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

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

Report of the Secretary-General*

* This report was submitted late owing to the date of the twelfth Workshop, on which the Secretary-General was requested to report.

Summary

In its resolution 2003/73, the Commission on Human Rights requested the Secretary-General to submit to the Commission at its sixtieth session a report containing the conclusions of the twelfth Workshop on Regional Cooperation for the Promotion and Protection of Human Rights in the Asian-Pacific Region, held in Doha from 2 to 4 March 2004, and information on the progress achieved in implementing the resolution.

The present report focuses on key elements of discussion during the twelfth Workshop held in Doha. The Workshop reviewed the four pillars under the Framework of Regional Technical Cooperation Programme for Asia and the Pacific (Tehran Framework) adopted in 1998, recent regional and subregional human rights initiatives as well as future directions for the Asia-Pacific Regional Framework.

Participants in the twelfth Workshop on Regional Cooperation for the Promotion and Protection of Human Rights reviewed progress achieved since the eleventh Workshop, held in Islamabad, and also reviewed two intersessional subregional workshops:

- Subregional Workshop for Judges and Lawyers on the Justiciability of Economic, Social and Cultural Rights in North-East Asia, held from 26 to 28 January 2004 (UlaanBaatar);
- Subregional Workshop on Human Rights Education in School Systems of the six States of the Gulf Cooperation Council (GCC), held from 15 to 19 February 2004 (Doha);

Participants in the twelfth Workshop also examined the following:

- A study on popular and non-formal human rights education in the Asia-Pacific region (February 2004);
- In-Country Training in Investigation Techniques for the Human Rights Commission of Sri Lanka, held from 8 to 12 November 2003 (Colombo);
- The report of the eighth annual meeting of the Asia-Pacific Forum of National Human Rights Institutions, held from 16 to 18 February 2004 (Kathmandu).

The conclusions of the twelfth Workshop on Regional Cooperation for the Promotion and Protection of Human Rights in the Asia-Pacific Region are attached as annex I to the report, and the 2004-2006 Programme of Action for the Asia-Pacific Framework on Regional Cooperation for the Promotion and Protection of Human Rights, as annex II. The conclusions of the Subregional Workshop for Judges and Lawyers on the Justiciability of Economic, Social and Cultural Rights in North-East Asia are attached as annex III and the conclusions of the Subregional Workshop on Human Rights Education in School Systems of the six States of the Gulf Cooperation Council (GCC) as annex IV.

CONTENTS

	<i>Paragraphs</i>	<i>Page</i>
Introduction	1 - 3	4
I. TWELFTH WORKSHOP ON REGIONAL COOPERATION FOR THE PROMOTION AND PROTECTION OF HUMAN RIGHTS IN THE ASIAN-PACIFIC REGION	4 - 6	4
II. REVIEW OF ACTIVITIES AT COUNTRY LEVEL RELATING TO THE FOUR PILLARS UNDER THE 1998 TEHRAN FRAMEWORK	7 - 28	5

Annexes

I. Conclusions of the twelfth Workshop on Regional Cooperation for the Promotion and Protection of Human Rights in the Asian-Pacific Region	10
II. 2004-2006 Programme of Action for the Asia-Pacific Framework on Regional Cooperation for the Promotion and Protection of Human Rights	18
III. Conclusions of the Subregional Workshop for Judges and Lawyers on the Justiciability of Economic, Social and Cultural Rights in North-East Asia, 26 to 28 January 2004 (UlaanBaatar)	21
IV. Conclusions of the Subregional Workshop on Human Rights Education in School Systems of the six States of the Gulf Cooperation Council (GCC), 15 to 19 February 2004 (Doha)	23

Introduction

1. This report has been prepared in accordance with Commission resolution 2003/73, in which the Secretary-General was requested to submit a report containing the conclusions of the twelfth Workshop of the Framework on Regional Cooperation for the Promotion and Protection of Human Rights in the Asian-Pacific Region and information on progress achieved in the implementation of the resolution.
2. Since the eleventh Workshop held in Islamabad from 25 to 27 February 2003, two intersessional subregional workshops were held: the Subregional Workshop for Judges and Lawyers on the Justiciability of Economic, Social and Cultural Rights in North-East Asia (from 26 to 28 January 2004, Ulaanbaatar); and the Subregional Workshop on Human Rights Education in School Systems of the six States of the Gulf Cooperation Council (GCC) (from 15 to 19 February 2004, Doha). The conclusions of both subregional workshops are annexed as annexes III and IV respectively in this report.
3. The main objective of the present report is to highlight key points made during the twelfth Workshop on Regional Cooperation for the Promotion and Protection of Human Rights in the Asia-Pacific Region (held from 2 to 4 March 2004 in Doha). With a view to reviewing the progress achieved since the eleventh Islamabad Workshop, the twelfth Doha Workshop took stock of activities undertaken under the 1998 Tehran Framework, namely (a) national human rights action plans; (b) national human rights institutions; (c) human rights education; and (d) the right to development and economic, social and cultural rights. The Workshop further discussed future directions. The Workshop adopted conclusions as well as a two-year programme of action for 2004 to 2006, which are annexed below as annex I and II, respectively. The Workshop was attended by 36 States, 16 national human rights institutions, 17 non-governmental organizations, and one inter-governmental organization.

