

On Assignment

Media21 and Human Rights Tribune
Journalist Workshop
Sept 22-26, 2008
Human Rights Council sessions



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**Journalist Workshop
Human Rights**
Human Rights Council Sessions
September 22-26, 2008
Geneva, Switzerland

Panelists

Alfonso Barragües
Human Rights Officer, Research and Right to Development
Division, UN Office of High Commission for Human Rights
Joao Nataf
Secretary, Human Rights Treaties Branch, UN Office of High
Commission for Human Rights
Philip Grant
President and founder of TRIAL
Sébastien Gillioz
U.N. Advocate, Human Rights Watch
Yves Lador
Permanent Representative to the UN in Geneva of Earthjustice

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Editorial**Raising the bar**

A workshop on human rights is considered with much caution among journalists. Their governments are often defensive on the issue and, if they can, bring pressure to bear on news organisations to avoid publishing articles on the topic. In such a prevalent scenario, journalists themselves either resort to self-censorship or soften the article by giving more word-space to the Government's version. The lack of credible information about the extent of the problem and poor knowledge on internationally-accepted rights benchmarks further discourages the coverage of human rights issues in countries where it is most desired. Media21 in association with the Human Rights Tribune hope to bridge the information gap and hold hands of colleagues who are facing rough weather in their respective countries.

In this edition of On Assignment, you will find the works of six journalists representing sensitive regions of the world. Chandani from Sri Lanka could tell you of her experience of being a news-person in tumultuous times, while Vidya from Pakistan vented wide-spread angst in the country over disregard for Constitution and therefore the rights guaranteed by it. Channyda showed how Cambodia is starting to remedy the human rights situation, while Pilirani from Malawi felt that rights-based development is the way forward for Africa. Both Albert from Rwanda and Denis from Uganda looked at what Africa could do to prevent civil wars and end impunity of human rights abusers.

These are the people who have their ears to the ground and should matter the most to advocates of universal human rights. But journalists do not have the necessary tools to do their job; for instance, most had not heard of the Universal Periodical Review (UPR), the new process initiated by the Human Rights Council, nor had they information how their governments' were faring vis-à-vis international obligation to protect human rights. The exercise continues to vaguely engage the nation-states, leaving out the voices of the people. Many felt that the UPR, for instance, was just a mere exercise of deft diplomacy, never mind the ground situation in these countries.

The resource persons who came in as panelists acknowledged the gap. For independent expert Yves Lador the workshop was a valuable effort to link the two ends of the communication chain. Advocates and activists like Sebastian Gillioz of Human Rights Watch and Philip Grant of the NGO TRIAL, saw the training of journalists as an investment to better information collection at the grassroots. Joao Nataf of the UN OHCHR pointed to the wealth of information that the journalists could use and how they could contribute to the evaluation process. This was also the first workshop for Alfonso Barragües to demystify rights-based approach to development and was well received, since most of the the journalists came from the South.

- **Yoga Rangatia**

Avec le soutien de la



Sri Lanka

After losing Council seat, pledges better protection to its people

As the civil war rages in the picturesque island country of the Indian Ocean, the Government is facing uncomfortable questions of violation of rights of its citizens, reports Chandani Kirinde.

On one hand it is waging a brutal war to contain a separatist's organisation, the Liberation of Tamil Tigers Eelam (LTTE). On the other, there have been regular incidents of disappearances, extra judicial killings as well as attacks on journalists.

International rights group Human Rights Watch (HRW) in its report in March this year alleged that at least 15,000 persons had gone missing between December 2005 and December 2007. Journalists too have become victims with several of them killed, beaten up and detained for reporting abuses and being critical of the Government. Some have even fled the country to escape persecution.

The Government admits the human rights situation in the country is not perfect, but dismisses the report as exaggerated. It neither agrees with the suggestion the situation is grave enough to need international monitoring. While defending its UPR in May this year, the Government refuted the implication "that there exists a pattern of enforced disappearances in Sri Lanka."

Agree to disagree

It was against this backdrop, the UN Human Rights Council took up the Universal Periodic Review (UPR) of the country. Predictably, the review levelled charges of rights violations in the country.

