which addressed the crucial role of businesses and professional organizations in the fight against corruption.

35. Mr. Rooke provided comments on the practices presented and concluded with the following key messages:

- There is a clear link between human rights abuses and corruption;
- The United Nations Convention against Corruption needs to enter into force as soon as possible, followed by effective implementation;
- The rule of law and human rights must be respected in the prevention of corruption and the enforcement of anti-corruption laws;
- Anti-corruption strategies must make adequate provision for the participation of non-governmental actors and must empower them;
- Public interest disclosures, witnesses and experts in corruption cases must be protected;
- Bribe payers as well as bribe takers must be penalized;
- Improved transparency and integrity of the political process is needed to re-establish confidence in democracy.

36. During the discussion, reference was made to other bilateral and international initiatives to combat corruption, such as the Seoul Plan of Action, bilateral development assistance frameworks, the commitment of the Group of Eight (G-8) to deny safe haven to corrupt officials, and the work of regional mechanisms. Key actors also included auditors and the media. Sometimes, corruption was linked to salaries being too low or policies unrealistic. For example, one of the reasons why the New Zealand police are seen to be less corrupt than in other similar countries was their relatively higher salaries. Indicators could be useful, in particular starting with public perception surveys to inform policy development and raise awareness. In order to

provide culturally appropriate solutions, legal answers might not be enough and public discussions might be needed. Confidentiality in corruption cases might also need to be protected.

37. The moderator, Mr. Ostrowski, noted that new laws might not always be the answer to corruption. Existing laws could be used and judges could be influenced by their society and by international human rights norms. He referred to arrangements for funding the media as a new challenge threatening their independence. He reaffirmed the importance of the United Nations Convention, but reminded participants that some had wanted to go much further, for example the Paris Declaration supported by famous anti-corruption judges.

38. Lessons learned from the cases presented included:

- Corruption has multiple negative impacts on human rights (e.g. discrimination);
- Transparency can be achieved through a variety of means (e.g. social audits, public hearings). It can lead to remedies, such as monies being returned. The right to information can also have “multiplier effects” beyond corruption;
- The problem is not simply “poor” governance, but the poor being excluded from governance;
- Specialized agencies such as anti-corruption commissions are an entry point to tackling corruption. However, the crucial role played by an independent and effective judiciary should be underlined;
- Due process is important when dealing with corruption, respecting the human rights framework.

VII. CONCLUSIONS

A. Actions for the future

39. This session was moderated by Mr. Park Kyung-seo. He noted that good governance had long been considered present as long as there was growth, but that the 1997 financial crisis led to the realization that justice, peace and human rights were part of good governance. He also stressed the need to build on the enthusiasm created during the seminar and focus on future commitments.

40. Proposed follow-up activities included:

- To present the present conclusions to the United Nations Commission on Human Rights and further disseminate them nationally and internationally;
- To encourage States, international organizations and other actors to integrate the recommendations of the seminar into their work;
- To take stock of and compile practices illustrating the relationship between good governance and human rights;

- To prepare a list of indicative ideas and practices that could be consulted by interested States;
- To examine the approaches to good governance adopted by various international agencies and how they promote human rights;
- To use the next session of the Commission on Human Rights to deepen the concept and the attention to the issue;
- To convene expert seminars on specific governance topics with a view to supporting their conceptualization;
- To promote greater cooperation among the main actors of the human rights system, such as the branches of the State, national human rights institutions and civil society, and better understanding of their relationships as a way of achieving the effective implementation of human rights norms;
- To further develop the understanding and consolidate the role of national human rights institutions in developing and implementing good governance at the national level;
- To further recognize the importance of and increase international cooperation for good governance;
- To recognize that obstacles to good governance are profoundly diverse, that there is no “one-size-fits-all” governance model, and that good governance begins at home;
- To take into account unequal levels of development in further developing good governance frameworks;
- To recognize that good governance requires rule of law, accountability, transparency, democracy and human rights;
- To mainstream good governance into the human rights discussion.