I. TWELFTH WORKSHOP ON REGIONAL COOPERATION FOR THE PROMOTION AND PROTECTION OF HUMAN RIGHTS IN THE ASIAN-PACIFIC REGION

4. The twelfth Workshop was addressed at its opening by the Minister for State for Foreign Affairs of the State of Qatar, Ahmed bin Abdullah Al Mahmoud, and by the Acting United Nations High Commissioner for Human Rights, Bertrand Ramcharan.
5. Mr. Al Mahmoud, in his address, stressed the importance of human rights, without which man cannot carry out his mission as a thinker, worker, productive element and innovator, noting that such rights embodied a broad perception, including the provision of basic needs of life such as right to housing, freedom and decent living. He further stated that violence should not be used against man within the framework of a lawful system maintaining the political, economic, social and cultural rights as well as the rights of minorities.
6. The Acting High Commissioner stated that justice is the measure of the value of any political, legal or social system. He briefly reviewed the achievements made since 1998: three countries had adopted national human rights action plans, four countries had adopted national

human rights education plans, and eight countries had established national human rights commissions. He welcomed the recent establishment of a human rights committee in Qatar, which, he believed, would help build the foundations of human rights protection in Qatar. He stated that, in a report to the Commission on Human Rights, he had made a call for an international convention on human rights education to encourage States to consider provision of human rights education in schools.

II. REVIEW OF ACTIVITIES AT COUNTRY LEVEL RELATING TO THE FOUR PILLARS UNDER THE 1998 TEHRAN FRAMEWORK

A. National human rights action plans

7. The Workshop heard that the challenges which confront Governments in respect of national human rights action plans are as follows: (a) incorporation into national budgeting and development strategies; (b) ownership; (c) implementation responsibility; and (d) the role of national human rights action plans. The usefulness of a national human rights action plan was further highlighted: it provides a number of possibilities for important human rights action, being a tool for human rights awareness, a baseline study as a source of human rights information and analysis, a channel for participation, a coordination tool, and thus a means to promote the progressive realization of rights.

8. There was broad agreement that national human rights action plans (NHRAPs) are to be considered as a means to an end and not an end in itself; and that the preparation process of NHRAPs should be participatory in such a way that broad consultation with key stakeholders is conducted at the local and regional levels in a given country. The crucial role of national human rights institutions in the development, implementation and monitoring of NHRAP was also emphasized, as well as that of non-governmental organizations (NGOs) and public opinion.

9. With respect to the significance of NHRAPs, it was widely emphasized that they are useful in providing an overall framework for policies and objectives within a set time-frame. NHRAPs have introduced a more targeted planning in the context of human rights activities at the country level. They thus provide an instrument of coordination between Government and civil society organizations. The importance of evaluating the whole NHRAP process was also highlighted, which will help determine lessons learnt and best practices.

10. There was recognition that few NHRAPs had been launched since the World Conference on Human Rights, held in 1993 Vienna. It further stressed that OHCHR could do more publicity work by making its *Handbook on National Human Right Plans of Action* available as widely as possible and further make available a fact sheet with the basic guidelines or elements to be followed in the development of a national action plan at the country level. In this context, reference was made to the conclusions of an intersessional workshop in Bangkok on national human rights action plans, which contained some important elements for a national human rights action plan.

11. The Workshop also discussed the challenges in connection with planning and implementing national human rights action plans. They include, among others: (a) the size of the

country and especially the size of the population of some countries and the viability of such an action plan; (b) the possible situation of conflict or terrorist activities; and (c) the changes in government policy or priority with respect to national human rights action plan.

B. National human rights institutions

12. It was widely emphasized that this had been the most successful among the four pillars of the Teheran Framework. Since the World Conference on Human Rights, held in 1993 in Vienna, and the adoption of the Paris Principles by the General Assembly in its resolution 48/134 of 20 December 1993, a large number of national human rights institutions have been set up, which has contributed to strengthening the capacities of Member States to promote and protect human rights at the country level. As such, the creation of strong national human rights protection systems was made possible. National human rights institutions were often a bridge between Governments and civil society organizations in connection with the whole range of human rights issues linked to the ratification of human rights treaties, to the follow-up to recommendations of international human rights mechanisms, and to development of NHRAPs, and human rights education activities.

13. With respect to the status of national human rights institutions, it was noted that their status varies: some are constitutionally based or statutory bodies established by law, while others are committees that need to be brought fully into line with the Paris Principles. The institutions also differ in terms of mandated powers: some national human rights institutions have the power to investigate and subpoena, while others have more general promotion and protection functions.

14. It was highlighted that the issue of resources made available to national human rights institutions is crucial, for instance, for the small Pacific Island States. It was emphasized that national human rights institutions should find ways to tap into the broad funds available at the United Nations Country Team level, not least the assistance of OHCHR, including that of OHCHR geographic teams, regional representatives and field presences.

15. With respect to the role of national human rights institutions, it was emphasized that their ability to advise States on a range of human rights needs as well as to lobby on the question of human rights policies and priorities at country level must be strengthened. It also discussed the need to formalize the accreditation of national human rights institutions to the Commission on Human Rights as well as to the Economic and Social Council and its other subsidiary bodies.

