

# Ethics in Action

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**Cover photo:**

'A Matter of Act' human rights defenders,  
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# **Asia: Unabated violence against women impedes social change**

*Edited text of a statement issued by the Asian Human Rights Commission on the occasion of International Women's Day: 8 March 2011, AHRC-STM-037-2011*

For 100 years now, a strong struggle for equal rights between genders has been taking place in the world. International women's day is the opportunity to celebrate women's economic, political and social achievements. It is the day to acknowledge the enormous potential of women in the prospering of their communities, and the core societal role they have to play for peace, political and economic development in their countries. Having educated and empowered women actively participating in every sphere of public life has long been acknowledged as key to a country's growth and affluence. Discrimination against women has been formally recognized as a violation of the concept that all human beings are born free and equal in dignity and rights. Nevertheless, in numerous corners of the Asian region, direct and indirect violence and discrimination, under various forms, continue to oppress women and prevent them from fully achieving their potential for change. Through 2010 and since the beginning of 2011, the Asian Human Rights Commission has been aware of numerous such cases. Violence against women is sometimes justified through tradition and religion, and occurs by exploiting the weak rule of law framework of numerous Asian countries to the advantage of the male-dominated society. It is used to control the behaviour of women and prevent them from freely taking part in public debate, and it continuously undermines their expression for the region's potential change.

The Global Gender Gap Index of 2010 offered a clear overview of the disparities which exist in the Asian region with regard to the country level of advancement in terms of equality of rights and opportunities between genders. The Philippines and Sri Lanka rank respectively as 9th and 16th out of 134 countries in terms of gender equality, mostly due to their achievements in reducing the gender-gap in education and health, while Pakistan ranks the third worst country in the world in terms of gender equality. Thailand ranks 57th globally but ranks among the best countries in terms of maternal health and 36th in terms of economic opportunity for women, with women representing the majority (51 percent) of the non-agricultural labour force, a rarity in Asia. The gender situation in Bangladesh and Indonesia is less optimistic, with their respective rankings as 82nd and 87th. The scores of both countries are increased only by the fact that they have women as their head of state, but their scores in terms of economic empowerment, access to education and health are very low. Closing this ranking are India (112th), Nepal (114th)

and Pakistan (132nd), with extremely important discrepancies between genders in all spheres of life.

## **Tradition**

In a number of Asian countries patriarchal cultural and religious traditions are invoked to systematically control women's lives, their free will and even their bodies, and hamper the full realization of their potential. In India, discrimination rooted in gender prejudices that foster stereotypical roles for the girl child and woman is one of the reasons for the poor state of affairs of women. The concept of purity and submission superimposed upon women by cultural and religious practices restricts their access to education and limits their freedom to choose their employment. The continuing practice of demanding and paying dowry, though prohibited by the Dowry Prohibition Act 1961, limits parents' interest to educate a girl child.

Another example is the common practice in some communities in Pakistan, of declaring a girl engaged to be married to a certain boy at the time of her birth, which prevents her from freely choosing her future; her fate was sealed from her day of birth.

Similarly, honour killings remain a strong issue in South Asia. Women, seen as carrying the honour of the family, can be murdered if she is considered to follow a path different to that expected of her. The United Nations Population Fund estimates that 5,000 women die each year in honour killings worldwide. The actual number however, is likely to be much higher, as most cases are unreported.

A case reported in August 2010 from Sri Lanka was yet another example of religion or tradition being invoked by the community to control women's lives. A husband was forced by community members of the local mosque to sign a document agreeing to the punishment of his 17-year-old wife for having given birth to a child as a result of an extramarital relationship. The woman, who was sick, was then beaten 100 times with the hard centre stem of a coconut frond.

Similarly, in Bangladesh, the Committee on the Elimination of All Forms of Discrimination Against Women expressed its concern in February 2011 that "*despite the High Court's decision that the extra-judicial punishments, fatwas, are illegal, there are reports of illegal penalties being enforced through shalish rulings to punish 'anti-social and immoral behaviour'*". In January 2011, a 14-year-old girl was "lashed to death" as punishment meted out by a village court consisting of elders and clerics under the Shari'ah law, after being accused of having an affair with a married man.

In some countries, “traditions” invoked to oppress women benefit from the support of authorities, like in Pakistan, or are even reflected in the legal framework, like in Aceh, where some criminal laws are based on the misinterpretation of the Shari’ah. A 2010 report by Human Rights Watch, “Policing morality,” on two of the five Shari’ah laws in Aceh—the law related to “seclusion”, which makes association with a unmarried member of the opposite sex a criminal offense punishable by caning and a fine, and the law on public dress requirement—revealed that these laws are abusively implemented by the authorities. The report documents cases of aggressive interrogation, including beating of suspects, forcing the suspects to marry, and forcing women and girls to submit to virginity examinations, as part of the ‘investigation’.

The Jirga courts in Pakistan oppress women’s rights and, though illegal, are tolerated or even supported by the authorities. Jirgas deny the equality between women and men, apply corporal or capital punishments to women whose behaviour is seen as deviating from traditional norms, and lack standards of fair trial. In July 2010, a woman was condemned to stoning to death by a Jirga merely for having been seen walking alone with a man. In May 2010, a young couple was marked for death by a Jirga that included police officers because the woman had denied a suitor selected by her family in favour of her husband, who came from outside the tribe. Despite an eventual Sindh High Court ruling in favour of the couple, community members and police continued to persecute the couple and the groom’s family. Legal and social complicity results in near impunity for those who continue to abide by the Jirga rather than law, and perpetrates honour killings. The government has not been seen to take any sort of action to pronounce the Jirgas’ rulings as illegal, or to dismantle them by taking action against the individuals engaged in running them.

Those cultural and religious representations remain strong obstacles in the way of women who want to take an active part in the future of their communities. Nepal is the only Asian country to have achieved the goal of 33 percent representation of women in parliament. Women seeking emancipation are targeted by those who want to maintain society’s patriarchal order as well as their own power and social status.

Acid attacks in Bangladesh and Pakistan against women who dare to say “no” to a marriage or a relationship are a case in point. Threats and harassment against women human rights defenders in Nepal further show society’s resistance to those seen as challenging the established social order.

In some countries, women are considered as simple chattel that can be exchanged to maintain the relationship between families, to settle conflicts, or even a commodity that can be sold. In February 2011, the AHRC documented a case of marriage which was opposed by the 70-year-old bride’s father in Pakistan. As “compensation” for the marriage

and the loss of his daughter, the father demanded the barter of a girl from the groom's family.

In South Asia, cases of dowry disputes and dowry deaths also reveal the value placed upon a woman's life. These are cases where the groom's family claims that they had not received enough material benefits to accept the woman into the family. Those claims may result in assault, mental and physical harassment of the bride, and ultimately, in her killing.

## **Trafficking and rape**

Further, Asia continues to suffer from a massive phenomenon of trafficking in women. In many cases the authorities cooperate with trafficking rings and brothels where women are kept, effectively imprisoned for sex work. Due to the irregular immigration of trafficked women, the victims often have no legal status in the country where they are trafficked to and risk detention should they try to escape or lodge a complaint with the local authorities. In Thailand, sex workers are particularly at risk of exploitation and stigmatization with cases of arrest and humiliation commonly reported, while rape cases of women sex workers are not properly dealt with.

While the attitude of state actors is essential in dealing with cases of violence against women, all the cases mentioned so far clearly show that the functioning of law enforcement agencies in practice reflects the patriarchal values of society and further contributes to the oppression of women. Failing criminal justice systems have been exploited by perpetrators to deny justice and protection to victims of gender-based violence and to preserve the vulnerable situation faced by women. In almost all Asian countries for instance, authorities at all levels of the judicial system have denied assistance and justice to rape victims and instead protected the perpetrators, resulting in a de facto "decriminalization of rape". Victims of rape and gender-based violence seeking legal redress face harassment and threats from the authorities and community members. The courage required to confront such obstacles is only rewarded with impunity for the perpetrators. This begins from the moment the victim decides to make the complaint of rape: in almost all of Asia there are incidents of police officers refusing to accept such complaints, forcing the victim to negotiate a settlement with the perpetrators or in specific countries, even to marry the perpetrators.

Collusion between the perpetrators of rape and police officers is common. Further, the social stigma surrounding rape and women filing cases in the police station, as well as the economic dependency of women are the key obstacles hampering their access to redress.

In a case in Nepal last July, the police took the rape victim in custody twice at the demand of the perpetrators, resulting in having all the physical traces of rape disappear.



In Sri Lanka, in January 2011, the family of a 23-year-old physically and mentally disabled rape victim was forced by the police to accept monetary compensation from the perpetrator as a settlement for the case. In Pakistan, in December 2010, a woman was raped by a local gangster with the help of two police informers and was forced by the police to withdraw her complaint. In India, women face additional risks at the hands of law enforcement officers compared to their male counterparts, due to the risk of sexual harassment and even custodial rape. In a case reported on February 1 this year, the police officers assaulted and sexually abused a woman and her mother when the officers came to their house in search of a male suspect. Typically, the police have refused to register a case against the accused despite written complaints.

It is thus clearly seen that protecting the right of women is intrinsically linked to the state of rule of law in the country, and to accountability and gender sensitization of law enforcement agencies.

### **Targeting women from marginalized communities**

All over Asia, the situation of women belonging to traditionally marginalized and discriminated communities deserves a special mention, as those women will be exploited at several levels with even less access to judicial and state institutions than women belonging to the country's dominant majority community.