B. Chairperson’s statement

General observations

41. Many participants emphasized that there was a mutually reinforcing relationship between good governance and human rights and that there was no exhaustive definition of the notion of good governance. However, common elements could be identified:

- Participation
- Accountability
- Transparency

- (State) responsibility
- Accessibility, in particular to marginalized groups.

42. In the relationship between good governance and human rights, there was at present inadequate attention paid to various issues, particularly regarding gender equality and cultural diversity. There was a need to go beyond the ratification of human rights treaties and to integrate human rights effectively in State policy and practice. This is compounded by a growing sense of insecurity in which, without the required respect for human rights, “the ends justify the means”.

43. There are key linkages between good governance, human rights, poverty reduction and inequalities. The experience of the New Partnership for Africa’s Development (NEPAD) and its peer review mechanism was referred to as part of good governance for the promotion of human rights. In addition, it was noted that democracy was not simply formalistic (for example, elections), but that the credibility of democracy depended on an effective response to people’s well-being.

44. Conflict and post-conflict settings posed a particular challenge to good governance; affected countries called on the international community to help provide the know-how to implement good governance for human rights. Good governance also needed to aim for justice. While the element of the rule of law was extremely important as part of good governance for the promotion of human rights, that element should not merely imply respect for national law, but rather for law which was consistent with the international human rights framework, with channels to promote justice.

45. A major concern was corruption. It was an abuse of human rights and undermined democracy. There was a need to address its causes and consequences. Some national laws were already available to fight the practice and they needed to be implemented more effectively. New international treaties had also emerged in recent years to promote international cooperation against corruption, such as the United Nations Convention against Transnational Organized Crime and the United Nations Convention against Corruption.

46. There was a need for greater awareness of good governance and its relationship to human rights, particularly from the perspective of political will and public participation and awareness. Mindsets had to be addressed, in particular regarding the lack of understanding of cultural diversity and of gender equality; the fact that there was no inherent conflict between nations and States and that they could be complementary; and action to address values, inclusivity and spiritual belonging. In addition, change took time and there should be long-term commitment to addressing these issues.

47. The seminar should endeavour to advance the notion of good governance for human rights substantively by avoiding a technocratic approach; it should encourage the integration of fairness, equality, non-discrimination and the indivisibility of all human rights in the setting of good governance.

Case studies

48. Various case studies were presented and provided a rich panoply of experiences, complemented by many insightful comments from seminar participants. The case study presenters, expert comments, and their central components were as follows:

- **Promotion of the rule of law**
 - The National Human Rights Commission of the Republic of Korea on ensuring the implementation of international human rights norms in relation to migrant workers;
 - The National Commission on Political Imprisonment and Torture of Chile on reparations for human rights violations;
 - The High Court of Australia on the relationship between good governance for human rights and the rule of law.
- **Strengthening the delivery of services contributing to the realization of human rights**
 - The Social Front of Ecuador on increasing transparency and social spending in public budgets;
 - The Ministry for Primary Education of Uganda on universal primary education through alternative basic education for minorities;
 - The New Zealand Human Rights Commission on the relationship between good governance and strengthening the delivery of services for human rights.
- **Strengthening democratic institutions and participation**
 - The Sami Parliament of Norway on the inclusion of indigenous people in democratic institutions;
 - The Women's Affairs Technical Committee of Palestine on empowering women through participation and legislation;
 - The South African Human Rights Commission on the linkages between strengthening democratic institutions and human rights.
- **Combating corruption in the public and private sectors**
 - The people's movement MKSS of India on transparency and accountability through the right to information;
 - The Court of Appeal of Kenya on reforms to eliminate corruption in the judiciary;

- Transparency International and the Polish news magazine *Polityka* on the relationship between combating corruption and human rights.