16. The twelfth Workshop further recognized the important role played in the region by the Asia-Pacific Forum of National Human Rights Institutions, and stressed the need for newly established national human rights institutions to be able to rely, through the Forum, on the experience of other national human rights institutions so as to enhance the effectiveness of this crucial institution. The Workshop also expressed appreciation for the new policy directions within OHCHR to implement the Secretary-General's reform agenda, (see A/57/387 and Corr.1) under Action 2, and thus ensure better support to national human rights institutions at the international, regional and national levels.

C. Human rights education

17. There was clear recognition by all participants that human rights education was the first building block for the construction of solid foundations at the country level for the national human rights protection systems, which the Secretary-General has emphasized in his reform programme. The significance of national plans of action for human rights education was also stressed as well as the need for assessing the experiences related to national plans of action for human rights education, in order to develop some best practices and lessons learnt.

18. The important role that can be played by Governments, national human rights institutions, other State institutions, the school system, as well as universities, NGOs and the media, was clearly highlighted. So was the need for leadership on the part of OHCHR, UNESCO and other United Nations Country Team members, in order to support human rights education efforts, especially in rural areas. The crucial importance of incorporating human rights elements into the textbooks in primary and secondary schools, as well as at the university level, was emphasized as well as the need for OHCHR to make broadly available manuals and handbooks on human rights education in the various national languages.

19. Some key initiatives were proposed during the Workshop including: (a) the offer of the Government of the Philippines to host a training institute for human rights for the Asian-Pacific region to be affiliated with the Philippine National Human Rights Commission; and (b) the call by the Acting High Commissioner for an international convention on human rights education.

D. Right to development and economic, social and cultural rights

20. There was broad agreement with respect to the importance of this pillar of the Tehran Framework. The Workshop was reminded that a number of important recommendations had been made on this subject in previous workshops, including a workshop on the right to development and economic, social and cultural rights in Yemen in 2000 and a workshop on the impact of globalization on the realization of the right to development and economic, social and cultural rights in Malaysia in 2001.

21. The focus is now to be placed on implementation, keeping in mind various obstacles at the international and national levels, including the negative effects of globalization, national conditions and level of development, the possible existence of armed conflicts, responses to terrorist activities, the question of good governance, popular participation and the rule of law.

22. A number of specific initiatives were suggested by Member States and national institutions, which especially focus on poverty reduction and the implementation of the Millennium Development Goals. Proposals were made with respect to enhancing the links with the United Nations Country Teams in respect of their planning and programming cycles, which will serve as a basis for implementing the Secretary-General's reform programme (see A/57/387 and Corr.1, "Strengthening the United Nations: an agenda for further change").

23. At the same time, the Workshop recognized the importance of a rights-based approach to development, although some reservations were raised. The rights-based approach to development relies on good governance, since good governance ensures that both structures and

processes of public institutions conform to their explicit purposes. Human rights principles should be integrated in every stage of the development process. Good governance in human development means that people have a right to participate, on a basis of equality, in making the decisions that affect their rights. In this connection, it was noted that attention to vulnerable groups is important. The overarching principle of the rights-based approach is empowerment.

E. Recent developments concerning regional and subregional initiatives

24. The Workshop was briefed on recent human rights initiatives in the Asia-Pacific region. These include: (a) the United Nations supported regional process; (b) the Asia-Pacific Forum of National Human Rights Institutions; and (c) subregional initiatives.

25. In respect of the United Nations supported regional process, the annual workshops of the Framework on Regional Cooperation for the Promotion and Protection of Human Rights in the Asia-Pacific Region, as well as its two-year programmes of action, were reviewed. It was noted that the process has been adjusted gradually to make activities more relevant to the region. In 2000, the implementation of the Tehran Framework was evaluated, and one of the recommendations from the evaluation was the call for a regional presence of OHCHR. This led to the appointment of a regional representative of OHCHR based in Bangkok and another based in Beirut. An offshoot of this regional presence is that OHCHR officers/advisers have been appointed to cover the national setting, particularly in Nepal and Sri Lanka. The impact of this presence has meant that OHCHR is more accessible directly to local groups and is more attuned to the regional and national settings. The representatives/officers/advisers also help to build the capacity to respond to human rights issues, e.g. field visits to troubled spots and facilitation of investigations.

26. In relation to the Asia-Pacific Forum of National Human Rights Institutions, it was noted that the Forum is an important arrangement to network and build capacity in the Asia-Pacific region. In addition, Forum members provide peer support and there have been exchange programmes, training activities and staff visits between them. More significantly, the Forum has established a mechanism to provide advice on key human rights concerns. The mechanism is in the form of an advisory council of jurists, with each forum member nominating a key jurist from the country as a member of the Council.

27. With respect to subregional initiatives, the following initiatives were mentioned: (a) the Governments of the Member States of the League of Arab States adopted the Arab Charter of Human Rights in 1994. It is the only treaty of its kind in the Asian region. The Permanent Human Rights Committee of the League of Arab States (LAS) has adopted recommendations of an Arab Expert Group convened by the Office of the United Nations High Commissioner for Human Rights for modernizing the Arab Charter of Human Rights. The new draft will be presented to the Arab Summit in Tunis in March 2004, after consideration by the LAS Council of (foreign) ministers earlier the same month; (b) a more targeted approach has been adopted in the South Asian region. In 2002, the main intergovernmental organization in South Asia, the South Asian Association for Regional Cooperation (SAARC) adopted two treaties bearing on human rights. The first treaty was the SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution, and the second was the SAARC Convention on Regional Arrangements for the Promotion of Child Welfare in South Asia. The