In India and Nepal for instance, women belonging to the Dalit or tribal communities are more vulnerable to rape as their lives and dignity are seen as less valuable, and they have less access to judicial institutions. Nepal has also recently seen an increase in cases of isolated women, often widows and often from the Dalit community, being violently beaten, tortured and forced to eat human excreta after being accused of "witchcraft" by villagers. The Women's Rehabilitation Center (WOREC) has documented 82 such cases within two years. In Pakistan, women from religious minorities are targeted, abducted and forcibly married to convert them to Islam. It is estimated that 20 to 25 Hindu girls are abducted each month and forcibly converted to Islam. In March 2010, the family of a 17-year-old Hindu girl who was kidnapped by three influential Muslim brothers and raped by one of them, was pressured into accepting her wedding to her rapist and her conversion to Islam by a jirga. Judicial and police inaction went as far as arresting the victim's father under a fake case and intense pressure from ruling party members and local landlords preventing the family from seeking further assistance.

The targeting of women from marginalized classes or religious and ethnic minorities is not an aimless and insignificant act; on the contrary it has calculated implications and impact. Raping or abusing women is aimed at not only destroying the victim, but through her, the entire community. Rape and violence against women has become an

instrument of power in the hands of the dominant majority. The victimization of women from marginalized classes contributes to the maintenance of power and the domination of “upper” classes while the victimization of women from minorities, religious or ethnic, aims at destroying the whole structure of that community, integrating them into the “mainstream” majority through the destruction of their identity. This aspect is particularly evident in the case of Burma, where women from ethnic minorities are the target of systematic, state-induced campaigns of rape and other forms of sexual abuses by soldiers in order to “spread the blood” of the ethnic majority and to humiliate and oppress. “Licence to Rape”, a June 2002 report by the Shan Women’s Action Network documented 173 cases of rape and other forms of sexual violence, with 625 Shan girls and women victimized by Burmese soldiers from 1996 to 2001 and showed that rape was condoned as a weapon of war from the Burmese state in order to subjugate and control ethnic minorities. Documentation by women’s groups shows that such cases of rape, torture and killings of women continue unabated in other areas of ethnic conflict.

Women in areas of conflict also suffer from specific abuses and often find themselves deprived of any legal redress, as in southern Thailand, where women are facing unrest and loss but have not been provided any remedies. The Thai Victim Protection Scheme is inappropriately implemented, which deprives victims seeking justice of remedies. In Nepal, during the decade-long conflict, the women faced gender-based and sexual violence, but such victims have remained invisible and are absent from government relief programmes and compensation schemes for conflict victims, as found by Advocacy Forum and the International Center for Transitional Justice’s joint report.

Gender bias is also visible in larger issues like poverty and malnutrition. For instance, in South Asia and South-East Asia, in both urban and rural poverty, often the direct victims of poverty and malnutrition are women and girls. In most cases reported by the AHRC, the pattern is of mothers and daughters facing the brunt of poverty.

Women in Asia thus suffer from multilayered, multifaceted discrimination and violence. Nevertheless, they continue to gather, organize and defend their rights and the rights of their community throughout the region. The fight of thousands of such women contributes not only to the promotion of the “rights of women”, but also to the advancement of democracy in their community as a whole.

In countries where reservations were made to ensure the representation of women in elected bodies, especially at the local level, women have been able to make use of such arenas to raise concrete issues of tremendous importance for the community, such as access to water.

In Nepal, women played a tremendously important role in the popular uprising of 2006 which led to the end of the conflict and the establishment of democracy in the country. Similarly in India, it is a woman, Ms. Irom Chanu Sharmila of Manipur, who has today become the beacon of hope and peace. Sharmila has undergone a ten-year-long fast in protest against the ongoing violence and impunity in India, committed both by state and non-state actors. The state attempted to stifle her protest by keeping Sharmila in arbitrary and solitary detention in a hospital room for the past ten years in which she is force fed through a nasal tube. In Burma, it is also the fight of a woman, Aung San Suu Kyi, that has become the incarnation of the hope for peace, human rights and democracy of the people. In Sri Lanka, women activists and lawyers are taking a great role in the fight against torture and support to the victims. In Pakistan, it is a woman parliamentarian who had the courage to deposit a law in the Parliament seeking to amend the blasphemy law under which religious minorities face persecutions.

On International Women's Day, the AHRC calls for comprehensive action, from all forces of the society, to create the conditions for women to fully express their potential for better change.

# **‘Movies that Matter’: A film festival to remember**

Josefina Bergsten

The ‘Movies that Matter’ film festival concluded in The Hague, Holland on 30 March 2011 after a full week of back-to-back film screenings, mixed with workshops and seminars focusing on filmmaking as well as human rights work. This is precisely what is unique about this particular festival—the human rights content of the films is just as important as the films themselves.

The festival is organized primarily by Amnesty International, in collaboration with several other partners, and has been staged annually for over a decade. This particular year coincided with the 50th anniversary of Amnesty International as an organization, which meant a particular critical focus on the history as well as future challenges of Amnesty. One documentary film called *Amnesty! When They are All Free*, which premiered at the festival, explored Amnesty’s achievements as well as failures since its origin as a “letter-writing organization” campaigning for political prisoners. The organization is now one of the biggest NGOs in the world and its focus has broadened to include a wide spectrum of human rights issues. The film featured released prisoners, critical voices, presidents, as well as employees of the organization through the last half century.

The main programme in the film festival was called *A Matter of Act*. Its 10 documentary films were devoted to portray human rights defenders and how they struggle for justice and human rights in all corners of the world, often at great risk to themselves and their families. All of the films were moving and inspiring to watch, but even better, most of the activists portrayed in the films were present at the festival to give first hand testaments of their work. After each screening, the activists and directors were available to answer questions from a moderator as well as from the audience. This added greatly to the experience of watching the films as participants could immediately ask questions they might have had while watching. It also helped in gaining a deeper understanding about the issues faced by the activists in their respective countries, as well as about the film making process.

One of the documentaries, *Budrus*, was a wonderful portrait about a Palestinian man and his village in the West Bank, who put up a 10-month non-violent struggle to save their land and olive trees from being destroyed by the Israelis cutting deep into West Bank territory to build their controversial separation wall. The struggle was ultimately

successful, but only after the Israeli military had spent months abusing the villagers both verbally and physically with teargas, bullets and violence. The struggle achieved much international attention and inspired other villages to defend their land and livelihood in similar ways. Activists, including Israeli activists, journalists and politicians from all over the world travelled to the little village of Budrus to support the villagers in their struggle. Ayed Morrar, the Palestinian activist, as well as his daughter who mobilized all the women in the village to join the struggle, were there to give first hand accounts of the events. The jury of the 'Matter of Act' programme, which was chaired by veteran human rights campaigner Bianca Jagger, ultimately chose Mr Morrar to receive the Golden Butterfly Award for most inspiring human rights defender portrayed in film; a much deserved prize.

Ms Jagger and her fellow jury members also added a Special Jury Award in the same category for the three women portrayed in my film, *Unjust*. Suciwati, who was present at the festival, Angkhana Neelapaijit and Padma Perera were awarded for their brave struggle for justice after each of their husbands were murdered in the course of defending human rights. As Ms Jagger put it while announcing the award,



The three women in this film are widows, who seek truth and justice after their husbands were murdered. Their husbands were human rights activists murdered by secret agents without explanation and without justice. Driven by love and a desire for the truth, the three women continue their unwavering quest for justice. They have refused to be silenced, despite fierce opposition from police officials, judicial authorities and politicians. Their commitment to bring the murderers of their husbands to justice, sends a clear message to the world that we must assure accountability and seek an end to impunity.

*Unjust* was shown three times at the festival, each time followed by a Q&A, moderated by either a journalist or an Amnesty International staff member. Suciwati was there to answer questions about her victory in putting her husband's assassin behind bars, as well as the difficulties she faces in bringing the masterminds—members of



Indonesia's military security agency—to justice. Many Indonesians living in Holland came to the screenings to watch the film and meet Suciwati, who is well known both at home and in Holland.

Other documentaries in the main programme, 'A Matter of Act', featured human rights defenders in Nicaragua fighting against domestic violence through radio broadcasts; a Senegalese female rap artist fighting against female genital mutilation in her home country; a lawyer in Cameroon defending gays and lesbians who experience violent discrimination; and a journalist in India who dedicates his time writing articles about the appalling lack of social justice in his country, particularly about the tens of thousands of Indian farmers who commit suicide because they simply can't see any other way out of their grinding poverty.

A wonderful feel-good film in this category, *A Small Act*, was the story about a Swedish teacher, Hilde Back, who sponsored a rural student in Kenya over three decades ago. Hilde never met the student and forgot all about it in the many years that followed, until she receives a phone call. The student, Chris Mburu, has gone on to become a Harvard graduate and prominent human rights advocate for the United Nations. Chris decides to find the stranger in Sweden who enabled him to escape poverty and gain a high level education.

Hilde, now a lively 88-year-old, was present at the festival and had everyone in stitches as she recounted how she thought someone was having a laugh with her when she got a phone call from a young man in Kenya. By then, Chris had already started his own education fund in Hilde's name to help other children from his home village receive a good education.

Interestingly, *A Small Act*, along with eight more out of the 10 documentaries in the main programme, were made by female directors. In the festival as a whole, a full 50 percent of the directors were female—a major shift from festivals in the past and more mainstream festivals.

