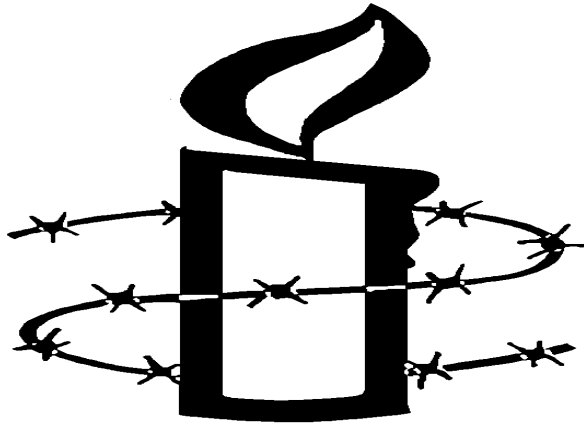

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ASEM

**A HUMAN RIGHTS AGENDA
FOR ASEM II
(ASIA-EUROPE MEETING)
3-4 April 1998, London**

February 1998
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AMNESTY INTERNATIONAL

COMMENTS FOR ASEM II

ASIA-EUROPE MEETING, 3-4 April 1998, London

A HUMAN RIGHTS AGENDA FOR ASEM

1. Translate human rights commitments into action.

This year marks the 50th anniversary of the Universal Declaration of Human Rights (UDHR). The Second Asia-Europe Meeting (ASEM) summit in London should refer explicitly to this event and issue a strong, public reaffirmation of the universality and indivisibility of the principles enshrined in the UDHR.

In the Bangkok statement ASEM governments repeated their commitment to international human rights treaties and declarations. Since then, some ASEM governments have openly challenged the universality and indivisibility of human rights, principles which are fundamental to the UDHR and the major human rights covenants. Others have distanced themselves from these attacks. Calls for a review of the UDHR should be countered strongly in fact the international community affirmed these principles only five years ago at the Vienna World Conference on Human Rights. Governments should be directing their energies towards the ratification of agreed standards and their implementation in national law, not towards a sterile political debate. Until now few Asian governments have ratified the major international human rights instruments.

Amnesty International is calling on governments to use ASEM II as an opportunity to put into practise their stated commitment to human rights. Governments who have not yet ratified the major international human rights instruments, should publicly state their willingness to take steps in that direction during 1998. In particular we would like to mention the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), the Convention Against Torture and the Refugee Convention.

2. Provide for NGO participation and access.

As a key part of civil society, NGOs have a vital role to play alongside government and business in forging the partnership between Asia and Europe. Already a high

level of NGO activity has grown up on the fringes of ASEM -- parallel conferences have been organised for the Bangkok and London summits. But to date NGOs have been given minimal access to the intergovernmental process and little opportunity to participate fully in ASEM initiatives.

The ASEM summit should explicitly affirm the positive role NGOs play in building civil society and forging links between the two regions. The ASEM chair should develop a process by which NGO views can be fed directly into the ASEM summit. Precedents for this have been set in the context of the preparations for major UN and Asia Pacific Economic Cooperation (APEC) summits.

NGO representatives should also be invited to participate in working groups and other initiatives started under the ASEM umbrella. The decision of some European governments to include NGO representatives in their delegations to the recent Lund seminar on legal issues was a welcome example which should be followed by others and institutionalised within ASEM processes.

NGOs should be involved in the work of the ASEM Vision Group, either through the inclusion of NGO representatives or a dedicated process of consultation. Experts in human rights should be included in the Vision Group to ensure these interests are properly reflected in the outcome of this process.

3. Develop an operational dialogue on human rights.

Human rights protection is a challenge for all ASEM governments - problems such as torture and ill-treatment occur in almost all ASEM countries. Under the UDHR and other covenants, all governments share a responsibility for the promotion and protection of human rights, both domestically and internationally. This provides a sound basis for the development of a substantive dialogue on human rights, based on mutual challenges and responsibilities. Many EU member states have already developed programs of dialogue and exchanges in this area with individual ASEM governments such as China. ASEM provides an opportunity to broaden these approaches and make them more substantive.