SAARC region also adopted in early 2004 the Additional Protocol to the SAARC Regional Convention on Suppression of Terrorism, which reinforces the SAARC Convention of 1997. It criminalizes the provision and collection of funds for the purpose of terrorist acts, and promotes inter-country cooperation against terrorism. It was further noted that the Protocol and its Convention should be implemented in a balanced manner to ensure that human rights are respected in the process; and (c) since 1993, ASEAN has referred to the possibility of establishing a human rights mechanism. A Working Group for an ASEAN Human Rights Mechanism was set up and made suggestions concerning the shape and form of a potential ASEAN mechanism. In 2000, the Working Group submitted to the ASEAN Governments the draft of a possible agreement to establish an ASEAN Human Rights Commission.

F. Next steps

28. The conclusions of the Workshop and the 2004-2006 programme of action contained a number of important initiatives and proposals, including that: the need for adjusting the current pattern of annual workshops linked with the four pillars was emphasized. It was therefore proposed that a possible change is to have a thematic discussion as an additional element of the annual workshops; the Workshop was called upon to consider an international convention on human rights education. The establishment of a training institute for human rights for the Asian-Pacific region to be affiliated with the Commission on Human Rights of the Philippines was proposed; The Workshop recognized that the Pacific island States are currently faced with both financial and human constraints when it comes to promoting and protecting human rights. The Workshop therefore called upon OHCHR to provide technical assistance, capacity building and training through the posting of a subregional representative in Fiji; A workshop on the sharing of best practices and methodologies of national human rights action plans and human rights education in Bangkok in 2004 was proposed; There was a proposal that the *Handbook on National Human Rights Plans of Action* of OHCHR be revised in order to include updated material from country experiences, as well as a more detailed technical methodology; It was proposed that a fact sheet on human rights action plans be developed, which allows for adaptation to various countries; A subregional workshop for Islamic countries, national human rights institutions and NGOs of the region on the evaluation of achievements of human rights education was proposed; Finally, a number of training workshops on accession and treaty reporting in cooperation with national human rights institutions and civil society were also proposed.

ANNEXES

Annex I

Conclusions of the twelfth workshop on regional cooperation for the promotion and protection of human rights in the Asian-Pacific region (Doha, 2-4 March 2004)

The representatives of Governments of the Asian-Pacific region attending the twelfth Workshop on Regional Cooperation for the Promotion and Protection of Human Rights in the Asian and Pacific Region, held in Doha from 2 to 4 March 2004,

Appreciating the participation of representatives of national human rights institutions, intergovernmental and non-governmental organizations and United Nations agencies as observers in the Workshop,

Recalling the important contributions made and recommendations and conclusions adopted by previous workshops, in particular the eleventh Workshop held in 2003 in Islamabad and the intersessional workshops in the areas identified under the Tehran Framework for Regional Technical Cooperation,

Reaffirming the universality, indivisibility, interdependence and interrelatedness of all human rights - civil, cultural, economic, political and social - and the right to development,

Reaffirming that the primary focus for the promotion and protection of human rights is at the national level and that therefore it is the primary responsibility of States to ensure that human rights are promoted and protected,

Mindful of the vastness of, and diversities within, the Asian and Pacific region,

Recalling United Nations General Assembly resolution 57/300 of 20 December 2002, entitled "Strengthening the United Nations: an agenda for further change," which, inter alia, takes note of the proposal of the Secretary-General to develop and present plans for strengthening inter-agency coordination in respect of human rights technical assistance, which are carried out at the country level, at the request of interested countries,

Encouraging United Nations country teams, acting within the existing mandate, to support the implementation of activities at country level under the Tehran Framework and the strengthening of national human rights capacities, at the request of interested countries,

Committed to enhancing subregional, regional and international cooperation to promote universal respect for, and observance of, human rights and fundamental freedoms, in conformity with international obligations,

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

Having reviewed progress achieved so far in implementing the Framework for Regional Cooperation in the Asian-Pacific Region, concerned about the limited resources available to the Office of the United Nations High Commissioner for Human Rights and reaffirming the importance of technical cooperation and the role Member States can play to support the activities of the Office,

Taking note of the current initiatives taken by the countries of the region, including by the League of Arab States, the Association of South-East Asian Nations and the South Asian Association for Regional Cooperation, for the strengthening and development of regional or subregional endeavours for the promotion and protection of human rights in the Asian-Pacific region,

Hereby,

1. *Express appreciation* to the Government of the State of Qatar for hosting the twelfth annual Workshop, and welcome the participation of His Excellency Ahmed bin Abdullah Al Mahmoud, Minister for State for Foreign Affairs of the State of Qatar, as well as his welcoming address;
2. *Welcome* the participation of Mr. Bertrand Ramcharan, Acting United Nations High Commissioner for Human Rights, in the Doha Workshop, as well as his opening address;
3. *Express deepest sorrow* for the loss of former United Nations High Commissioner for High Commissioner, Mr. Sergio Vieira de Mello, who participated in the eleventh Islamabad Workshop and whose life was tragically lost while pursuing human rights in the Asian-Pacific region;
4. *Express appreciation* to national human rights institutions, experts, representatives of civil society and the Office of the High Commissioner for Human Rights for their contribution towards the implementation of the proposals made at previous workshops;
5. *Invite* Governments of the Asian-Pacific region to consider acceding to the relevant human rights instruments and encourage States parties to make every effort to implement their obligations under United Nations human rights instruments and to report thereon;