Another programme at the festival, *Camera Justitia* dealt with issues of international justice and the worldwide fight against impunity. The programme opened with *Prosecutor*, a fascinating documentary about the work of the first prosecutor of the International Criminal Court. Luis Moreno-Ocampo, the passionate Argentinian prosecutor, was present at the festival to conduct a workshop and talk about the uphill battle faced by the ICC to bring war criminals to The Hague to face charges of genocide and crimes against humanity.

Seven films had been selected in this category, including *Granito* by Pamela Yates, which describes how the research Ms Yates did for a documentary in 1982 in Guatemala, could be used years later to indict army officers responsible for war crimes.

Other themes were also covered. For example, Movies That Matter screened a number of comedies using humour and satire to talk about human rights and injustice. European immigration and refugee issues were portrayed with five films, both documentaries and fictional films—always followed by lively discussions. Well known documentary filmmaker Kim Longinotto was featured in a retrospective of four of her best-known films. She has spent her career telling probing stories from all over the world about women fighting to break out of gender stereotyping—from women wanting a divorce in Iran, to a lawyer helping victims of domestic violence in Cameroon, to women fighting caste-based discrimination in India. Ms Longinotto has a unique ability to capture her characters' most intimate and profound moments, such as when a young girl in Kenya is trying to convince her mother to break tradition and spare her sister from the horrors of genital mutilation.

Many more remarkable films were shown during a week of Movies that Matter, too many to mention. It was a great privilege to participate in this festival and truly inspiring to mingle with so many great filmmakers and human rights defenders. I am determined to try to make another film to submit to this festival so that I can return to a future rendition of 'Movies That Matter'.

# **Asia: Three women rights defenders receive prestigious international award for documentary**

*Press release issued by the Asian Human Rights Commission: AHRC-PRL-009-2011, 11 April 2011*

(Hong Kong, April 11, 2011) Three Asian women rights defenders have received a prestigious international award for a documentary made about their respective struggles, which was shown as part of a major film festival in the Netherlands during March.

The jury at the Movies that Matter Festival, which was held in The Hague from March 24 to 31, awarded Suciwati Munir, Angkhana Neelaphaijit and Padma Perera, a Special Jury Award for Josefina Bergsten's film 'UNJUST'.

The film documents the struggles of the three wives, mothers and activists to challenge impunity and get justice for their husbands, all of who lost their lives in 2004 due to the murderous intentions of state agents.

Basil Fernando, director of policy and programme development at the Asian Human Rights Commission, said that UNJUST was rightly deserving of international recognition.

"UNJUST is a documentary film that highlights the human rights problems in countries that do not have an adequately developed rule of law system to protect human rights," Fernando said.

"Through this film, three women who have seen the worst aspects of their countries' justice systems have helped the world to understand what it means to be living in these sorts of conditions," he said.

"It is a unique documentary and Josefina Bergsten has demonstrated her capacity to understand and to show through film the difficult experience of struggling for justice in countries with highly defective or collapsed justice systems," the AHRC policy director added.



The Hong Kong-based regional rights group in July 2010 gave its Asian Human Rights Award for Creative Media to Bergsten for the film.

“It was a great privilege to work with Suciwati, Angkhana and Padma while making this film,” Bergsten said on receipt of the latest award in The Hague.

“They are the most courageous people I know and their ongoing struggle has inspired and benefited many people in Asia and beyond,” she added.

Suciwati’s husband, human rights lawyer Munir, was poisoned on a Garuda Airlines flight in 2004 while travelling from Indonesia to study abroad. A former pilot and former head of the airline were implicated in the murder, and the pilot given a 20-year jail sentence.

However, the trail of connections to his killing has led back to the Indonesian secret services, and the masterminds have never been identified.

Suciwati was among the activists who were guests at the film festival in the Netherlands, along with the film’s maker. A five-minute video profile of her is available on the festival website: [http://www.movieshatmatterfestival.nl/english\\_index/nieuws\\_en/news/169](http://www.movieshatmatterfestival.nl/english_index/nieuws_en/news/169)

Thai police abducted Angkhana’s husband, Somchai, from his car on a street in Bangkok. Although five police went on trial, only one was convicted of a minor offence. He has himself disappeared, and an appeal court recently overturned his conviction. All the police are still serving.

Somchai’s body has never been recovered, even though the former prime minister, Thaksin Shinawatra, and other senior officials, admitted to having inside knowledge of the case.

Angkhana has since set up an organization to work for the victims of enforced disappearances in Thailand, and is now among the country’s best known human rights defenders. In 2006 she was a joint recipient of the Gwangju Prize for Human Rights.

Padma’s husband Gerard was a victim of police torture in Sri Lanka who became an outspoken and fearless advocate of human rights. Gunmen connected to the police shot him as he travelled on a public bus, shortly before he was going to depose in court against the officers who were accused of torturing him.

The Human Rights Commission of Sri Lanka has honoured Padma with an award for the struggle that she has undertaken since to get justice for her husband and to promote human rights in her country.

The Movies that Matter Festival, which is held annually in the Netherlands, this year screened ten documentaries in its main programme. The international jury consisted of activist Bianca Jagger (jury chairwoman), filmmaker Mohamed Al-Daradji, Frans Huijnen (managing director of the Equal Treatment Commission), filmmaker Pamela Yates and film journalist Belinda van de Graaf.

The first prize, the Golden Butterfly award, went to Palestinian activist Ayed Morrar, for uniting Fatah members, Hamas members and Israelis in their peaceful efforts to oppose the destruction of his village by the Israeli separation wall.

UNJUST has also been nominated for the 15th Human Rights Press Award.

The winner of this award and awards ceremony will be held on April 16 at the Foreign Correspondents' Club of Hong Kong.

Persons wishing to obtain copies of "UNJUST" may contact the filmmaker, Josefina Bergsten, at [josefina.bergsten@gmail.com](mailto:josefina.bergsten@gmail.com).

# A reflection on corruption in India

*Meryam Dabhoiwala*

Corruption in India has permeated every level of society; from senior bureaucrats and politicians, to high ranking public servants to professionals to criminals to lowly clerks and street vendors. Interested groups have documented numerous cases of corruption throughout the country, ranging from corrupt police officers, to government officers in charge of welfare schemes to local thugs in cohort with local officials. In fact, the two biggest challenges to tackling corruption in the country are corrupt police officers and corrupt civil servants. These are the two legs upon which the realization of the rule of law and protecting citizens' rights are based; when these cannot be relied upon, what are the chances of fighting against corruption? Corruption is a crime, and crimes are to be contested by law and its enforcement. Ultimately, all societies must be based on the supremacy of the law, and this law is to be articulated and protected by various mechanisms. Without government officers to transparently and in good faith run the government machinery in accordance with people's needs and wishes, and without police officers to protect people's rights and maintain law, society cannot function effectively. Furthermore, corruption if unchecked will simply eat away at rule of law, as well as public institutions, democratic principles and mechanisms of good governance, leaving society in anarchy.

## **Recent corruption scams**

Recent scandals in India have revealed the extent of political involvement in corruption, as well as the incestuous relationship between business and politics. They have also revealed the enormous amounts of money involved, which is particularly worrying for a country where a significant number live below the poverty line, and where the gap between the rich and poor is ever increasing. According to a report by US based group Global Financial Integrity, India lost USD 462 billion between 1948-2008, due to corruption, tax evasion and other illicit financial practices.<sup>1</sup>

Most recently, the appointment of PJ Thomas as head of India's anti-corruption watchdog, the Central Vigilance Commission (CVC), has been deemed illegal by the Supreme Court, on the grounds that Thomas himself faces corruption charges:

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1 "India lost \$462bn in illegal capital flows, says report," BBC News, 18 November 2010, <http://www.bbc.co.uk/news/world-south-asia-11782795>.

As Food Secretary in Kerala in the early 90s, Mr Thomas campaigned aggressively for the import of edible oil from Malaysia. It later emerged that the price paid for the oil - palmolein - was unjustifiably high. He has since been charged with corruption and conspiracy.<sup>2</sup>

PJ Thomas was appointed by the government in 2010; in fact, prime minister Manmohan Singh headed the committee that oversaw his appointment. As head of the anti corruption body, Thomas was to investigate allegations that millions of dollars were stolen by officials running the Delhi Commonwealth games in October 2010.

According to an article published in *Al Jazeera*, the Commonwealth Games budget ballooned three times to an estimated USD 6 billion, with the CVC receiving complaints alleging that up to USD 1.8 billion was misappropriated. An initial report by the CVC into the Games confirmed the use of sub-standard construction materials in a host of building contracts and deliberate cost overruns.<sup>3</sup>

Thomas was also looking into claims that former telecoms minister Andimuthu Raja was responsible for India's largest ever scandal, costing the country almost USD 40 billion: "Mr Raja stands accused of abusing his position and manipulating government policies to award licences for mobile networks at throwaway prices to companies that rewarded him privately with huge kickbacks."<sup>4</sup>

As Thomas was Telecom Secretary till he was made Central Vigilance Commissioner, the Supreme Court, monitoring the CBI's investigation into the telecom scam, suggested that it would be inappropriate for Mr Thomas to preside over an inquiry that could subject his own actions in the Telecom Ministry to scrutiny.

Another scam involving huge amounts of money and directly affecting the country's poorest citizens is the food scandal in Uttar Pradesh. According to BBC's Geeta Pandey, enormous amounts of food grains and fuel, meant to be distributed through the public distribution system or given to the poor under welfare schemes like food-for-work and school meals for poor children, have been stolen over the years and sold on the open market.