There were 82 recommendations of which Sri Lanka accepted 45, said it would consider 11 and rejected 26. The reviewing countries recommended that Sri Lanka builds the capacity of national human rights bodies, continues close dialogue with UN human rights institutions, implements recommendations made by special rapporteurs who visited the country, end impunity of those responsible for human rights crimes and comply with human right treaties.

In its response, Sri Lanka agreed to taking action against torture and preventing the recruitment of child soldiers. It said it will take into consideration suggestions such as acceding to the Convention on the Protection of All persons from Enforced Disappearances or the optional protocol on the Convention Against Torture.

It, however, rejected the suggestion of agreeing to the presence of the Office of the Commissioner of Human Rights

« The question of international monitors is an unacceptable for the Government and is strongly opposed by many other political parties in the country. »

(OHCHR) in that country and issuing a standing invitation to its observers. Sri Lanka said it has already demonstrated it is willingness to engage with international observers by hosting visits over the last year.

The question of international monitors is an unacceptable for the Government and is strongly opposed by many other political parties in the country. It has been rejected outright by the Government which says the Sri Lanka Human Rights Commission (SLHRC) can do the job as effectively. The Government also points to the strong legal system in place where citizens are ensured constitutional guarantees of fundamental rights and can seek legal recourse if their rights are violated.

In the UPR, the West - led by Denmark, Sweden, Japan and Canada - were, predictably, critical of the country's reluctance to allow independent monitors in Sri Lanka or accept several recommendations made by them to improve human rights situation. Others - such as China,

Bahrain and Indonesia - appreciated Sri Lanka's engagement with the UPR and many noted her country's commitments to improve its HR situation.

To demonstrate it is serious about dealing with the human rights issue, the Sri Lankan Government while accepting the majority of the recommendations also made several voluntary commitments such as drafting a constitutional charter on human rights that will strengthen the HR protection framework in the country and bring the country's constitutional human rights guarantees in line with its international obligations and continue its active and constructive dialogue with OHCHR to strengthen national mechanisms in all aspects.

Just talk

However many in the international community have not been impressed with Sri Lanka's guarantees of commitment to human rights. They barred Sri Lanka from finding a place on the HR council. Barely a day after its controversial UPR was discussed in the Council; Sri Lanka sought re-election to its seat on the 47-member UN Human Rights Council, which it had held since 2006. But the bid failed because of its failure to improve its rights record and heavy lobbying by rights groups.

For now, the Government takes refuge under the pretext of a worldwide drive against terrorism, and can still ignore the charges of human rights abuses. But the world is watching the situation closely and will see if it delivers on the numerous pledges it has made to uphold its international human rights obligations.

Chandani Kirinde is a Colombo-based journalist and writes for The Sunday Times.

Sri Lanka

Denied a normal childhood

Children find themselves in the middle of the crossfire in conflicts around the world, Chandani Kirinde investigates.

“Children were being recruited by insurgent groups, used as suicide bombers, kept in military detention without judicial protection, while schools were being attacked and girl-children suffered particular brutality,” reported Radhika Coomaraswamy, Special Representative of the UN Secretary-General for Children and Armed Conflict.

Coomaraswamy in her report to the UN Human Right Council earlier this month said that the changing nature of warfare represented the main challenge for children and armed conflict. She pointed to conflicts in Iraq, Afghanistan, Israel and the Occupied Palestinian Territories among other countries facing a terror problem.

Earlier this year, the US-based rights watch group Human Rights Watch said the Tamil Tigers and the breakaway group continue to use children to fight their battles in clear violation of international law and Security Council resolutions. The NGO called upon the UN Security Council to publicly condemn the Sri Lankan government for failing to investigate cases of child abduction, recruitment of children in armed warfare in government-controlled territory and the complicity of the security forces in abductions by a breakaway rebel faction.

It is an irony that the Special Representative Coomaraswamy hails from Sri Lanka where the issue of child soldiers is a recurring one. The Tamil Tigers, also known by their acronym LTTE, is a separatist armed group operating in the north of the country and is widely acknowledged as the main culprits of using children to engage in fighting. The Tamil Tigers have been for many years conscripting children, reportedly demanding that one child from each family living in territory under their control join the armed struggle. The

fact has been well documented by independent observers including the UN and international human rights groups. The UN Children’s Fund (UNICEF) initiating a programme to get the LTTE to release child soldiers.