National human rights plans of action and national capacity-building

6. *Welcome* the efforts of those States which are implementing, or have adopted, national human rights plans of action, namely Australia, Indonesia, Palestine, the Philippines, Thailand and Mongolia, and the efforts of those States which are in the process of developing a first or subsequent national human rights plan of action, namely Australia, Indonesia, Jordan, Nepal, New Zealand and the Philippines;

7. *Reaffirm* the desirability of developing national human rights plans of action through a process which ensures the participation of a wide range of relevant national, provincial and local actors and of monitoring and evaluating these plans;

8. *Stress* the importance of effective implementation of national human rights plans as well as the value of regional cooperation in sharing useful practices and methodologies in the development, implementation, monitoring and evaluation of national human rights plans of action and capacity-building activities;

9. *Recognize* the role of the Office of the United Nations High Commissioner for Human Rights to assist Member States, upon their request, with the development and implementation of national human rights plans of action;

10. *Recognize* both financial and human constraints faced by the Pacific Island States in their efforts to promote and protect human rights, and call upon the Office of the High Commissioner for Human Rights to provide technical assistance, capacity-building and training, including through the posting of a subregional representative in Fiji, for the Pacific Island Governments and to support the Pacific Island States;

Human rights education

11. *Recognize* that human rights education can play a crucial role in enhancing respect for human rights and fundamental freedoms and can contribute to the promotion of human rights, the prevention of human rights violations, the achievement of a culture of peace and respect for the rule of law;

12. *Also recognize* that human rights education should benefit from diverse social and cultural values and traditions that enforce the universality of human rights, with the aim of promoting a multicultural understanding of human rights;

13. *Further recognize* the desirability of including human rights education as a component of national human rights plans of action and development plans, to the benefit of all, keeping in view social, cultural, religious values;

14. *Encourage* Governments to promote the development of national plans and strategies for human rights education which are comprehensive, participatory, effective and sustainable, and to accelerate the pace of implementation of such plans and strategies within the United Nations Decade for Human Rights Education (1995-2004), so as to realize significant achievements by the end of the Decade;

15. *Recognize* the important role of national human rights institutions in human rights education and encourage a sharing of lessons learned and best practices among them in this regard;

16. *Acknowledge* the important role that non-government actors can play in furthering human rights education, and stress the need for governmental and non-government actors to enhance partnership to this end;

17. *Encourage* States to strengthen human rights education in schools in a comprehensive way that not only reviews human rights elements in the curriculum, but also addresses teaching methodologies, the human rights training of teachers and school administrators, and the fostering of learning environments that encourage the full development of the human personality;

18. *Acknowledge with interest* the intention of the Philippines to establish a training institute for human rights for the Asian-Pacific region, which is to be affiliated with the Commission on Human Rights of the Philippines;

19. *Stress* that priority should also be given to human rights education for all those involved in the administration of justice, including judges, lawyers, prosecutors, police, prison officials and relevant government officials as well as legislators and the media, and for the marginalized, vulnerable and illiterate sections of the population;

20. *Recognize* the contribution of the United Nations Decade for Human Rights Education (1995 - 2004) in raising awareness about the promotion and protection of human rights, look forward to the forthcoming report of the Office of the High Commissioner for Human Rights and the United Nations Educational, Scientific and Cultural Organization on the status of human rights education at the local, national, regional, and international levels, and acknowledge the ongoing consultations towards consideration of a second Decade for Human Rights Education;

21. *Take note* of the call of the Acting United Nations High Commissioner for Human Rights for an international convention on human rights education;

National human rights institutions

22. *Welcome* the establishment of national human rights institutions and those in the process of being established, consistent with the principles relating to the status of national institutions for the promotion and protection of human rights adopted unanimously by the United Nations General Assembly (resolution 48/134, annex), while recognizing that it is the right of each State to choose the framework that is best suited to its particular needs at the national level;

23. *Reaffirm* that independent national human rights institutions should be established following an appropriate and inclusive process of consultation;

24. *Note* the report on the activities of the Asia-Pacific Forum of National Human Rights Institutions, welcome the membership of the Afghan Independent Human Rights Commission and the Palestine Independent Commission for Citizens' Rights, and encourage continuing commitment in concerted endeavours for the promotion and protection of human rights in the Asian-Pacific region;

25. *Welcome* the financial contributions made by member States of Australia, India, New Zealand and the Republic of Korea to the Asia-Pacific Forum of National Human Rights

Institutions, and invite other States of the region that have not yet done so to consider contributing to the Forum;

26. *Encourage* continued cooperation among national human rights institutions, civil society and United Nations agencies, programmes and funds, and appreciate the existing support of the Office of the High Commissioner for Human Rights for promoting and facilitating such cooperation and providing advice and appropriate support to existing national human rights institutions;

27. *Note* the important role which national institutions can play in connection with the development and implementation of national human rights action plans, as well as in providing advice to Member States in the follow-up to the recommendations of human rights treaty bodies;

28. *Encourage* the participation of national human rights institutions in the sessions of the Commission on Human Rights and other relevant United Nations forums in accordance with their rules of procedure;