The scale is immense. It involves thousands of officials from top-level bureaucrats to middle-level officers to ground-level workers. It also involves thousands of

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2 "Thomas no longer CVC: Supreme Court," NDTV, 3 March 2011, <http://www.ndtv.com/article/india/thomas-quits-as-cvc-supreme-court-says-appointment-was-illegal-89084>.

3 "India sack Delhi Games chief," *Al Jazeera*, 24 January 2011, <http://english.aljazeera.net/sport/2011/01/2011124205821776668.html>.

4 "Thomas no longer CVC: Supreme Court," NDTV.

transporters, village council leaders and fair-price shop owners.

It stretches across 54 of the state's 71 districts, and investigators say the food is carried out of the state and sometimes even beyond Indian borders to Bangladesh and Nepal.

India's top investigating agency - the Central Bureau of Investigation (CBI) - once tried to withdraw from the case saying it did not have the manpower to deal with it. It said it would require the registration of 50,000 police cases.

One official said that if all the guilty are convicted, a new jail may have to be built to accommodate them...

"The subsidised supplies were siphoned off and sold in the open markets at much higher rates. In government records, they were shown to have been distributed among the people," says Vishwanath Chaturvedi, who filed a petition in court in 2005 demanding that those involved be punished...

"The scam was so brazenly carried out that when we checked vehicles which were used to carry grains, we found that the registration numbers were of motorcycles, scooters and even bicycles."

The micro-economy around the stolen supplies was estimated to be worth \$7.45bn (£4.8bn) in the year 2004-2005.

In December 2007, officials told court they had evidence to show that supplies were stolen from 2002 to 2007.

Mr Chaturvedi says the practice continues and if you calculate for the last 10 years, it adds up to more than \$42.6bn (£27.5bn).<sup>5</sup>

Not only do these corruption scams indicate political involvement, but they also indicate a breakdown in the country's rule of law institutions; how else could such incidents occur, not once, but multiple times, and at the levels they did? The slow response to these incidents, including holding people accountable, further shames the country's governance mechanisms and political will. When compared to the recent convictions of parliament members (MPs) in the UK for false expenses, the situation in India can truly be said to be dire. As reported by Sandra Laville and Polly Curtis in *The Guardian*, the MPs under investigation were immediately barred from their political parties while many

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5 Geeta Pandey, "India's immense 'food theft' scandal," BBC News, 22 February 2011, <http://www.bbc.co.uk/news/world-south-asia-12502431>.

others were required to pay back the fraudulently claimed money.<sup>6</sup> Speedy investigations were followed by effective trials, with those found guilty of false accounting sentenced to between 12-18 months imprisonment.<sup>7</sup> Furthermore, an agency was constituted to oversee MPs' expenses, salaries and so forth.<sup>8</sup>

Why does this not happen in India? The country's ongoing corruption scandals have recently sparked considerable public angst, culminating in quite a few protests throughout the country, as well as the launching of numerous anti-corruption websites:

One, [Ipaidabribe.com](http://Ipaidabribe.com), is run by Raghunandan Thoniparambil, a retired official from the elite Indian administrative service. The site was launched four months ago and more than 3,000 people have posted their own stories of graft.

On one day alone – 30 December – those posting on the site included a restaurateur forced to pay 25,000 rupees (£350) to clerks to have his dossier forwarded to senior officials at a Delhi licensing department, a traveller who had to give 100 rupees (£1.30) to get a berth on the otherwise full express train, a dozen or so drivers who had to pay traffic police after being accused of fictitious offences, and travellers intimidated into paying customs officials large sums to allow electrical and other goods into the country.

“The aim is not to identify people but to identify the problem,” Thoniparambil told the Guardian.

“Crowdsourcing is a way of finding out what is happening but won't alone alter anything. We need change from within government that is properly monitored.”<sup>9</sup>

Indeed, change from within the government is exactly what is needed. Protest and publicity are but one step on the ladder to change and the elimination of corruption. Without an institutional environment conducive to reform and accountability, public protest cannot do more than creating awareness. For concrete change to occur and legal action to take place, there must be functioning mechanisms to receive and act on complaints, whether of corruption, inefficiency or malpractice.

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6 Sandra Laville and Polly Curtis, “MPs charged over expenses could face up to seven years in jail,” 5 February 2010, Guardian, <http://www.guardian.co.uk/politics/2010/feb/05/mps-expenses-criminal-charges-jail?intcmp=239>.

7 See ‘Criminal charges’ in “United Kingdom Parliamentary expenses scandal”, Wikipedia, [http://en.wikipedia.org/wiki/United\\_Kingdom\\_Parliamentary\\_expenses\\_scandal#Criminal\\_charges](http://en.wikipedia.org/wiki/United_Kingdom_Parliamentary_expenses_scandal#Criminal_charges).

8 Editorial, “MPs’ expenses: Not a special case,” 6 January 2011, Guardian, <http://www.guardian.co.uk/commentisfree/2011/jan/06/mps-expenses-not-special-case>.

9 Jason Burke, “Indian corruption backlash builds after ‘year of the treasure hunters,’” 2 January 2011, Guardian, <http://www.guardian.co.uk/world/2011/jan/02/india-corruption-backlash-treasure-hunters>.

Another civil society response has been to urge the government to pass an anti corruption law. A weak law has been pending in parliament for several decades now, with no strong action being taken by any government to modify and enact it. A civil society version of the law, the 'Jan Lokpal bill' also exists. Veteran activist Anna Hazare began an indefinite fast on April 5, demanding that the government rewrite the bill and pass it without further delay. As of April 9, the government agreed to set up a committee to draft the bill and to bring it to the 'monsoon session' of the parliament.<sup>10</sup>

## **Institutional reform**

At present, India's entire justice system is geared to serve political rather than public interests, as well as being mired in corruption. In such a system, there is no chance of individual complaints being heard and processed. When politicians and government officers themselves are corrupt, they will do little to clean up such scams and hold persons responsible. In a statement of December 2010, the Asian Human Rights Commission (AHRC), a regional rights body, noted that

[...] in the lower house of the Indian Parliament, the Lok Sabha, out of the 152 sitting members accused of criminal charges of varying nature, 72 are suspected to be involved in criminal cases of a very serious nature. These are offenses which, if investigated and proved, would fetch imprisonment for the accused for a period of not less than seven years... the BJP [Bharatiya Janata Party] has 17, and the INC [Indian National Congress] has 12 of their representatives against whom crimes of a very serious nature are alleged.<sup>11</sup>

In the sentencing of British MP David Chaytor for false accounting on 7 January 2011, BBC News reported judge Justice Saunders noting that the MP expenses scandal had "shaken public confidence in the legislature and angered the public," and that "These offences have wider and more important consequences than is to be found in other breach of trust cases. That is the effect they have had and will have in the confidence the public has in politicians." Most importantly, he noted that MPs' behaviour must be "entirely honest if public confidence in the parliamentary system and rule of law is to be maintained".<sup>12</sup> This being the case, one must wonder what Justice Saunders would have to say about the large number of Indian parliamentarians being suspected of serious crimes, and their impact on not only public confidence, but the political and justice system as a whole.

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10 See "India wins again, Anna Hazare calls off fast," 9 April 2011, Times of India, <http://timesofindia.indiatimes.com/India/India-wins-again-Anna-Hazare-calls-off-fast/articleshow/7921304.cms>.

11 AHRC, "Stop talking and start acting," 22 December 2010, AHRC-STM-267-2010, <http://www.humanrights.asia/news/ahrc-news/AHRC-STM-267-2010/>.

12 "MPs' expenses: David Chaytor jailed over false claims," 7 January 2011, BBC News, <http://www.bbc.co.uk/news/uk-politics-12127327>.

Aside from corrupt (and criminal) politicians, India suffers a corrupt police force. It is an open secret that police officers, irrespective of their ranks, pay bribes to ministers and other politically influential persons for securing promotions, transfers and for preventing disciplinary action. The selection and appointment to the state police service has been referred to as ‘resembling a public auction’. According to the AHRC, in the state of Manipur, as of October 2010, appointment to the rank of Sub-Inspector of Police required bribes paid to the state Chief Minister, Mr Okram Ibobi Singh, or his representative, ranging from Rupees 1,400,000 to 1,800,000.<sup>13</sup> Transparency International’s report on India for the past several years has ranked the Indian police as one of most corrupt government agencies in the country and in the world, while the UN Rapporteur on Torture has reported that police officers in India routinely use torture as a tool for extortion of money from the poor.

Despite this, according to a press release issued by the Indian government on 24 February 2010, only 75 police officers were tried for corruption in the past three years. This lack of prosecution spotlights the lack of complaints made against police officers, as well as the absence of investigations. India’s police force is ill equipped to deal with criminal investigations in a professional, efficient manner. Without effective police reform (including amending the decades old, colonial Police Act), it is not possible to improve the country’s rule of law and human rights situation.

Linked to police reform is the reform of all justice institutions, which at present are clearly malfunctioning. This is indicated not only by the way these institutions have dealt with recent corruption cases, but also by members of these institutions themselves being implicated in such cases.

The most recent suspect is the former Chief Justice of India who is presently serving as the Chairperson of the National Human Rights Commission, Justice K G Balakrishnan. The government, despite the substantial and incriminating circumstances against Balakrishnan, has failed to undertake a thorough investigation in the case. A Public Interest Litigation filed in the Supreme Court is pending against the government, in which the Court has already expressed its displeasure about the slow pace of the investigation on the allegations against the former judge. In addition to the former judge, a former Union Minister is also facing investigation for corruption.<sup>14</sup>

The ongoing case of black money stashed abroad is a good study of poor criminal investigation and procedure. Amongst other aspects, India’s Supreme Court has to date

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<sup>13</sup> AHRC, “Stop talking and start acting”.