« The Tamil Tigers have been for many years conscripting children, reportedly demanding that one child from each family living in territory under their control join the armed struggle. »

But more seriously, fingers are being pointed at the Government for complicity in this sordid practise. It is alleged that the Government looks the other way when pointed out that one of the breakaway faction of the LTTE that it supports, continues to recruit and hold children against their will as armed cadres.

The head of the breakaway faction

Sri Lanka:

Promises to keep

The country has signed several human rights treatise and thereby committed to report to independent experts on steps taken by it to protect rights. But it has failed to keep the promise.

Sri Lanka is a signatory to the Covenant on Civil and Political Rights (CCPR), Convention Against Torture (CAT), Convention on the Rights of the Child (CRC) and the Convention for the Elimination of Discrimination of Women (CEDAW).

Sri Lanka was due in November 2007 for reporting its progress on guarantee of civil and political rights but has not done so till date. It has failed to report on steps the country has taken to eliminate discrimination against women.

The country has failed to submit its report on elimination of racial discrimination since 2003. It has also failed to regularly submit its report on rights of the child and ending involvement of children in armed conflict. On the issue of torture, , Sri Lanka submitted its last report in November 1995. The Committee which considered the periodic report asked that Sri Lanka submit its next report by 2007.

Chandani Kirinde

Sivanesaturai Chandrakanthan alias Pilliyan was recently elected the Chief Minister of the Eastern Province, which is seen as a major step towards weaning the former rebels away from armed conflict and entry into the democratic mainstream. But the one dark cloud that continues to hover over the Pilliyan group is over the issue of child soldiers. In a recent public appearance in his new role as a politician, Pilliyan was confronted by a wailing mother who fell at his feet begging that her underage son who was abducted by his group be returned to her. The rebel turned politicians made a hurried exit out of the venue of the meeting and there was no responded to the mother’s desperate cry.

On its part, the Government has maintained that there are no “pro-government militias” and that Sri Lanka has policy of zero tolerance for child soldiers. This position was reiterated when it responded to the recommendations in the report of the Working Group of the Universal periodic Review (UPR) in June this year. The group asked the Government of Sri Lanka to “demobilize child soldiers by assuring children serving with pro-government militias (forced or voluntary) are released.”

Pakistan

UPR conceals more than it reveals

Is the UPR a mere exercise in public relations to enhance international image? It seems to be the case when the review in question is that of Pakistan according to Vidya Rana..

The national report submitted by Pakistan Government to the UN Human Rights Council in May this year does not mention a word about a host of unconstitutional measure undertaken by former President Pervez Musharraf. The Government got away with making vague pledges to improve the human rights situation in Pakistan.

Take the case of the infamous 17th Amendment to the Constitution of Pakistan, which empowers the President to dissolve the National Assembly and dismiss the elected government. The report does not condemn the unconstitutional practice which has serious bearing on basic rights of its citizens. Rubbing salt to injury, these draconian measures are still in place after the election of a new Government.

Pakistan faced peer review during the Second Session of the Working Group organized by the Geneva-based UN Human Rights Council in May this year. A 10-member Pakistani delegation, led by National Assembly member Fouzia Wahab, defended the report at the Council.

« The report does not condemn the unconstitutional practice which has serious bearing on basic rights of its citizens. »

The report conveniently leaves out the right of citizens to an independent judiciary, thereby affecting guarantee of other fundamental rights. For instance, the fundamental rights of women, children, religious and ethnic minorities and other stakeholders can not be guaranteed in the absence of a free and independent judiciary. The superior judiciary in Pakistan is still wading through troubled waters after the former President sacked Chief Justice of Supreme Court Justice Iftikhar Choudhary. The newly

elected Government is yet to restore the independence of the judiciary. Dashing the hopes of the citizens, the new government has not outlined any policy and constitutional framework in line with established international norms.

The Working Group, has emphasised ensuring religious rights of minorities, repealing discriminatory pieces of legislation that affect the rights of women and children; and providing equal econo-

mic opportunities to rural women. It remains to be seen whether the presence of religious hardliners and feudal parliamentarians in the ruling alliance at the Federal and Provincial levels, will prevent the Peoples Party-led government to initiate legal and constitutional debate on the controversial laws.