Dialogue initiatives, both bilateral and under the ASEM umbrella, should be properly coordinated. Dialogue partners should work together to ensure their efforts are not duplicative but are strategically focussed and directed, complementary and mutually reinforcing. Dialogue should be as open and transparent as possible. Governments should state their objectives and report publicly on the results, to enable proper evaluation of progress. NGO representatives should be included in dialogue processes.

Dialogue should be substantive, operational and aim at concrete progress formulated as benchmarks in order to ensure that it goes further than open discussions. It should involve practical programs of training, legal advice and technical assistance which address underlying issues in law and institutions.

Dialogue should not replace discussions in international fora, such as the UN Commission on Human Rights. Instead, governments should encourage each other to cooperate with the international mechanisms for human rights, such as the UN Special Rapporteurs and Thematic Mechanisms.

4. Address human rights in discussions on regional issues.

Dialogue on human rights should not be quarantined from broader dialogue on broader political and economic issues.

Regional conflicts are almost invariably the projected shadow of human rights violations. Human rights abuse in Myanmar is a destabilising factor in the region, causing a large refugee exodus and border problems. The failure of human rights protection (built into the original Paris Peace Accords) is at the heart of the current developments in Cambodia. In discussing Cambodia, the ASEM summit should urge the authorities there to address long standing problems such as impunity for human rights violators, as part of any solution to the current crisis. The human rights crisis in Bosnia provided another example of the need for human rights respect and protection to go hand in hand with humanitarian relief. ASEM members should in addition be seeking to coordinate their activities on conflict resolution at the UN.

EU members have recognised within the Organisation for Security and Cooperation in Europe (OSCE) that human rights protection is an integral part of conflict resolution, confidence building and preventive diplomacy. There are many lessons to be drawn from the experience in Europe that can be offered to Asian Governments as they develop their own regional security dialogue and mechanisms.

The plight of refugees and the internally displaced is in many countries the result of government failure to protect human rights. The mass movement of people across national borders can create in itself the conditions for further human rights abuses, as refugees are repatriated without thought for human rights guarantees or proper screening processes to determine who is at risk of human rights abuse if they are returned to their own country. This is particularly the case in Asia, where few governments have ratified the 1951 UN Refugee Convention.

ASEM, which contains a combination of governments in countries of asylum and governments in countries of origin of refugees, is in a position to address the human

rights issues which force people to flee their homes. It is in a position to share the full responsibility for protecting and sheltering refugees and developing mechanisms, in concert with the UN, to help provide adequate and sustained assistance to those countries which bear a disproportionate share of the responsibility for hosting refugees because of their geographical location.

5. Address human rights as part of dialogue with business.

Business participation in the ASEM process provides a unique opportunity to promote human rights as an integral component of business and economic relations. The Universal Declaration of Human Rights calls on every individual and every organ of society to play its part in securing universal observance of human rights. Companies are organs of society.

Business should be reminded about its responsibility to promote and protect human rights through the contact between government and business and business and business. All companies have direct responsibility to respect human rights in their own operations. In particular, companies should respect the rights of their employees and other people with whom they work. They should ensure that their security arrangements do not lead to human rights abuses. They have also a wider responsibility - moral and legal - to use their influence to promote respect for human rights.

Business should develop codes of conduct which include international human rights standards. They should also seek ways to ensure that these codes can be monitored independently to verify their implementation. Amnesty International's **Human Rights Principles for Companies** (ACT 70/01/98) provides an introductory checklist and a basis for companies to develop their own codes of conduct.

The ASEM Summit should begin the process of encouraging companies to address human rights issues. The building blocks of human rights protection - the rule of law, government accountability, independence of the judiciary - are the key elements in creating a stable climate for business, as evidenced by the recent economic crisis in Asia. ASEM provides a useful umbrella to bring these agendas together.

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