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

29. *Reaffirm* that the right to development is a universal and inalienable right and an integral part of fundamental human rights, and reaffirm the need for effective international cooperation for the realization of the right to development and the elimination of obstacles to development;

30. *Also reaffirm* that respect for all rights - civil, cultural, economic, political and social - is necessary to ensure enjoyment of the right to development;

31. *Affirm* that peace and security, along with a fair international economic, trade and financial climate and effective international cooperation, and poverty eradication are essential elements for the realization of economic, social and cultural rights and the right to development;

32. *Note* that, while globalization offers great opportunities, its benefits are unevenly shared and its costs are unevenly distributed, and recognize that developing countries, in particular least developed countries, face special difficulties in responding to this challenge;

33. *Note* that States have the primary responsibility for their own economic and social development, that the human person is the central subject of development and that development policy should make the human being the main participant in and beneficiary of development;

34. *Affirm* the importance of the human rights treaty system and invite all States to consider signing and ratifying the international human rights treaties, in particular the International Covenant on Economic, Social and Cultural Rights, and encourage States parties to take measures toward their full implementation;

35. *Recognize* the important link between the international economic, trade and financial systems and the realization of the right to development;

36. *Call upon* States further to secure progressively, through national development policies and with international assistance and cooperation, the full realization of economic, social and cultural rights and the right to development, paying particular attention to the most vulnerable and disadvantaged groups, including women and children, people with disabilities, people with HIV/AIDS and communities living in extreme poverty;

37. *Recognize* that realization of the Millennium Development Goals would contribute significantly to the promotion and protection of human rights and vice versa;

38. *Affirm* the importance of the human rights treaty system:

- (a) In providing a legal framework within which States parties may address the positive and negative impact of globalization;
- (b) In creating processes which enable the harmonization of law and policy needed to achieve progressive realization of economic, social and cultural rights and the right to development, and which contribute to maximizing the benefits of globalization for all;
- (c) In clarifying the content of specific rights and in promoting public awareness of the provisions and principles concerning economic, social and cultural rights;

39. *Recognize* the need for broadening the base of decision-making at the international level on issues of concern to development and to fill organizational gaps was highlighted, as was the strengthening of the United Nations system and the other multilateral institutions; the need to broaden and strengthen the participation of developing countries and economies in transition in international economic decision-making and norm setting was also stressed;

40. *Also recognize* that good governance and the rule of law at the national and international levels assist all States in the promotion and protection of human rights, including the right to development, and agree on the value of ongoing efforts by States to identify and strengthen good governance practices, including transparent, democratic, accountable and participatory government, that are responsive and appropriate to their needs and aspirations, including in the context of agreed partnership approaches to development, capacity-building and technical assistance; and recognize the importance of good governance at national and international levels to ensure that human rights are protected, freedoms respected and development resources properly and efficiently utilized for implementing the right to development;

41. *Further recognize* the important role and the rights of women and the application of a gender perspective as a cross-cutting issue in the process of realizing the right to development and notes in particular the positive relationship between women's education and their equal participation in the civil, political, economic, social and cultural activities of the community, and the promotion of the right to development;

Participants at the Doha Workshop thus:

42. *Note* that the implementation of the activities envisaged under the programme of action for 2004-2006 adopted in Doha is the responsibility of all States in the region and agree to

strengthen joint efforts, including through cooperation with the Office of the High Commissioner for Human Rights and the various United Nations agencies and programmes in accordance with their existing mandates, national human rights institutions and civil society organizations within the Asian-Pacific region towards the implementation of these conclusions;

43. *Express our appreciation* for the efforts made by OHCHR to implement the 2002-2004 Programme of Action for the Asian-Pacific Framework for Regional Cooperation for the Promotion and Protection of Human Rights and request the Office to continue implementing future activities under the Framework;

44. *Call upon* United Nations agencies, global and regional financial institutions and bilateral donor agencies to examine how they can support the implementation of the activities, including in poverty reduction strategies, under the Framework, through financial and technical support and the provision of human resources;

45. *Recommend* the wide dissemination of the results of the present Workshop, as appropriate, among relevant government ministries and institutions, national human rights institutions, non-governmental organizations, academic institutions and other partners at the national, subregional and regional levels;

46. *Recognize* the achievements made thus far through the Framework on Regional Cooperation for the Promotion and Protection of Human Rights in the Asian-Pacific Region and welcome the possible inclusion in the framework of the annual Workshop of a thematic focus to be agreed upon by Member States;

47. *Call upon* the Office of the High Commissioner for Human Rights to report at the next Workshop on progress achieved in the implementation of the Framework for Regional Cooperation for the Promotion and Protection of Human Rights in the Asian-Pacific Region;

48. *Encourage* the use of the Internet to disseminate information;

49. *Welcome* financial contributions already made to the Office of the High Commissioner for Human Rights by States of the Asian-Pacific region, invite them to increase their contributions and invite other States of the region that have not yet done so to consider contributing for the first time, particularly with respect to activities in the area of technical cooperation and the strengthening of national capacities and infrastructures in the field of human rights as outlined in the *Annual Appeal 2004* of the Office;

50. *Invite* all States of the Asian-Pacific region to consider hosting intersessional workshops within the Regional Framework, especially those that have not yet hosted such workshops and in this regard, welcome: (a) the proposal of the Government of Thailand to host, in cooperation with OHCHR, an intersessional workshop on the sharing of best practices and methodologies of national human rights action plans and human rights education in Bangkok within 2004; (b) the offer of the Government of the Republic of Palau to host a subregional workshop within the context of the Framework on Regional Cooperation for the Promotion and Protection of Human Rights in the Asian-Pacific Region.