Vidya Rana is an Islamabad-based journalist and writes for the Daily Pakistan.



Women lawyers protesting against removal of the Chief Justice, Pakistan

Pakistan

Poor regard for constitution, rights in limbo

By Vidya Rana

As an independent State with parliamentary system of governance, Pakistan presents a unique case of constitutional confusion as well as human rights violations and abuses both by the military dictators and the elected governments since its birth.

Over the past six decades, the reign passes alternatively between inefficient politicians and men in uniform, wreaking political and social damage to the fabric of Pakistan. Human rights is at the bottom of national priorities.

In 1997, it was the shortsighted and discriminatory policies of the military for the then Eastern Province, as well as the use of brutal force against Bengalis, that led to the session of what is now Bangladesh.

In 1973, the Constitution was suspended by army chief General Zia ul-Haq who later executed the elected Prime Minister ZA Bhutto after a fraudulent trail. The constitution was restored after almost eight years on December 30, 1985 only to be suspended again on 15 October 1999 by then army chief General Pervez Musharraf. The General ousted elected Prime Minister Nawaz Sharif after a bloodless military coup.

Disregard for statutes

Like his predecessor from the army, Musharraf is widely blamed for his disregard of the Constitution that he tinkered with several times. Under intense international pressure, Musharraf restored the Constitution in stages in 2002, made amendments in December 2003, suspended the statute in November 2007 before finally restoring on 15 December 2007. The tenure of Musharraf's regime during the last 9 years is blemished with poor human rights situation. Every segment of Pakistani society bore the brunt of his misadventure.

Pakistan is signatory to a host of international conventions on protection of human rights, such as that against racial discrimination, discrimination against women, and for protection of children. It has signed a dozen treaties on human rights and has also been elected to the 47-member Human Rights Council for a

three-year term in 2006.

But these measures only gloss over ground situation. For instance, Pakistan could not introduce changes in the National laws that contradict established human rights norms. (e.g. Haddood and Zina Ordinance, Qisas and Diyat Ordinance). These remain in the statute despite recommendation for its repeal by the National Commission on Status of Women in 2003 and the Inquiry Commis-

« Pakistan showed an utter disregard for international standards protecting the independence of lawyers and judges including those embodied in the UN Basic Principles on the Role of Lawyers and the Basic Principles on the Independence of the Judiciary. »

sion on Status of Women constituted by the government in 1997.

Then, the Maintenance of Public Order Ordinance is a violation of legal rights of the detainees under UDHR and ICCPR. Thousands of persons were arrested under preventive detentions for months, especially the lawyers heading the movement for rule of law in 2007.

Pakistan showed an utter disregard for international standards protecting the independence of lawyers and judges including those embodied in the UN Basic Principles on the Role of Lawyers and the Basic Principles on the Independence of the Judiciary.

Most importantly, Pakistan has been unable to make a human rights policy in the country. Nor has it made efforts to develop any mechanism for implementation of the commitments under the International human rights treaties and inde-



Ex-Pakistani President Musharraf

pendent assessment of the performance thereof.

With such a dismal outlook, the GOP is literally required to come up with a will to

take tangible measure and implement international human rights obligations in letter and spirit. The first step in this direction is to make a human rights policy and legislate to create independent and credible national human rights institutions according to the Paris Principles of the UN.

Buried alive in Pakistan

2 September 08

IRIN - Several weeks ago armed tribesmen in Balochistan forced five women out of their village, shot and injured them, and buried them alive in the scrub, in the name of tradition.

According to the Hong Kong-based Asian Human Rights Commission (AHRC), the five were from the village of Babakot, 80km from Usta Mohammad.

Malawi

The 'rights' approach

By Pilirani Semu-Banda

Vulnerable groups should be allowed to participate actively in development together with all other people in the world if the concept of Human Rights Based Approach (HRBA) to development cooperation is to be realised.

UN agencies have since 1997 adopted the HRBA with an understanding that Human Rights are central to development and should be cross-cutting in every sector, according to Alfonso Barraques Fernandez a human rights officer in the Office of the UN High Commissioner for Human Rights.

"There should never be passive beneficiaries in development. Everyone should see to it that an environment is created where all people can exercise their human rights in accessing resources," says Fernandez.