<sup>14</sup> AHRC, “An apology will not end corruption,” 10 March 2011, AHRC-STM-040-2011, <http://www.humanrights.asia/news/ahrc-news/AHRC-STM-040-2011>.



voiced displeasure regarding the following: Enforcement Directorate (ED) officials not subjecting Hasan Ali Khan to custodial interrogation; Mumbai Principal Sessions Judge M L Tahaliyani's order of granting bail to Khan and rejecting the ED's contention against it; and, the government's lack of investigation into other individuals stashing money abroad.<sup>15</sup>

India's judiciary faces its own problems, with court delays being the biggest obstacle to those seeking justice. This is largely due to insufficient staffing, with the population-judge ratio at 10.5 judges for every million Indians; the lowest ratio in the world. The huge number of cases pending in India's courts gives further rise to corruption:

A bail petition that requires a mere Rupees 2 court fee stamp to be affixed, to be called in the bench on the same day or on the subsequent day will require the payment of bribes ranging from Rupees 300 to 1000 to an array of court officers, which in most cases also include the Public Prosecutor and even the adjudicating judge. A visit to the Magistrate Courts at the national capital will prove this true, in addition to the fact that the entire place resembles a festival ground in chaos. Trial court lawyers everywhere in India know that unless they pay bribes to the court staff, the court would never take up their applications and petitions. It is a sad irony that it is this same court system that will have to deal with corruption cases.<sup>16</sup>

Such failings of justice institutions as well as the practice of corruption that drives them provides the wealthy and connected with an environment of privilege and concession when they are charged and investigated of corruption. They also benefit from court delays and the misinterpreted provision of the Criminal Procedure Code for prior sanction to prosecute.

## **Making use of technology to fight corruption**

The widespread use of information technology in today's world has done much for increasing public awareness and supporting movements for democracy and liberty. From the Saffron Revolution in Burma in 2007, to the recent wave of protests in the Middle East, blogs and social networking sites have played a significant role in generating public participation and solidarity. Apart from information and awareness sharing however, information technology can be used in various ways to protect and safeguard human

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15 See "SC criticises govt for not probing into source of black money," 28 March 2011, Times of India, <http://timesofindia.indiatimes.com/india/SC-criticises-govt-for-not-probing-into-source-of-black-money/articleshow/7806363.cms>, and "Black money trail: SC extends Hasan Ali's custody by 3 days," 21 March 2011, Times of India, <http://timesofindia.indiatimes.com/india/Black-money-trail-SC-extends-Hasan-Alis-custody-by-3-days/articleshow/7755275.cms>.

16 AHRC, 'Stop talking and start acting', 22 December 2010.

rights, from increasing the use of computers and fax machines to minimize court delays, to using proper forensic equipment to streamline criminal investigations.

In the same way, information technology can also be used to eliminate corruption. Uttar Pradesh's state food commissioner for instance, in response to the food scandal there, noted that, "As a first step, we have digitised the entire list of BPL card-holders and weeded out 400,000 fake cards. To stop pilferage, we have decided to fit in GPS devices in trucks and fuel tankers to track their movements."<sup>17</sup> These are both important steps in reducing opportunities for corruption, as well as increasing efficiency, particularly as much corruption takes place in the country due to a prevailing atmosphere of complacency and inevitability.

Prior to this, the Indian Railways made use of computerized ticketing:

The ticket booking system in the Indian Railways was marred with petty corruption and gross inefficiencies many years ago. The reason was that a scarce resource, available seats, were allocated by local clerks who often misused that allocation power to extract bribes and curry favors for hapless consumers. Computerizing the entire booking system has taken that power away from Indian Railways employees and booking tickets is now a breeze. Similarly, digitizing the entire land and property records in the state of Andhra Pradesh by the former Chief Minister Chandrababu Naidu cleaned up the system that had made buying and selling property in the state a nightmare.<sup>18</sup>

In this manner, incorporating information technology into the reforms of justice institutions will go a long way in eliminating corruption in the country.

Despite the severity of the problem in India, and despite political rhetoric regarding the necessity to eliminate corruption, India has not yet ratified the UN Convention against Corruption. The Convention contains many useful principles and declarations regarding public and private sector corruption, as well as international cooperation and technical assistance. If nothing else, India can use it as a blueprint for removing corruption from its ranks. The present debate regarding the anti-corruption bill in parliament can benefit greatly from the Convention, which clearly lays out the various 'crimes' of corruption and how they may be dealt with.

Perhaps the considerable public angst against corruption should focus itself on reforming key institutions, signing up to and complying with relevant international treaties and

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17 Geeta Pandey, "India's immense 'food theft' scandal".

18 Bhagwan Chowdry, "Using IT to fight corruption and inefficiency in India," 25 August 2010, Huffington Post [http://www.huffingtonpost.com/bhagwan-chowdry/using-it-to-fight-corrupt\\_b\\_690609.html](http://www.huffingtonpost.com/bhagwan-chowdry/using-it-to-fight-corrupt_b_690609.html).

holding its government representatives responsible for their actions (and inaction). Only then can there be some genuine progress towards political change and the elimination of corruption.

# The struggle to obtain ownership on ancestral land in Thailand

*Community Resource Centre*

This article tells the story of three villagers from north east Thailand, and their journey to realizing their land rights. Unfortunately, one of them died before seeing the fruits of his labor. The story takes place in Thailand's Surin province, Muang Surin district, which shares an international boundary with Cambodia.

Surin has its own unique history regarding civilization and rich natural resources. In the process of development and to ensure the security of the Thai state, many people were denied their rights, including the residents of the four villages of Than, Than Thai, Pra and Yang.

Wife of an ex-army man, Ms Nopparat, 47 years old, was born in Than village. Her father, late Mr Boonrod Prajunbarn, was the first to initiate the struggle against land grabbing. The location of their village was the source of the problem; all four villages are located just besides the military cantonment. Around four decades before, the army tried to expand its cantonment area and acquire the villages to be part of the cantonment. The military claims that the four villages are military land.



*Ms Nopparat Prajunbarn*

According to Nopparat however, this is their ancestral village, although she does not know for how long her ancestors have lived here. After completing her primary education, Nopparat was compelled to help her parents in the family work. In this way she learned about farming and construction work. At the age of 13 in 1977, it was a shock to her that the piece of land that was their livelihood would be acquired by the military. When her father initiated his struggle against such land grabbing, her family faced many problems and threats. Her father was arrested and detained many times by the police and military without any prosecution. All the men in all four villages were staying outside the villages to save themselves from the military and police. Coincidentally, it was also the time when the communist movement was raising its voice in Thailand; it was hence very easy to declare someone as a communist. Her father was also declared communist by the local authorities, simply for protesting to protect his land. Despite all the problems he was very daring and full of enthusiasm, and never thought to give up the fight.

Boonrod approached all the relevant authorities to obtain a remedy to this problem, such as the Surin governor, land office, ministry of defense, ministry of interior and ombudsman, but with no success. He and 45 other villagers then approached the administrative court and finally the Surin provincial court with this problem. Finally in 2003, before his court case finished, he left this world because of critical lung disease. His daughter believed that he left this world with an unhappy soul.

Ms Nopparat decided to take over her father's responsibility to get justice for their ancestral land. She initially coaxed her younger brother to take up this role, but after awhile her brother became inactive, leaving her no choice but to follow up her father's work herself.

As activists, we were surprised that a lady who had hardly completed her primary education was talking about land issues, community rights and military power. We were more shocked when in response to our question of 'what does communist mean', she said 'terrorist'. We tried to explain to her that communists are not terrorists, but she only knew that her father was arrested and detained because, as the authorities said, he was a 'communist', a 'terrorist'. She added that her father was detained without any prosecution for many months on numerous occasions, and once he even ran away to become a priest, thinking that the police and army would not suspect a priest of such activities.

When we asked her the current situation, she informed us that the department of treasury would like to declare this area as public land, which they would give the villagers on lease. This is the outcome of the negotiation judgment of 2007, after her father's case was dismissed in court. Nopparat had no choice but to accept this outcome, although she asked us "Why should we have to pay rent for our ancestral land?" We had no answer. According to Nopparat, they now have access to regular water and electricity, as well as a village council like the country's other villages, with the four villages becoming one registered village known as "Chalerm Prakiet Village". However, she added, till today we are supposed to be tenants on our own land.

Ms Phromporn Phumpuang is known as Mae Tiu (Mother Tiu) in the village of Than Thai, where she married a native villager who is an ex-army man. From 1977, she has continuously been doing farming in the village, not knowing there was any land dispute. At that time, she lived in Surin city, but spent most of her day in the paddy fields and with her cows. She later came to the conclusion that it is not easy to take care of her cows and field by living in the city, and decided to just stay in the village. In 2004, she built a small wooden house and started living and working there. This was the time when the case of ownership was in court.



*Ms Phromporn  
Phumpuang*

She learnt that in 1980 the military had tried to displace the villagers from the four villages of Than, Than Thai, Pra and Yang, and since then, whenever the villagers protested in front of the Provincial Governor's office or other places in Muang Surin district, she always tried to provide food to them. Sometimes the villagers were dispersed and arrested, she added.

Phromporn is co-owner of this land; after her marriage with Mr Somkit, this land was given to them by her in laws. Retired from the military, Somkit has kept himself away from the land struggle so as not to lose his pension from the department of defense, which is a possibility if he steps forward to claim land ownership. The pension is important for them because nowadays they do not have any cows, only their paddy field, which is not enough for their daily needs.