Challenges

49. Subsequent discussions raised key challenges, in particular the following:
- **Legitimacy:** how to ensure that the rule of law is not rule by law and that it abides by international standards, including the quest for justice and equity?
 - **Accessibility:** how to guarantee access to and by beneficiaries, especially marginalized groups?
 - **Quality:** how to promote quality implementation of laws, policies and programmes, with relevant personnel?
 - **Plurality:** how to build a variety of mechanisms and processes as checks and balances against the abuse of power?
 - **Relevancy:** how to respond to cultural diversity, different value systems and ethnicity?
 - **Sensibility:** how to be victim-responsive and gender-sensitive?
 - **Inclusivity:** how to ensure inclusion and participation of all stakeholders, including members of civil society, indigenous people and minorities, while also guaranteeing the rights of non-nationals?
 - **Sustainability:** how to sustain availability of resources and share them equitably?
 - **Replicability:** how to scale up good programming and mainstream human rights at all levels?
 - **Accountability:** how to ensure transparency and responsibility against impunity?

Future actions

50. Conference participants underlined the following actions necessary for the future:
- **Stakeholders**
 - Protect the most vulnerable on the basis of non-discrimination by promoting accessibility to the rule of law and to services;
 - Promote “social citizenry” through the delivery of services effectively for all.

- **Responsible actors**

- Act against impunity for State/non-State actors, bearing in mind the sensitivity of conflict situations (such as through effective courts, truth and reconciliation commissions or national human rights institutions);
- Promote joint action between national and transnational actors, including the private sector.

- **Democracy and well-being**

- Establish democracy in non-democratic settings;
- Acknowledge that there are aspirations for democracy in poor communities;
- Address spreading disillusionment with democracy by ensuring the integrity of the democratic process and that dividends of democracy are translated into real social and economic improvements;
- Recognize that democracy is not simply about formal institutions and electoral processes, but requires the building of a culture of democracy, permeating all levels of society;
- Ensure that majority rule respects human rights, especially for minorities.

- **Institution-building**

- Explore the possibility for more quality-based national human rights protection systems and regional mechanisms;
- Build a variety of mechanisms as checks and balances against abuse of power;
- Improve formal law enforcement mechanisms;
- Establish less formal mechanisms and processes, such as national human rights institutions;
- Provide space for community watchdogs, including non-governmental and community-based organizations.

- **Laws, policies and programmes**

- Improve the quality of implementation through more incentives, in addition to pressures for accountability;
- Use existing laws effectively;

- Ratify and implement relevant treaties, including the United Nations Convention against Transnational Organized Crime and the United Nations Convention against Corruption;
- Promote public- and private-sector codes of ethics, self-regulation and transparent monitoring.

- **Processes**

- Foster greater participation of women and mainstream gender into institutions and policies at all levels, including in international agencies;
- Aim for participatory decision-making, benefit-sharing and evaluation, with more bottom-up initiatives;
- Mobilize civil society actors, involve the private sector and work with the media on ethical actions.

- **Mindsets**

- Promote educational programmes on human rights by integrating human rights into formal and non-formal education;
- Nurture gender sensitivity and ethnic diversity as part of a holistic approach.

- **Resources**

- Maintain budgets for social sectors;
- Reallocate resources to promote human rights effectively.

- **Monitoring/information:** use participatory tools targeted to reform, such as:

- Identification of compliance with international standards;
- Exposure of negative traditional practices;
- People's audits of service delivery;
- Community mapping and evaluation;
- Human rights indicators and research;
- Social impact assessments.

- **Capacity-building:** integrate human rights into State policy and practice at all levels, in particular:
 - To build the capacity of personnel, institutions and mechanisms through human rights training and curriculum development;
 - To improve the quality and fairness of law enforcement and service delivery, in addition to educating personnel on human rights;
 - To measure performance consistently;
 - To address the root causes and consequences of corruption, including through training of quality personnel, adequate pay, promotion of ethical conduct and relevant sanctions.
- **International/national cooperation**
 - Identify and document practical activities which are accessible and inclusive, and share experiences which may be replicable;
 - Promote interregional exchanges and activities (such as training);
 - Address good governance and human rights issues more concretely in supranational organizations (such as the role of public opinion in global policy-making);
 - Strengthen transnational cooperation and joint actions between civil society and the public and private sectors to counter crime in accordance with human rights standards, for example refusing safe havens to perpetrators of corruption and human rights violations.