He says human rights principles guide programming in all sectors, such as health, education, governance, nutrition, water and sanitation, HIV/AIDS, employment and labour relations and social and economic security.

"This includes all development cooperation directed towards the achievement of the Millennium Development Goals and the Millennium Declaration. Consequently, human rights standards and principles guide both the Common Country

Assessment and the UN Development Assistance Framework," says Fernandez.

He explains that the more people are included in developmental initiatives, the less harmful development becomes.

Fernandez also says that resources should be prioritised for those in need without taking away the rights for those who already have the resources.

« Everyone should see to it that an environment is created where all people can exercise their human rights in accessing resources »

Four critical issues are used to promote the effectiveness of HRBA and these are who has been left out and why, what they are entitled to, who has to do something about it and what the people need to take action, according to Fernandez.

"These issues examine the root cause of marginalisation of some groups of

people, an emphasis that we all have equal rights, capacity gaps and if they are right capacities," he says.

According to the UN good programming, practices that are also important under HRBA, include that people are recognized as key actors in their own development, rather than passive recipients of commodities and services, that their participation is both a means and a goal, that the development process is locally owned and that programmes aim to reduce disparity.

Pilirani Semu-Banda is a Malawian freelance journalist

What is rights-based approach to development?

A rights-based approach to development is a conceptual framework for the process of human development that is normatively based on international human rights standards and operationally directed to promoting and protecting human rights.

Essentially, a rights-based approach integrates the norms, standards and principles of the international human rights system into the plans, policies and processes of development.

The norms and standards are those contained in the wealth of international treaties and declarations. The principles include equality and equity, accountability, empowerment and participation. A rights-based approach to development includes the following elements:

- express linkage to rights
- accountability
- empowerment
- Participation
- non-discrimination and attention to vulnerable groups

Source: UNHCR



Malawian farmers managing their agricultural resources. Photo: FAO

Malawi

Gearing up to face peer review in 2010

By Pilirani Semu-Banda

Malawi's human rights record will come under direct and close scrutiny in 2010 by its peer at the UN Human Rights Council.

The UPR is a new mechanism of the UN which consists of the review of the human rights practices of all states in the world, once every four years.

States started undergoing the UPR this year after a 2006 UN general assembly resolution mandated the Human Rights Council to undertake the process based on objective and reliable information, of the fulfilment by each State of its human rights obligations and commitments.

In September, 2007 the Human Rights Council adopted a calendar for its 192 UN member states to be considered during the first four-year cycle of the UPR mechanism. Malawi's UPR was slated for 2010.



Permanent Resident of Earth Justice, Yves Lador

Experts have since recommended that Malawi should start preparing for the UPR now if the process is to be successful and helpful for the nation.

UN advocate in the Human Rights Watch Sebastien Gillioz recommends that the country should start examining

the issues that may be at stake during this process.

Some of the issues that Malawi is likely to be questioned on include poor prison conditions where jails are overcrowded and prisoners are left hungry for days on end, where excessive police force is used against protesters and the the abuse of suspects in police custody, on the death existing penalty and torture of citizens by government agents.

Gillioz describes the UPR as a crucial tool and the only instrument that addresses country situations in a constructive manner.

Malawi's neighbour, Zambia, is cited by Gillioz as one of the countries that came for the UPR with a genuine national and inspiring approach.

"The Zambian delegates did not come here to defend themselves. They came in a large group and were eager to adopt all the criticisms made against their country's human rights situation. This is the kind of approach that should be encouraged," says Gillioz.

Permanent Resident of Earth Justice Yves Lador also explains that the UPR is perceived as a peer review system for UN states.

"Countries make pledges to the UN Human Rights Council which they will have to work on once the UPR is presented and recommendations are made by the council," says Lador.

He says no country comes with a clean sheet but that there is need for common language from any country with specific information from the field.

According to the UN the documents on

which the UPR is based include information prepared by the State concerned, which can take the form of a national report, and any other information considered relevant by the State concerned, which could be presented either orally or in writing.

The report is required by the Human Rights Council six weeks prior to a session at which the specific review will take place. States are also encouraged to prepare the information through a broad consultation process at the national level with all relevant stakeholders.