Mae Tiu joined a group of villagers to pursue their land ownership after Boonrod brought his case to the administrative court in 2003. The group comprised of 46 villagers from four villages. The case asked the court to stop the proceedings of the authorities to declare their ancestral land as public land and instead grant them the title deed. Ever since 2007, when Boonrod's case was dismissed, all cases have been settled by negotiation. In their case as well, the negotiation judgment requires the authorities to provide land leases for the 46 villagers. These villagers and their family can normally use the land until the land leases are set up, after which they will have to pay rent for their land.

While waiting for the leasing process, Mae Tiu was charged for public land trespassing in 2010 by the military. She went to see the police three times and has given evidence that she is not guilty, but the police still sent her case to the prosecutor for prosecution. She has so far reported to the prosecutor three times, with the next reporting scheduled for 20 April 2011. She has no idea what will be happen on her case. When asked if she knew why she had been charged, she replied that it might be because the military thought she was the leader of the group protesting against the military's land grabbing. No other villagers in her group have been charged.



Phromporn Phumpuang is a 64-year-old lady with only three years of primary education, but she knows well the value of the land. Today, she has taken on an organizing role, particularly when there are ongoing court proceedings. She disperses information to the villagers and worked on establishing an emergency fund for legal and follow up expenses. Although the villagers are getting legal aid from the Lawyers Council of Thailand, they need a common fund to follow up the case, as the Council cannot bear all the expenses for documentation and so forth. This emergency fund is thus very useful for them, with every house contributing 50 baht per month.

The Treasury department is now attempting to do the demarcation work regarding the area of public land. When this is done, they will prepare the land leasing document, which means the villagers will have to pay rent to remain on their ancestral land. While something may be better than nothing, the villagers are not happy with this state of affairs, and vow to carry on their struggle for ownership of their ancestral land.

# **UPR as an exercise in the making of fiction: An analysis of the presentation by Burma and its implications**

*(This article is compiled from two submissions by the Asian Legal Resource Centre to the 16th session of the Human Rights Council in March 2011: ALRC-CWS-16-05-2011 and ALRC-CWS-16-12-2011.)*

The Asian Legal Resource Centre (ALRC) has analyzed how the Burmese government recently treated the Universal Periodic Review process as an opportunity to present an almost entirely fictionalized account of human rights conditions in its country, rather than for dialogue of the sort that the process envisages. The reason for the government delegation's gross misrepresentations is the government's disconnection from any type of normative framework for the protection of human rights, international or domestic alike. While the UPR process is premised upon the existence of a domestic framework for the implementation of international human rights standards, no such normative basis for the protection of rights exists in Burma. On the contrary, the Burmese government's conceptualization of rights is that these are entitlements that can be extended or withdrawn according to circumstances.

Some of the more glaring fictions contained in the presentation of the government to the UPR Working Group, which are most directly related to the centre's work are documented below, followed by the corrections of the ALRC. Aspects of the government presentation not covered here include misrepresentations about the manner in which elections were held in 2010, the extent to which political parties are able to organize and operate, the status and treatment of people in Northern Rakhine State, the standing of the national human rights committee, sexual violence by the armed forces, confiscation of land, and the notion that the country is entering a new democratic era.

- a. “[The] Myanmar Constitution of 2008 is committed to promote and protect human rights and the whole Chapter VIII deals with fundamental rights and principles, at par with the rights given by Constitutions in other countries. The legal remedies for the breach of human rights entrusted by this Chapter are given through five Writs which can be found in the same Chapter” (paragraph 6).



The statement is fiction. Chapter VIII of the 2008 Constitution contains no provisions to protect human rights in accordance with international standards. Most of the provisions are qualified through provisos that they be limited “in accordance with law” or similar. There are no institutional arrangements to ensure that even the rights as stipulated can be protected to a limited extent. Under section 182 all rights can at any time be restricted or revoked if contrary to the interests of the armed forces. From a human rights perspective the constitution is a norm-less document. The writ provisions are yet to be tested. Burma’s courts have not received writs for half a century. There is no tradition or understanding of the usage of writs. There is no independent judiciary to receive them, which renders the basic principle of writ petitioning meaningless.

- b. “Those referred to as ‘political prisoners’ and ‘prisoners of conscience’ are in prison because they had breached the prevailing laws and not because of their political belief” (paragraph 51).

The statement is a misrepresentation. One of the important distinctions between a system in which human rights norms are acknowledged but violated, and one in which they are not so much as acknowledged is that in the latter, even the grounds for imprisonment and punishment of persons deemed to be threats to the government must be denied. Therefore, many political detainees in Burma are charged and imprisoned under sections of law that are purportedly unrelated to their political activities. Even allowing for such cases however, the statement of the government could only be accepted if provisions such as sedition (section 124A, Penal Code) and having contact with political groups listed as unlawful associations (Unlawful Associations Act, 1908) could be classed as non-political. Furthermore, from study of literally hundreds of such cases in recent years, the ALRC can state that the records of these cases are throughout political in character, and political police, usually the Special Branch or special police units under divisional commands, also bring the cases to court. Therefore this statement, which the government has persisted in iterating over some years, is ridiculous and false from whichever angle it is examined.

- c. “Torture is a grave crime and the Constitution prohibits torture or cruel, inhumane or degrading treatment” (paragraph 52).

The statement is fiction. There is nowhere in the 2008 Constitution a prohibition of torture or cruel, inhuman or degrading treatment or punishment of any sort. Nor is there a prohibition in the Penal Code or in any other section of domestic law. That the government delegation would make this patently false statement concerning a matter of such grave importance is indicative of its attitude towards the UPR process as a whole. The attitude that the delegation could say anything and expect that nobody would know better prevails throughout, and is an attitude not of a government contemplating dialogue but one of a government treating international processes with contempt.

- d. “Myanmar is implementing the UN Standard Minimum Rules for the Treatment of Prisoners. Physicians and nurses are stationed in prisons and specialists from general hospitals are available. Family visits are also allowed” (paragraph 53).

The statement is a misrepresentation. The government is not implementing the Standard Minimum Rules. In particular, with regards to food, health and medicines the conditions in Burmese prisons are notoriously bad. Prisoners rely upon assistance of family and friends, who bring food, vitamins and medicines to supplement meager rations and help them to survive the poor conditions in prison. However, political detainees have in recent years been systematically sent to remote prisons, including some in the north of the country where the weather is extremely cold, making it impossible for family members to visit more than a few times in the year. Anecdotally, requests by gravely sick prisoners and their family members that they receive treatment from specialists outside of prisons are routinely denied. The use of prisoners as labour for the armed forces in areas of the country with persistent civil war or ceasefire conditions is documented and ongoing.

- e. “Although there is no MOU between ICRC and the Government, from 1999 to 2005, [the International Committee of the Red Cross] made 406 visits to prisons and camps. Thereafter, it stopped prison visits of its own volition. However, after Cyclone Nargis in 2008, ICRC made 16 visits” (paragraph 54).

The statement is a misrepresentation. The ICRC stopped its visits because the Burmese government refused to comply with the terms of its globally recognized mandate. The obligation is upon the government to agree for the ICRC to make visits in accordance with the terms of its mandate, not according to whatever terms the government finds expedient.

- f. “Since 2006, the Government issued a public notice in the newspaper to complain against human rights violations to the ministries concerned [sic]. From January to August 2010, the Ministry of Home Affairs received 503 submissions and action was taken on 199 complaints, 203 complaints were under investigation and 101 complaints were found to be false... Punitive actions are taken against military personnel who violate the military recruitment laws and regulations...” (paragraphs 88 & 92)

The statements are misrepresentations. The government does not explain the meaning of “action taken”. There is no evidence of serious criminal action taken against state officials who have committed human rights abuses, in accordance with international standards. In most cases, action taken is presumed to mean departmental disciplinary action, such as transfer, demotion and sometimes dismissal. Complainants who attempt to pursue criminal actions are themselves subject to intimidation, coercion and harassment,

sometimes resulting in criminal actions and imprisonment of the persons who brought complaints. Persons whose complaints are deemed false are sometimes also subject to counter-legal action, including for contempt of court. Such cases are documented not only by human rights groups but are also found in official published records. So far as punitive actions in cases of forced labour and recruitment of children to the army is concerned, the Committee on the Application of Standards of the International Labour Conference has observed that,

None of the complaints under the [Supplementary Understanding] mechanism assessed and forwarded by the ILO Liaison Officer [to the government] resulted, in 2009, in a decision to prosecute perpetrators of forced labour... [The government] has routinely rejected recommendations made for more serious sanctions to be applied. Recent cases involving complaints of under-age military recruitment have resulted... [in] only administrative sanctions, if any, imposed on the perpetrators; there have been no prosecutions under criminal law (C.App./D.5, June 2010, paragraph 21).

In concluding remarks to the UPR Working Group, the Government of Myanmar through the delegation leader stated bluntly that there is no impunity in the country and that the local remedies required by international law are available through the Ministry of Home Affairs. Thus, by the government's own assertion, it is not the judiciary at all but the executive, and specifically the ministry responsible for management of the police force and prisons, that is assigned the duty of providing remedies for rights abuses. This understanding of redress for rights violations is consistent with the government's non-normative conceptualization of human rights, whereby human rights are not universal principles but relative entitlements, which may be extended or withdrawn according to circumstances. It is this conceptualization of non-normative rights which is the basis for the government's denial of abuses, the basis for the new constitution, and the basis for the decades of atrocious treatment that the Burmese population has suffered at the hands of the state.