51. Encourage the States of the Asian-Pacific Region to host the next annual Workshop.

Annex II

2004-2006 Programme of Action for the Asia-Pacific Framework on Regional Cooperation for the Promotion and Protection of Human Rights*

The main responsibility for implementation of this Programme of Action lies with all States in the Asian-Pacific Region. The Office of the United Nations High Commissioner for Human Rights (OHCHR) will facilitate the implementation of the activities in close cooperation with, regional, subregional and national partners, and United Nations agencies acting within the existing mandates.

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

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

- (a) Make available, upon request, technical cooperation and advisory services to develop national human rights protection capacity, especially to promote ratification of human rights instruments and to support State parties to fulfil their reporting obligations;
- (b) Make available, upon request, technical cooperation and advisory services to support the development, implementation, evaluation and monitoring of national human rights plans of action, including with the aim of integrating economic, social and cultural rights.

Activities

- (a) In collaboration with relevant Governments, evaluate the experiences of all countries in the Asian-Pacific region, which have completed national plans of action in order to gather lessons learnt and best practices, including through a regional workshop dedicated to the theme of national human rights action plans;
- (b) Assist, at their request, Member States in developing indicators for measuring the impacts of national action plans after implementation;
- (c) Revise the OHCHR *Handbook on National Human Rights Plans of Action* to include updated material from country experiences as well as more detailed technical methodology;
- (d) Develop a fact sheet on human rights action plans that allows for adaptation to various countries.

* The implementation of proposed activities by OHCHR is subject to the availability of resources from within the Voluntary Fund for Technical Cooperation in the Field of Human Rights.

2. Human rights education

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

- (a) Support research on various aspects of human rights education in schools, such as comparative studies and development of guidelines concerning education policies, school and teacher-training curricula, extracurricular activities and innovative classroom/school management experiences and evaluation of impact of human rights education programmes;
- (b) Make available, upon request, advisory services to develop and implement further activities to promote effective human rights education in schools, underlining the benefits of human and cultural diversity and religious tolerance and combating discrimination.

Activities

- (a) Support to networking and information-sharing on human rights education amongst Governments, including relevant actors, national institutions, educational institutes and non-governmental organizations;
- (b) Support a subregional workshop for Islamic countries, national human rights institutions and non-governmental organizations of the region on the evaluation of achievements of human rights education.

3. National human rights institutions

Main objectives: to support regional initiatives to strengthen the role of national human rights institutions and the Asia-Pacific Forum

- (a) In cooperation with States, continue to make available, upon request, technical co-operation and advisory services to support the establishment and strengthening of national human rights institutions;
- (b) Support the work of the Asia-Pacific Forum of National Human Rights Institutions.

Activities

- (a) Support the annual meetings of the Asia-Pacific Forum of National Human Rights Institutions for 2004 to 2006;
- (b) Support training activities of the Asia-Pacific Forum of National Human Rights Institutions on an annual basis;
- (c) Support a subregional workshop for the Arab Region on national human rights protection systems, including national human rights institutions;

- (d) Support a subregional workshop for the Pacific Region on national human rights protection systems, including national human rights institutions.

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

Main objectives: to strengthen national capacities to realize economic, social and cultural rights and the right to development

Make available, upon request, advisory services to develop and implement further activities with a particular focus on follow-up to the previous subregional workshops by providing further training on human rights in general and on economic, social and cultural rights in particular.

Activities

- (a) Provide further training involving national planning authorities, relevant ministries, the legislature, the judiciary, national human rights institutions and representatives of civil society through which information on national experiences can be exchanged with a view to compiling a reference tool for identifying means for the realization of economic, social and cultural rights;
- (b) Organize training workshops on accession and treaty reporting in cooperation with national human rights institutions and civil society.

Annex III

Subregional workshop for judges and lawyers on the justiciability of economic, social and cultural rights

Ulaanbaatar, 26 - 28 January 2004

Conclusions and recommendations

Preamble

Reaffirming that all human rights-civil, cultural, economic, political and social- are universal, interdependent, indivisible and interrelated,

Recognizing that economic, social and cultural rights are of manifest importance in the daily lives of all people throughout the world, including the region of North-East Asia,

Stressing the important role that judges, legal practitioners, scholars and other relevant actors play in the effective realization at the national level of economic, social and cultural rights through the affirmation that these are justiciable,

Recognizing that the justiciability of economic, social and cultural rights contributes to the effective implementation at the national level of human rights for all people, in particular the most vulnerable and disadvantaged groups,

Acknowledging that international human rights adjudicative mechanisms, such as the complaints mechanism established under the International Covenant on Civil and Political Rights (ICCPR), are invaluable in protecting and promoting human rights, including economic, social and cultural rights,

Noting that an optional protocol to the International Covenant on Economic, Social and Cultural Rights could be a valuable means of establishing an international reference for the domestic application of the International Covenant on Economic, Social and Cultural Rights (ICESCR),

Stressing that further efforts should be encouraged to continue a constructive dialogue to address all human rights, including economic, social and cultural rights, within the Asian-Pacific Regional Framework,

The participants at the Subregional Workshop for Judges and Lawyers on the Justiciability of Economic, Social and Cultural Rights in North-East Asia adopt the following conclusions and recommendations:

Conclusions

1. There is a need to improve the implementation of Covenant rights at the domestic level in order to further progress towards the full realization of economic, social and cultural rights.