Additionally, a compilation prepared by the Office of the High Commissioner for Human Rights of the information contained in the reports of treaty bodies, special procedures, including observations and comments by the State concerned, and other relevant official UN documents is presented to the council for the UPR.

Additional, credible and reliable information provided by other relevant stakeholders to the UPR is taken into consideration by the Council in the review. Stakeholders include, among others, NGOs, human rights defenders, academic institutions and research institutes.



Photo (above): Sebastien Gillioz, HRW

Malawi

Child prostitution makes mockery of accession to international treaties

By Pilirani Semu-Banda

Children in Malawi continue to be involved in sex work despite the country's ratifying of the 1989 Convention on the Rights of the Child.

Large numbers of children, some as young as 12 years old, are seen lurking on street corners, near hotels, bars and other entertainment places.

The United Nations treaty recommends that children everywhere have the right to survival, to develop to the fullest, to protection from harmful influences such as abuse and exploitation and to participate fully in family, cultural and social life.

Sex work in Malawi is mainly driven by poverty, according to United Nations Population Fund (UNFPA) HIV Prevention Officer Humphreys Shumba. The country remains one of the most deprived in the world and is ranked among the 13 poorest nations in the country by the UN Human Development Report.

Up to 83 percent of prostitutes in Malawi are known to depend solely on sex work for their livelihoods, according to 2008 research findings by the Community Health Department in the University of Malawi.

Shumba says unprotected sex, which is often practiced by sex workers is among the key drivers of the HIV/AIDS epidemic in Malawi. "Sex work in Malawi is characterized by, among other factors, lower age of entry into the trade where girls as young as 12 years are known to be sex workers," he says.

The Committee on the Rights of the Child (CRC), a UN body of independent experts that monitors implementation of the Convention on the Rights of the Child by its State parties, indicated in 2002 that it was concerned with the increasing number of child victims of commercial sexual exploitation, including prostitution and pornography in Malawi.

Concern was also expressed at the in



Poverty threatens the human rights of young girls in Malawi

sufficient programmes for the physical and psychological recovery and social reintegration of child victims of such abuse and exploitation.

The recommendations by the CRC should be taken seriously by UN member states because they help in promoting human rights within countries, says Joao Nataf, acting secretary for Human Rights Treaties Branch at the UN Office of High Commission for Human Rights (OHCHR).

"The whole idea of the system is cooperation between the states and UN," says Nataf.

All states parties are obliged to submit regular reports to the Committee on how the rights are being implemented. Countries report initially two years after assenting to the convention and then every five years. The Committee examines each report and addresses its concerns

and recommendations to the State party in the form of concluding observations, according to OHCHR.

Malawi is scheduled to make its next report to the CRC in Geneva, Switzerland in January 2009.

Meanwhile, UNFPA in Malawi has funded a rights NGO – the Family Planning Association of Malawi (FPAM) – to work on reducing the transmission of HIV among the prostitutes by empowering them to practice safer sex, increasing the sex workers' access to reproductive health, voluntary counselling and testing. The sex workers are also being empowered with livelihood alternatives.

FPAM is engaging the sex workers by providing them with information, skills for negotiating safer sex and alternative livelihood activities.

Uganda

Cautioned on child soldiers, hailed for HR school curriculum

Barely three years to its upcoming Universal Periodic Review (UPR) at the UN Human Rights Council in 2011, Uganda is yet to put in place programmes and mechanisms to protect the rights of children involved in armed conflict, child labour and prostitution. By Denis Ocwich.

Uganda is listed among countries where children's rights are violated through prostitution, trafficking, hard labour and involvement in armed conflict. Thousands of children have been abducted and conscripted to serve as fighters in a two decade old civil war. There are poor planning for their rehabilitation into the society especially in the northern areas where the rebel group, led by Joseph Kony's Lord's Resistance Army (LRA), is fighting the government. Some of the child fighters are as young as 10.

"It's still three years to the UPR, and we have not yet started any serious preparations for it. But we shall borrow some tips from countries that have already undergone the process," said Oscar Edule, Second Secretary at Uganda's Permanent Mission in Geneva.

Uganda is a signatory to two optional protocols on the Convention on the Rights of the Child: the one on the involvement of children in armed conflicts; and the other on sale of children, child prostitution and child pornography. The sub-Saharan African country has thousands of street children while many children around the country are victims of child labour, including prostitution and other hazardous forms of work.

