

Asia: Civil society needs to converge to protect rights

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Commemorating the 64th anniversary of Human Rights Day, the Asian Human Rights Commission (AHRC) has released a comprehensive report, State of Human Rights in Asia 2013, covering Sri Lanka, India, Nepal, Bangladesh, Pakistan, Indonesia, the Philippines, and Hunger in Asia. [The report can be accessed at: [http://www.humanrights.asia/hrreport/2013/.](http://www.humanrights.asia/hrreport/2013/)]

The global theme for this year is '20 Years: Working for your rights'. The theme marks the 20th year of the establishment of the Office of the High Commissioner for Human Rights.

The AHRC report has analyzed the functioning of justice institutions in Asia. While in some states the functioning of these institutions contribute to the negation of rights, in others, it is the non-functioning of the justice apparatus that hampers the rule of law.

Of particular emphasis in the report is the widespread use of torture, a phenomenon that the AHRC has documented sans jurisdictions. The report asks why, in countries like Sri Lanka, Nepal, and the Philippines, where torture is criminalized, it is in practice. The report concludes that it is not just adequate legislation that prevents torture; proper enforcement of the rule of law is needed to end torture and impunity. Central to the establishment of the rule of law in Asia is police reform.

Democracy is only possible where justice institutions are conceived, created, and nurtured to prevent arbitrary abuse of power. In Asia, what exist today, are authoritarian states in the garb of democracy, which promote impunity and nepotism. In countries like Bangladesh, India, Pakistan, Philippines, and Sri Lanka, owing to entrenched corruption and impunity in governance, realizing normative rights guarantees has remained elusive. This makes democracy a façade.

The global convergence against extremism has worked as a catalyst in Pakistan and Bangladesh to further state impunity. The ensuing repercussions have increased disrespect for the rule of law.

In Sri Lanka, the government has set up a military state. This has further pushed the country into a financial crisis, from which it will be difficult for the people of Sri Lanka to recover. Any inquiry into war crimes and other human rights abuses reported from Sri Lanka, past and present, is prevented by the state, since it would expose the empty shell of governance based on nepotistic interests.

Guarantees of protection, promotion, and fulfillment of human rights in India suffer formidably due to the state's incapacity to encourage, investigate, and adjudicate complaints of human rights abuse.

In Bangladesh, impunity and corruption has resulted in the country exporting bloodstained garments. Collective bargaining for better working conditions attracts murder. Politicians of all shades are deeply entrenched in promoting private interests, for which they have intentionally wilted justice institutions.

Nepal continues to keep the democratic dreams of its people in abeyance and prevents justice and closure for the victims of war crimes.

Pakistan meanwhile, poses mortal danger for professional communities like judges and lawyers for standing firm against fundamentalist religious forces that collaborate with the military.

The façade behind democratic state-building is exposed in Indonesia with the curtailment of freedom of speech and expression and the widespread practice of torture. The country's judiciary is unable to shake off its compromised independence.

In the Philippines, human rights guarantees remain a challenge due to the omnipresent use of torture and violence by state agencies with impunity. Professional freedom of the media to report against human rights abuse is under exceptional control; those who dare challenge it face serious repercussions, including death.

In none of the Asian states assessed are institutional reforms a state priority. On the contrary, governments keep reform policies suppressed, and prioritize what is projected as 'development'. However, these development models are mere enforcement of state writ that deepen income disparities and keep millions in poverty, malnutrition, and hunger. Asia's development model is at best the convergence of its privileged, and justice, equality and dignity are the immediate casualties.

To counter an unjust development model, and protect the rights of the Asian people, the AHRC calls for Asian civil society to collectively challenge the region's governments and demand that development should not be at the expense of justice institutions.

The AHRC also wishes to reiterate-on a day that globally rekindles hope for human rights-that the best national investment states can offer their people is a life of dignity and equality. This, however, is impossible if Asian states do not prioritize institutional reforms to guarantee justice to every human within their jurisdiction.