Follow-up

51. Activities proposed by participants included:

- Encouraging States, international organizations and other actors to integrate the recommendations of the seminar into their work;
- Disseminating the conclusions of the seminar nationally and internationally;
- Taking stock of and compiling practices as illustrations of how to enhance the relationship between good governance and human rights;
- Examining the approaches to good governance adopted by various international agencies and how they promote human rights;
- Presenting these conclusions to the United Nations Commission on Human Rights.

C. Closing remarks

52. Speaking on behalf of the High Commissioner for Human Rights, Ms. Maria-Luisa Silva thanked participants, organizers and interpreters, and informed them that OHCHR would present a report on the seminar to the next session of the Commission on Human Rights, and compile practices in a publication. Ms. Degryse-Blateau requested participants to send in, by September 2005, five key points to assess the usefulness of the seminar and identify what implementation steps had been taken. In his concluding remarks, the Chair noted that creativity, flexibility and levers were required at first to contribute to good governance for the promotion of human rights. Sustainable participation was then needed to combat corruption and accommodate different points of view, as well as education, and, finally, the enthusiasm of all actors in the field of good governance was an essential ingredient. He thanked participants and organizers and closed the seminar.

Annex I

AGENDA

Wednesday, 15 September

Morning: 08.30-12.00

08.30-09.00 **Registration** of participants and distribution of documents

09.00-10.45 **Opening session:**

- Opening remarks by the chairperson *Mr. Lee Sun-jin* (Republic of Korea), Deputy Minister for Policy Planning and International Organizations, Ministry of Foreign Affairs and Trade
- Welcome addresses by:
 - *H.E. Mr. Ban Ki-moon*, Minister of Foreign Affairs and Trade, Republic of Korea
 - *Ms. Louise Arbour*, United Nations High Commissioner for Human Rights
 - *Ms. Anne-Isabelle Degryse-Blateau*, United Nations Development Programme Resident Representative in the Republic of Korea
- Key-note speech by *Mr. Surin Pitsuwan*, Former Minister of Foreign Affairs of Thailand: Good governance and the promotion and protection of human rights.

10.45-11.00 Break

11.00-12.00 **Panel 1: Promotion of the rule of law**

The practices discussed under this Panel will highlight the role of national human rights institutions in ensuring universal implementation of international human rights norms. They will also highlight the importance of legislation and other measures aimed at the reparation of human rights violations. Two examples will be presented under this panel from Latin America and Asia.

Panellist 1: Mr. Choi Young-jun (Republic of Korea), Special Adviser at the Policy Bureau, National Human Rights Commission of Korea: Ensuring implementation of international human rights norms

Panellist 2: Mr. Cristián Correa Montt (Chile), Secretary Lawyer of the National Commission on Political Imprisonment and Torture: Reparation for human rights violations

Expert-Moderator: Justice Michael Kirby (Australia), Justice at the High Court of Australia will comment on the practice presented and expand on the relationship between good governance for human rights and the rule of law.

12.00-14.00 **Lunch:** Hosted by the Minister of Justice of the Republic of Korea

Wednesday 15 September

Afternoon: 14.00-18.30

14.00-15.15 **Panel 1:** Continued

15.15-15.30 Break

15.30-17.45 **Panel 2: Strengthening the delivery of services contributing to the realization of human rights**

The practices discussed under this panel will highlight the importance of adequate social expenditures for strengthening the delivery of services that contribute to the realization of human rights, as well as the need for public scrutiny and participation in the budgetary process. They will also highlight the need for innovative and efficient social programmes to reach the most vulnerable and excluded. Two examples will be presented under this panel from Latin America and Africa.

Panellist 1: Mr. Iván Fernández (Ecuador), Technical Secretary of Social Front of Ecuador: Increasing transparency and social spending in public budgets

Panellist 2: H.E. Ms. Namirembe Bitamazire (Uganda), Minister for Primary Education: Universal primary education through alternative basic education for minorities

Expert-Moderator: Ms. Rosslyn Noonan (New Zealand), Chairperson of the New Zealand Human Rights Commission: will comment on the practices presented and expand on the relationship between good governance for human rights and strengthening the delivery of services which contribute to the realization of human rights.