Edule asserted that the human rights situations in Uganda, including the rights of children, have tremendously improved over the last decade. "We have written to the UN Committee on

the Rights of the Child, and we hope that we shall eventually be removed from the list of countries where children are involved in armed conflict, prostitution and child labour," he said.

While facing the flak for poor protection of children, Uganda is lauded for introducing human rights curricula in its training institutions.

« Thousands of children have been abducted and conscripted to serve as fighters in a two decade old civil war. »



In its June 2, 2003 report, the UN Committee on the Elimination of Racial Discrimination (CERD) commended the Uganda Human Rights Commission for "the important role it plays in disseminating human rights information, inter alia, by introducing human rights education in training schools for police, army and prison officers."

The sub-Saharan African developing country is also proposing to start teaching human rights as a formal subject in primary, secondary and other levels of schooling. This is hoped to inculcate in the young generation the norm and practice of human rights.

"That is a very crucial step. For me, it's the best long-term way to address the issue of human rights; so that we start with a new generation of people growing up while aware of human rights," said Geneva-based advocate Sebastien Gillioz, who is representing the Human Rights Watch. Gillioz was responding to a question on what he thinks about Uganda's initiative to start teaching human rights in schools. He said the level of ignorance about human rights is too much, even among diplomats and dignitaries here in Geneva.

"It takes time (to educate people on human rights); this is a step-by-step approach and it's gonna take long to teach human rights to young people, but it's the best way forward," Gillioz told international journalists attending a human rights seminar organised by InfoSud, Media21, Human Rights Tribune and other partners at the UN Palace in Geneva.

Denis Ocwich is Ugandan journalist and writes for the New Vision.

Human Rights Council: politics or accountability?

By Yoga Rangatia

Has the newly-constituted UN Human Rights Council become just another political arena for nation-states and less about accountability to the international community?

The answer is both yes and no.

Yes, because groups with numerical strength – the 53-member African Union and the 56-member Organisation of Islamic Conference – are able to sway the agenda of the Council impairing the functioning of the council on key issues such as human rights situation in Sudan, Burundi, DR of Congo, or Zimbabwe.

The mechanism of peer review, called Universal Periodic Review (UPR) at the council, is also turning out to be a highly politicised document, barely reflecting the ground situation. “The countries are very defensive of the UPR. Whatever ground they may have lost, they seem to make it up by asserting in the Council,” said Yves Lador, consultant to various human rights organisations and who has watched the Human Rights Commission transform into the Council.

And because of the defensive posturing by nation-states on human rights, the official version rarely reflects the correct estimate. Take for instance the debate on human rights issues in Darfur; Sudan claimed that only 9,000 people were affected by the crisis while the UN Office of High Commissioner on Human Rights (OHCHR) estimated 300,000 people affected.

« The old tactic of ‘naming and shaming’ is losing currency even within the UN »

But the good news for those keen on universal rights is that the UPR holds every one accountable, not just the members of the Council. So, for example, the United States will defend its UPR at the Council without being its member.

The big idea behind the UPR is to



The Human Rights Council in session

anchor positive inputs, like information gathering, capacity building, training and policy research, to each country's UPR. “The old tactic of ‘naming and shaming’ is losing currency even within the UN,” Lador explained. This will draw countries out of a defensive mode and the review can turn to be an encouraging exercise for them. “Countries should feel comfortable to seek financial and technical assistance. The debates should be in an atmosphere of good faith,” Lador felt.

The other positive contribution of the UPR is for civil society to monitor and follow-up on the pledges made by each country at the time of the review. They can also play a crucial role in institution building, which alone will restore the faith of the lay person in the universal values of freedom and equality. All countries will be reviewed once until 2011 and in a cyclic period of 4-5 years thereafter.

Observers like Lador also sees the process initiated by the UPR as way of engaging on a multilateral platform and counter the current trend of often short-sighted bilateral negotiations.

Yoga Rangatia is a Geneva-based freelance journalist

Cambodia Welcomes Special Rapporteur

By Chhay Channyda

The appointment will ease the anxiety of the Cambodian Government that had become weary of the criticism of the Secretary-General's Special Representative.