## **Implications**

It is important to consider the implications of this disconnect between the norms-based language and activities of the global human rights movement and the norm-less reality of a member state. This is not merely a disconnect between rhetorical aspirations and hard truth, but a much more significant problem of the gap between a norms-based system and a norm-less one. Unless this is properly understood and accounted for in the work of UN and other international agencies, the many proposals being put forward during the ongoing Human Rights Council review process will have little relevance to the situation of human rights in Burma, or other countries with similar conditions.

The problem of the gap between a norms-based international system and a norm-less domestic one is a difficult problem to approach and understand for people who have been trained in and are accustomed to norms-based systems. However, the problem is often implicit in questions and exchanges about human rights issues in member states, such as those raised in the lead up to the UPR Working Group's tenth session, this January 2011. Two of Japan's questions to Burma were particularly interesting because of their implicit acknowledgement that the problem of systemic rights abuse in Burma is less a problem of refusal to engage with the standards of the international community, less a problem of engagement with international law, than it is a problem of engagement with domestic law, or any standards of law for that matter. These questions ran:

Although the Constitution of the Republic of the Union of Myanmar provides for the right of peaceful assembly and freedom of association, concerns over restrictions on such freedoms continue to be expressed in UN reports and resolutions. Likewise, the continued practice of arbitrary detention and torture, while prohibited by the Penal Code, has been raised as a matter of concern. We would like to request that the Myanmar Government explain how its understanding of the provisions laid out in its Constitution and Penal Code relates to the concerns and issues pointed out by the UN...

What are the prospects for Myanmar becoming a signatory to the international conventions on human rights that it is currently examining, including the International Covenant on Economic, Social and Political Rights (ICESCR), the International Covenant on Civil and Political Rights (ICCPR), the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), and the Optional Protocol to the Convention on the rights of the Child on the sale of Children, Child Prostitution and Child Pornography? In this connection, we would also like to inquire as to why the Convention Against Torture and the Optional Protocol on the Convention on the rights of the Child on the involvement of children in armed conflict are not also under examination for signature by Myanmar.

While it is not correct to say that Burma's constitution and Penal Code protect its citizens from abuses of the sort mentioned by Japan, the first question is essentially correct in that it raises the basic problem of the government's routine failure to comply with its own domestic law. This is not merely a practical problem of the gap between what is on paper and what goes on in real life, but rather, a consequence of the imperative for all institutions in Myanmar to follow instructions on the implementation of policy, irrespective of law. It is a consequence of the disengagement of the Burmese state with any firm concept of law, properly understood as the product of a legislature, for over two decades. The gap between domestic law and reality in Burma is not a simple consequence of practices that engender rights abuses; it is a matter of policy. This is a primary cause of

chronic rights abuse in the country, yet it is one that has not yet been properly or fully acknowledged by the Human Rights Council.

Where a state is as a matter of policy disengaged from any meaningful concept of law nationally, it can hardly be expected to engage with international law. Thus, as Japan indicates in the second paragraph, there is a vast gap between the development of human rights standards internationally and the recognition of these by the Burmese government. Decades after the rest of the world passed core covenants of the international bill of rights, Burma still has not joined them. However, even where a state pretends to engage with law internationally, if it is not doing the same domestically then any such apparent engagement will have few or no practical consequences.

This incapacity to engage with basic norms for the protection of human rights at either an international or domestic level is manifest in the 70 recommendations “that do not enjoy the support” of Burma listed in the UPR Working Group’s draft report on the country (A/HRC/WG.6/10/L.7, 2 February 2011, paragraph 107). While rather awkwardly insisting that it is in compliance with international standards, the government rejected recommendations that included, among many others, the following:

- a. “Amend the Constitution... [to be] in compliance with international human rights treaties and humanitarian laws (Denmark)”;
- b. “Begin a transparent and inclusive dialogue with all national stakeholders... aimed at reviewing and reforming all relevant national legislation to ensure that it is consistent with international human rights law (Maldives)”;
- c. “Repeal laws that are not in compliance with international human rights law and review its legal system to ensure compliance with the rights to... a fair trial and respect for the rule of law (New Zealand)”;
- d. “Cooperate with the international human rights mechanisms and humanitarian agencies, specifically by issuing a standing invitation to the Special Procedures of the Human Rights Council and allowing full and unhindered access to all persons in need of humanitarian assistance (Republic of Korea)”;
- e. “Take appropriate measures to end de-facto and de-jure discrimination with all minority groups (Pakistan)”;
- f. “Investigate and punish all cases of intimidation, harassment, persecution, torture and forced disappearances, especially against political dissidents, journalists, ethnic and religious minorities and human rights defenders (Uruguay)”;

- g. “Seek technical assistance from United Nations to reform judiciary, to establish accessible judicial remedies as well as to alleviate poverty (Turkey)”.

It is difficult to understand why any government with a commitment to international standards would not in principle at least agree with any of the above non-specific recommendations. However, when a government has disengaged from human rights norms both in international and domestic law, not only is it understandable that such recommendations would be rejected, but it is imperative that they be rejected. For a government divorced from any normative framework for human rights, arbitrary, inconsistent and contradictory positions on human rights standards are both necessary and unavoidable. In the absence of adherence to any consistent set of standards, whether at home or abroad, there is no body of principles against which decisions can be made and policies applied. Decision-making is relativized and situation-specific; recommendations are accepted or rejected according to expediency.

The problem of what the UN can do with a member state that is disconnected from any normative framework for the protection of human rights urgently needs to be taken up in the ongoing Human Rights Council review process (in accordance with General Assembly resolution 60/251, 15 March 2006).

There have been some initiatives in the lead up to the review; however, many of the issues raised, such as at the Algiers retreat in February 2010, are technical in nature or concerned mainly with the inevitable politicization of the Council processes, rather than the more difficult problem of a member state operating according to an entirely different conceptualization of human rights than that on which the work of the international human rights system is premised, and one disconnected from any standards for the application of human rights not only at the international but also at the domestic level. Consequently, challenges facing the Council, such as the apparent ineffectiveness of special sessions, are discussed mainly in superficial terms, with reference to specific difficulties associated with specific identifiable outcomes, and without critical examination of possible underlying reasons for failure.

The problem that a norm-less state in a normative framework presents is also in part due to the confusion caused by apparently common language that disguises fundamental differences in conceptions, which are revealed only through careful study of circumstances and rhetoric. Although the discussions around the review acknowledge the importance of dialogue, they implicitly take any exchange of views to be a form of dialogue. They also presuppose that member states will in fact engage in frank discussion of their human rights problems and challenges. They fail to recognize and grapple with the problem of what happens when a member state, while apparently talking in the same language

as the international community, in fact holds or expresses views that are profoundly contradictory to global values and human rights goals.

The most important problem for the Human Rights Council regarding Burma is not a functional problem, but a problem of understanding. The Council review process presents an opportunity for the Council to go into more significant conceptual and epistemological questions about how to engage with a member state that is disengaged from human rights standards both internationally and domestically. If the Council can couple its examination of procedural and technical issues with genuinely substantive questions of this nature, then the review process will yield fruit. If not, the Council will continue to offer little to people in countries like Burma, who lack avenues to address violations of their human rights not for want of the language of rights, but for want of a normative framework in which rights can be realized.

# **Indonesia: Widespread impunity in Papua aggravating tensions**

*A written statement submitted by the Asian Legal Resource Centre to the 16th session of the Human Rights Council: 22 February 2011, ALRC-CWS-16-06-2011*

The Asian Legal Resource Centre (ALRC) is seriously concerned by ongoing, widespread human rights violations and violent acts being committed by the Indonesian security forces in the Papuan highlands in Indonesia. Impunity typically accompanies even the most serious abuses, as shown by the lack of effective remedies in a case of severe torture that the ALRC has documented recently. Despite institutional reforms in Indonesia, effective accountability for human rights violations in Papua is lacking, resulting in impunity that then engenders further atrocities.

Impunity and the sense of injustice that it engenders in society are having a strong impact on social stability and cohesion in Papua. Repression, discrimination and human rights violations by the Indonesian security forces are adding to tensions. Papuans reportedly feel like second-class citizens in Indonesia, even within Papua itself, and face discrimination, poverty and injustice as a result. The military arbitrarily suspect Papuans of being linked with rebel groups and stigmatize them, subjecting them to abuse.

## **Autonomy law rejected**

The State has failed to provide justice and remedies and to bring prosperity and equality to Papua through the Special Autonomy Law, despite it being Indonesia's most resource-rich region. Demonstrations in Jayapura, the capital of the Papuan province, have repeatedly rejected the Special Autonomy Law of 2001, with many civil society speakers having labelled it as being a failure. The autonomy parliament in July 2010 issued a decree formally rejecting the law and demanding a referendum on the political status of the autonomy region. The law was rejected mainly due to it having failed to deliver on any of the key demands of indigenous Papuans since its enactment. These include economic aspects but security and the need for protection against discrimination and human rights violations also figure highly.

The repeated calls by Papuan politicians, church and other civil society leaders for a dialogue between Papua and Jakarta have not been responded to by the government. Given the ongoing grave human rights violations by Indonesian security forces and



the deteriorating relations between Papua and Jakarta, the ALRC is concerned that the situation of human rights risks declining seriously in the coming period, unless Indonesia takes meaningful action to address its role in the worsening situation. To be credible in doing this, the Indonesian government and military must ensure that human rights violations are halted and impunity is shown to be being dismantled, with justice being served and reparation being provided to victims.