17.45-18.30 Sum-up of day 1

Reception Hosted by the Minister of Foreign Affairs and Trade of the Republic of Korea

Thursday 16 September

Morning: 9.00-12.00

09.00-10.00 **Panel 3: Strengthening democratic institutions and participation**

Practices presented under this panel will highlight the important role of democratic institutions, and particularly parliaments, for the realization of human rights. They will also highlight some innovative and effective measures undertaken to go beyond formal democracy and ensure the participation in the democratic systems of those marginalized and excluded, such as women and indigenous groups. Two practices will be presented under this panel from Western Europe and Middle East.

Panellist 1: Ms. Eva Josefsen (Norway), Researcher and former Member of the Sámi Parliament: Inclusion of indigenous people in democratic institutions

Panellist 2: Ms. Rose Shomali (Palestine), Director General, Women's Affairs Technical Committee: Empowering women through participation and legislation

Expert-Moderator: Mr. Jody Kollapen (South Africa), Chairperson of the South African Human Rights Commission: will comment on the practices and expand on the linkages between strengthening of democratic institutions and human rights.

10.00-10.15 Break

10.15-11.30 **Panel 3: Continued**

11.30-12.00 Sum-up of panel 3

12.00-14.00 **Lunch** Hosted by the President of the National Human Rights Commission of the Republic of Korea

Afternoon: 14.00-18.00

14.00-16.15 **Panel 4: Combating corruption in the public and private sectors**

Practices presented under this panel will show the importance of establishing cooperative relationships with civil society to effectively increase transparency and accountability and reduce corruption in the public sector. They will also focus on recent initiatives undertaken to combat corruption in the judiciary. Two practices will be presented under this panel from Asia and Africa.

Panellist 1: Mr. Vijay Nagaraj (India), Political activist working with the NGO MKSS: Preventing corruption: Transparency and accountability through the right to information

Panellist 2: Justice Emmanuel Okello O’Kubasu (Kenya), Justice at the Court of Appeal of Kenya: Reforms to eliminate corruption in the judiciary

Expert: Mr. Peter Rooke (UK) Regional Director for Asia-Pacific in Transparency International: will comment on the practices presented and expand on the relationship between combating corruption and the realization of human rights

Moderator: Mr. Marek Ostrowski (Poland), Head of the Foreign Affairs Division of the weekly news magazine “Polityka” (Poland).

16.15-16.30 Break

16.30-17.00 Sum-up of panel 4

17.00-17.45 Actions for the future

Moderator: Mr. Park Kyung-seo (Ambassador at large for Human Rights, Republic of Korea).

17.45-18.30 **Conclusions** and closing remarks

Annex II

LIST OF PARTICIPANTS

Member States

Afghanistan	Mr. Ahmad Zia Langari
Algeria	Mr. Mohamed El-Amine Ettayeb
Angola	Mr. Manuel Miguel Da Costa Aragao Ms. Leopoldina Barbour
Australia	Mr. John Von Doussa Mr. Steve Thom Ms. Amanda Gorely Mr. Geoffry Tooth Ms. Mary-Jane Liddicoat
Azerbaijan	Mr. Kamran Balayev
Bangladesh	Mr. Shameem MD. Shameem Akhter
Benin	Mr. Pierre Kouhevi Mr. Sonagnon Antoine Padonou Mr. Thierry Alia
Bhutan	Mr. Kuenlay Tshering
Brunei	Mr. Soekarddy Abdullah Sani
Cambodia	Ms. Kantha Phavi Ing
Canada	Ms. Monica Robson
Central African Republic	Mr. Thierry Maleyombo
Chile	Mr. Roberto Alvarez Mr. Gonzalo Alonso Figueroa
Comoros	Mr. Tchaké Said
Congo	Mr. Edouard Lufukutuimba Kabiena Kuluila
Costa Rica	Mr. Pedro Goyenaga Hernandez Mr. Rodolfo Solano Quirós
Egypt	Mr. Hamdy Shaaban Mohamed
Ethiopia	Mr. Abay Tekle Mr. Kassa Gebre Hiwot
Gambia	Elizabeth M.H. Harding