Human Rights Council decided to extend by one year the mandate of the special procedure on the situation of human rights in Cambodia through the appointment of a special rapporteur. The decision was made Sep 24 at the roundup of 9th session on human rights council held in Geneva.

Yash Ghai, who was in 2005 assigned special representative to Cambodia for human rights by the UN Secretary General, announced his resignation the previous week. His criticism of Cambodia's human rights efforts over the three years had not gone down well with the Government. On his last visit to the country in December 2007, he was not granted a meeting with any government official and Prime Minister Hun Sen called for his removal.

The new appointee's (Special Rapporteur) mandate draws from the Human Rights Council, unlike the UN Security Council in case of Ghai (Special Representative).

The government of Cambodian has greeted the news of Ghai's resignation with glee. They felt that Ghai did not cooperate with government official to work to better human rights situation, but rather worked to bring shame to the the government effort. “Better human rights situation is a process of learning and should not be a tool for shaming,” said Cambodian diplomat Sun Soun.

NGOs, however, lauded Ghai's work and helped improve the human rights situation in Cambodia.

Burundi

Development guarantees rights

By Albert-Baudouin Twizeyimana

Putting horse before cart, Burundi officials felt that development is the best guarantee for basic rights. But development comes through technical and financial aid to the poor country, an area where donors have failed, Burundi officials felt.

The donors and partners in development who promise to help Burundi in Human Rights respect and promotion don't honor their promises, felt Pierre Barusasiyeko, Burundi's representative to the UN Human Rights Council. "It is difficult to talk about human rights to the people who are starving," he asserted at the just-concluded session of the Human Rights Council in Geneva.

The Council extended the mandate of the special rapporteur on Human Rights in Burundi for one year. Burundi has accepted the appointment of an Independent expert until a national commission for human rights was established.

Burundi asserted that it had done everything to end the war and combat impunity. Even in the absence of an independent expert there were sufficient national mechanisms to monitor the human rights situation.

Asking the international community to invest more in Burundi's future, Barusasiyeko said mere "willingness is

not sufficient because all projects need financial means. Helping Burundi to fight against poverty will be a good way to help it to respect and promote human rights," he added.

However, the Independent Expert on Human Rights in Burundi, Akich Okolo, noted that the human rights situation in Burundi remained fragile. "The relations between Government and the civil society had deteriorated significantly as has the relation between Government and opposition parties. Violation of right to life, the rights to physical integrity and the rights of assembly and freedom of expression continued to be a matter of serious concern.

"More than 4000 cases of human rights violations were committed in the first half of 2008 by law enforcement and administration of provinces," Okolo noted.

David Nahimana, president of the Ligue Iteka, human Rights league in Burundi, fears of further deterioration in the situation in the wake of upcoming elections in Burundi. The Independent Expert could help set up a national human rights commission, independent election organization and proper handling human rights abuses.

"Every citizen fears the deterioration of human rights situation during the preparation of election planed in 2010," said Nahimana. The UN special rapporteur in Burundi further reiterated his call to the international community to support the Burundian government in its efforts for the reform of justice system and for humanitarian and development assistance.

Albert-Baudouin Twizeyimana is a journalist for InfoSud - Syfia Grands Lacs.

New mandate for the Rapporteur on Burundi

Jennifer Henrichsen (HRT)

The Human Rights Council adopted a France/EU-led resolution on September 24 that will extend the mandate of the independent expert to Burundi until an independent national human rights commission is established.

The resolution requires the High Commissioner to continue through its presence in Burundi its activities and programmes of technical assistance, "in consultation with the government of Burundi."

The independent expert is no longer allowed to accompany the government 'in efforts to improve the situation' regarding human rights or 'to concentrate on reinforcing national capacity in this regard, including the establishment of a national commission for human rights,' according to amendments adopted on Wednesday, September 24.

Once the commission is established, the independent expert is required to leave and deliver his report to the Human Rights Council. It is unclear when the commission will be established.

The Office of the High Commissioner for Human Rights will also present a report on Burundi, but at the 12th Human Rights Council session in September.

Human rights organizations like Amnesty International and Human Rights Watch are concerned that the future national human rights commission will not operate independently without an independent expert monitoring the commission.

"There are no guarantees that the new commission will be in-line with the Paris Principles," Amnesty International said during the interactive dialogue on September 23.





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