2. There is a need to raise awareness of the Covenant among judges, legal practitioners, scholars and other relevant actors in order for them to take into account its provisions in their work.
3. There is a need to raise the level of awareness of human rights among the general public in North-East Asia.
4. There is a need to address the apparent lack of awareness and expertise within government agencies on human rights in general and the ICESCR and its ensuing state obligations in particular, resulting in a lack of cooperation and coordination among these agencies.
5. In ensuring the effective justiciability of economic, social and cultural rights, there is a crucial need to identify and overcome domestic difficulties and obstacles which might hinder the domestic incorporation and application of the ICESCR.

Recommendations

1. Training courses should be provided by the Office of the United Nations High Commissioner for Human Rights for legal practitioners, including legislators, judges, lawyers and prosecutors. In particular, judges should be urged to actively participate in such training.
2. Public information campaigns and programmes on economic, social and cultural rights should be more extensive and targeted.
3. Academic research and publications, especially on the issue of the justiciability of economic, social and cultural rights and the domestic applicability, should be encouraged and supported by international and regional institutions.
4. Judicial and other legal actors should assume a more proactive role towards the effective realization of human rights, in particular economic, social and cultural rights.
5. Relevant United Nations and other written materials as well as national case law should be collected, publicized and disseminated, so as to facilitate the work of judicial and other legal actors in effectively discharging their duties in relation to claims that concern economic, social and cultural rights.
6. The official text of the ICESCR should be made available in the official languages of the countries concerned and disseminated in particular to judges and lawyers.
7. International cooperation as well as United Nations technical cooperation and advisory services should be encouraged towards the full realization of economic, social and cultural rights, including in the areas of public information, training for judges, lawyers, scholars and other actors, and dissemination of written materials.

Annex IV

Subregional Workshop on Human Rights Education in School Systems of the Six States of the Gulf Cooperation Council (GCC) (15 - 19 February 2004, Doha)

Recommendations

I. Policy-related issues

1. Encouraging the concerned bodies in the member States of the Gulf Cooperation Council (GCC) to ratify and study the international and Arab conventions and treaties related to human rights in order to identify the necessary material and human facilities required for their implementation and to bring their educational policies into conformity with the provisions of these conventions;
2. Urging the concerned bodies in the member States of the Gulf Cooperation Council to develop national strategies and plans in the field of human rights education, provided that they include the disabled. Such plans and strategies should be supported by awareness and education campaigns based on specific standards in addition to the financial support required for implementation;
3. Urging the concerned bodies in the member States of the Gulf Cooperation Council to expand their activity with regard to introducing human rights education principles and goals in the educational regulations in conformity with the Convention on the Rights of the Child in general and with general comment No. 1 adopted by the Committee on the Rights of the Child on Article 29 in particular;
4. Calling upon the Arab Bureau of Education for the Gulf States to develop a set of standards for measuring and assessing the performance of educational institutions with respect to the achievement of the goals of human rights education;
5. Urging the concerned bodies in the member States of the Gulf Cooperation Council to establish units to be concerned with coordination among the national parties concerned in the field of implementing the human rights education policies;
6. Promoting the role of civil society organizations and media in the field of human rights education and in the efforts of awareness-raising and education;
7. Utilizing the programmes, expertise and publications of the Arab and international organizations concerned with human rights education;
8. Calling upon universities and higher education institutions in GCC to develop special programmes in the field of human rights education addressed to all specializations as a university requirement, or integrating them in the subjects and programmes.

II. Curricula, textbooks and school environment

1. Calling upon the concerned bodies to develop a curriculum for human rights education and prepare the conceptual maps, scale matrix and sequence necessary for integrating these concepts in school curricula;
2. Noting the necessity of developing reference manuals and teaching aids for teachers of human rights education;
3. Calling upon the concerned bodies to build up a database for human rights education and to obtain its documentation through specific educational system channels;
4. Calling upon the Arab Bureau of Education for the Gulf States to include human rights education in the joint plan for curricula development;
5. Calling for conducting a survey on the textbooks and curricula of the member States in order to promote the concepts related to human rights education;
6. Adopting the integrative approach for the concepts of human rights education in school curricula;
7. Calling for carrying out curricular and extracurricular activities in a manner that would promote human rights education;
8. Providing the necessary school environment and curricula for the disabled in conformity with the international standards.

III. Training teachers and those engaged in education

1. Calling for training to be considered as a basic part of the strategies of human rights education;
2. Providing training that serves the principles of human rights education with respect for the development of innovative minds, skills, behaviour, and the development of a personality based upon the values of equity, dignity and justice;
3. Developing training programmes based upon planning, follow-up, evaluation and assessment;
4. Promoting abilities in the field of trainers' training, preparing various training tools, utilizing modern technologies in the field of training and allocating the necessary funds;
5. Developing scientific research into modern training techniques in the field of human rights education and providing the necessary publications;

6. Exchanging of expertise and information in the field of specialized training within the framework of the educational institutions concerned, centres and organizations specialized in training.