Germany	Mr. Ingo Lehnert
Guinea-Bissau	Mr. João Monteiro
Haiti	Mr. Monferrier Dorval
Indonesia	Mr. Muhammad Anshor Mr. Agus Badrul Jamal
Japan	Ms. Noriko Kobayashi Mr. Ikuhiko Ono
Kiribati	Ms. Pauline Beiatou
Kuwait	Mr. Naser Al-Hayen
Laos	Mr. Khamkheuang Bounteum
Lebanon	Mr. Karim Khalil
Madagascar	Mr. Henri Roger Ranaivoson
Malawi	Mr. Amani Mussa
Malaysia	Mr. Raja Saifful Raja Kamamddr
Mali	Mr. Abdoulaye Bane
Mauritania	Ms. Bamariam Köita
Mexico	Mr. Diaz Miguel Mr. Juan José Gómez Carnacho Mr. Rogelio Granguillhome Mr. Gerardo Sanchez
Morocco	Mr. Hassane Alaoui Mostefi
Myanmar	Mr. Aung Gyaw Thu Mr. U Kyaw
Nepal	Mr. Ganga Datta Awasthi
Norway	Ms. Sandra Vekve Verspoor
Pakistan	Mr. Ahmad Imtiaz
Philippines	Mr. Cueto Quintin III
Poland	Ms. Urszula Raznowiecka Mr. Tadeusz Chomicki
Qatar	Mr. Salem Rashid Al Meraikhi Mr. Hamad Ahmad Al Muhannadi

Republic of Korea	Mr. Young-wan Song Ms. Ji-ah Paik Mr. Ho-chul Kim Mr. Bum-soo Kwak Mr. Gyu-hong Lee Ms. Min-jung Park Mr. Taeak Rho Ms. Chin-sung Chung Mr. Seong-ji Woo Ms. Eun-Kyung Kim
Romania	Ms. Andreea Ioana Chiriac
Russia	Mr. Alexander Minaev
Samoa	Ms. Matagialofi Lua'iufi
Senegal	Mr. Ibrahima Mbaye
Solomon Islands	Mr. Barnabas Anga
South Africa	Ms. Xoliswa Sibeko Ms. Nogolide Feziwe Mr. Sizwe Caxton Sidloyi Mr. Tshepo Irvin Khasi
Sudan	Mr. Eltahir Bedawi Eltahir
Sweden	Ms. Annette Christina Ljungberg Ms. Kristina Hedlund Thulin Ms. Sophie Olsson
Tanzania	Ms. Catherine Harrieth Mbelwa Kivanda
Thailand	Ms. Wanrapee Kaosaard Mr. Charnchao Chaiyanukil Ms. Pitikarn Sithidej Ms. Kanchana Patarachoke Mr. Vongthep Arthakaivalvatee
Timor Leste	Mr. João Dos Reis Belo
Togo	Mr. Kossi N'Kpako Odie
Tunisia	Abdessalem Hetira Othman Jerandi Abdeljelil Ben Rabeh
Uganda	Mr. Nathan Chelimo

United States of America

Ms. Amy Mckee
Ms. Sasha Mehra
Mr. Michake Kleine

Vanuatu

Mr. Jean François Metmetsan

Yemen

Ms. Khaled Alyemany

Non-member States

Holy See

Mr. Seung-kyu Yang

United Nations bodies and specialized agencies

International Labour Organization

Mr. Tim De Meyer

United Nations Development Programme

Mr. Kul Zanofer Ismalebbe

European Union

Mr. John Sagar

National Human Rights Institutions

Human Rights Commission of Zambia

Ms. Pixie Kansonde Yangailo
Mr. Jonathan Mulunda Bowa

National Human Rights Commission of
Nepal

Mr. Sushil Pyakurel
Mr. Nayan Bahadur Khatri
Mr. Kedar Prasad Poudyal

Civil society

International Council of Women

Ms. Young-Hai Park

National Dalit Confederations

Mr. Harkaman Bishworkarma

Association for the Prevention of Torture

Mr. Mark Thomson