### **Torture and impunity – a symbol of abuse and injustice**

In the high-profile torture case mentioned above, which remain emblematic of the situation of human rights in Papua at present, Mr Tuanliwor Kiwo, an indigenous Papuan man, was arbitrarily detained and tortured in May/June 2010 by the Indonesian military. Mr Kiwo was arrested at the Kwanggok Nalime TNI post near Yogorini village on his way from Tingginambut towards Mulia, Papua, Indonesia. During two days of detention, Mr Kiwo was subjected to several serious forms of torture including burning, beatings and other forms of violence, resulting in serious injuries and Mr Kiwo falling unconscious. He was able to escape in the morning of the third day. Mr Kiwo is currently in hiding for security reasons but has given a detailed testimony of his torture in a video recording.<sup>1</sup>

While cases of torture are often reported from Papua, this case received significant international attention after video footage of the torture<sup>2</sup> was published by the Asian Human Rights Commission (AHRC) in October 2010. As a result of the significant public pressure concerning this case, three members of the military were tried in a military tribunal for disobeying their superior's order to release the victim and were sentenced to between nine and twelve months imprisonment. The ALRC is concerned that the charge and punishment in this case are not commensurate with the gravity of the violation that severe torture represents. Furthermore, the victim has not been provided with any form of remedy. Despite its high profile nature, this case speaks to the Indonesian system's inability to address torture as a serious crime and human rights violation, and its failure to provide adequate reparation to victims. In less visible cases, even less can be expected, and impunity typically prevails.

In another case of violence by members of the military in March 2010, that was also published in October 2010, the perpetrators received sentences of an equally disproportionately low nature. Three soldiers from the Indonesian military's Pam Rahwan Yonif 753/Arga Vira Tama squad, based in Nabire, Papua, were given a five-month

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1. <http://www.youtube.com/watch?v=eX5CuZhFFCI>  
2. <http://humanrightsasia.blip.tv/file/4446942/>

imprisonment sentence by the military court III/19, Cenderawasih military command in Jayapura in November 2010, for having kicked and beaten arrested indigenous Papuans whom they suspected of involvement in separatist activities. The names of the convicted officers are Chief Pvt Sahminan Husain Lubis, Second Pvt Joko Sulistiono and Second Pvt Dwi Purwanto. Military judge Lt. Col. Adil Karokaro explained in the verdict that the defendants had breached the Indonesian military's code of conduct by torturing the residents.

The government of Indonesia continues to deny the widespread use of violence by the Indonesian military in Papua, and alleges that these violations are rare and isolated, individual cases. However, the ALRC continues to receive further cases of violence against indigenous Papuans, including killings by the police and military, arbitrary arrests, the burning of houses and killing of livestock, which point to a widespread pattern of the use of violence, as well as a policy of intimidation by the Indonesian military.

Human rights violations and other crimes committed against civilians by members of the military are still only tried by military courts, which lack independence, transparency, a comprehensive penal code incorporating human rights norms, and a system of punishments that are proportional to the severity of the crimes committed. A military tribunal is not able to hold perpetrators of torture accountable in line with international law standards. Such tribunals cannot invoke any military regulations that prohibit the use of torture. Therefore, perpetrators cannot be tried for committing torture and no remedies can be provided to victims.

Furthermore, the country's penal code does not include torture as a crime. This means that members of the police that commit torture remain immune from criminal prosecution. Indonesia is therefore failing to comply with its obligations under the Convention Against Torture. Indonesia ratified the Convention against Torture in 1998, but the use of torture is still widespread and systematic, as cases received and documented by the ALRC attest. The promised review of the penal code has been delayed for years despite recommendations made to the government of Indonesia, which it accepted, during the Universal Periodic Review in this regard.

From a human rights perspective, it is vital for Indonesia to immediately begin to take credible action to tackle impunity and be seen to be tackling it in an effective way. Jakarta must ensure that the security forces halt the use of excessive force and violence-based strategies in dealing with security-related issues in Papua. Allegations of human rights violations must be investigated and any lacuna in legislation and due process must be addressed. For example, torture must be criminalized in line with Indonesia's international obligations under the Convention Against Torture. Military personnel who are alleged to be responsible for human rights violations against civilians must be tried in civilian courts.

The ALRC invites the Special Rapporteur on the independence of judges and lawyers to recommend institutional reforms to the government of Indonesia to ensure that members of the military are held accountable by independent courts that uphold human rights and constitutional values and ensure that these are made available to legislators in Indonesia.

The ALRC also requests that the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment follow up with the Indonesian government to ensure the full implementation of the recommendations made to Indonesia during the UPR review regarding the review of the penal code and the full criminalization of torture.

Furthermore, the ALRC urges the Indonesian government to heed the call for dialogue made by the Papuan indigenous community and avoid a further deterioration of the conflict in Papua. Finally, the ALRC calls on the Indonesian government to release all Papuan political prisoners, in order to show its commitment to a new path towards peace, security and human rights in Papua.

# **Comment: Is banning VOIP excessive control?**

*Noveline Khin*

When the announcement of Voice over Internet Protocol (VoIP) being banned in Burma was issued on 10 March 2011 and signed by Tint Lwin, director of the Ministry of Communications, Posts and Telegraphs, ordinary citizens worried about how to make future international calls. VoIP calls were relatively cheaper compared to landlines or mobiles.

With the ministry warning that people who continue to use these services will be prosecuted, many people dare not use VoIP anymore. Generations of Burmese have suffered from this kind of authoritarian control. People are afraid of being punished for not obeying the law. In fact, in Burma the sole purpose of making laws is so that the government can punish people who do not obey their dictates. People are afraid long before they even consider doing something against the law; they are afraid of being punished unnecessarily. So the purpose of making laws is not so much to provide a law abiding citizenship, but rather to manipulate people's fear.

Since the development of technology, people have found cheaper and more effective ways of using the internet to communicate with each other. Starting from 2000, the number of people who use the internet increased in Burma in the same manner that the laws relating to control of the internet increased. People using VoIP increased as well, since government telephone lines charge around 1000 kyat (USD 1) per minute, while overseas VOIP calls at internet cafes cost around 100 kyat (USD 0.10). Nowadays, millions of Burmese people work outside of the country because of poor income, and many students study abroad because of the poor education system. The average annual salary in Burma is USD 459, which does not allow people to spend a dollar per minute on overseas calls.

If the government wanted more people to use its telephone lines, it would make more sense to make it cheaper, rather than banning the cheaper alternative.

In 2004 the Burmese government announced the Electronic Transactions Law, the aims of which are as follows:

- (a) to support with electronic transactions technology in building a modern, developed nation;

- (b) to obtain more opportunities for all-round development of sectors including human resources, economic, social and educational sector by electronic transactions technologies;
- (c) to recognize the authenticity and integrity of electronic record and electronic data message and give legal protection thereof in matters of internal and external transactions, making use of computer network;
- (d) to enable transmitting, receiving and storing local and foreign information simultaneously, making use of electronic transactions technologies;
- (e) to enable communicating and co-operating effectively and speedily with international organizations, regional organizations, foreign countries, local and foreign government departments and organizations, private organizations and persons, making use of computer network.

The announcement of 10 March 2011 banning VoIP however, puts lie to this law issued by the States Peace and Development Council.

According to news reports, there was an enquiry by special investigation officers into internet cafés in Sule, Pansodan, Hledan and Kyaukmyaung in Yangon, the country's capital. The internet café owners were asked not to allow VOIP as otherwise action would be taken against them. The officers added that users could also be arrested. People in Yangon however, still use Skype, VZO and Pflingo.

With regard to freedom of opinion and expression, the Television and Video Law (1985), the Motion Picture Law (1996), the Computer Science Development Law (1996), Electronic Transactions Law (2004) and the Printers and Publishers Registration Act (1962) are being used to censor the media. The Special Rapporteur on the situation of human rights in Myanmar states in his report of March 2010 that these laws continue to be used to restrict freedom of expression and association. It is important to note that these laws are in contravention of international law, as well as articles 19 and 20 of the Universal Declaration of Human Rights.

The people in Burma used to say that they do not know the law or are not interested in it as it is not related to their daily life. But when it affects their individual freedoms in using Skype, G- talk and other means of easy communication tools, they talk about it amongst their families and friends. Until such controls are eliminated, there will be a psychological illness in the minds of people. There cannot be genuine social and economic progress in the country if there are no communication tools, no free speech and if fear prevails. Under such conditions, Burma's future will be zero.

# Practicing Ethics in Action

*Ethics in Action* begins with the realization that both law and morality have failed the people of many countries, who are today facing incredible forms of cruelty that they have little power to eradicate. Despite all the rhetoric of empowerment, the reality witnessed in most Asian countries is desperation and powerlessness. The two ingredients necessary for any real empowerment of ordinary people are law and morality. If living conditions are to improve, defective legal systems and the failures of upholding ethics and morality cannot be ignored. *article 2*, a publication of the Asian Legal Resource Centre, sister organization of the Asian Human Rights Commission, is devoted to discussing matters relating to defective legal systems obstructing the implementation of human rights. *Ethics in Action* will be devoted to discussing how movements and leaderships claiming to uphold ethics and morality have failed to promote and protect human rights.

## Other regular publications by the Asian Human Rights Commission:

***Article 2*** – This quarterly publication covers issues relating to the implementation of human rights standards as proposed by article 2 of the International Covenant on Civil and Political Rights.

***Human Rights Solidarity*** – Also a bi-monthly publication and available both in hard copy (from July 2007) and on-line. This publication covers stories and analysis of human rights violations in Asia.

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