

**Asian Human Rights
Commission (AHRC) and the
Asian Legal Resource Centre
(ALRC), 2002–2004**

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**Department for Democracy
and Social Development**

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Sida Evaluation 06/35

**Department for Democracy
and Social Development**

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Acknowledgements

This report was prepared by the evaluation team in consultation with AHRC/ALRC and Sida's representative in Bangkok. It is based on the review of literature and relevant documents, published or non published of AHRC/ALRC. Most of findings, observations and conclusions are drawn directly from discussions made during the visits to China, Hong Kong, and Sri Lanka. Information gathered from the visits as well as views of AHRC/ALRC's partners, victims and families of victims are included. Additional interviews were held with representatives of concerned agencies such as the Thai National Human Rights Commission, the Department for the Protection of Rights and Liberties, and beneficiaries as well as users of Urgent Appeals.

The evaluation team is grateful to Basil Fernando, Executive Director of AHRC/ALRC, and his colleagues in Hong Kong for their friendship, company and full support. The whole process of evaluation, particularly the visits, could not have been realized without the very fine cooperation, collaboration and assistance of Basil Fernando, Wong Kai Shing, Fr. Reid Fernando, and their partners in China, Hong Kong and Sri Lanka respectively.

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Sriprapha Petcharamesree

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Executive Summary

The two sister organizations, the Asian Human Rights Commission and the Asian Legal Resource Center (AHRC/ALRC) have been operating in Asia since 1986. Aiming at the promotion and protection of rights in Asia, the AHRC/ALRC concentrate their works on the link between justice systems and human rights as articulated in the UN human rights instruments, article 2 of ICCPR in particular. For the implementation of their programs and activities, AHRC/ALRC receives funds from different sources one of which is Sida.

Sida has been supporting AHRC/ALRC since 1999. As its standard procedure Sida commissions independent evaluation of the organization with which it cooperates. This evaluation is expected;

- a) to provide Sida with a more profound and analytical understanding of the role, activities and organizational structure of AHRC/ALRC;
- b) to serve as a basis for Sida's consideration of possible future support, even beyond financial support.
- c) to provide a basis for AHRC/ALRC's strategy in terms of developing the activities and the institutional structures.

The evaluation assesses the relevance, effectiveness, achievements and sustainability of AHRC/ALRC's programs, activities and products as specified in the Work Program of AHRC/ALRC 2002–2004. It also aims to assess the organizational structure of AHRC/ALRC in relation to the organizations' capacity to carry out their projects and annual plans. The evaluation focuses only on the following projects, programs and issues:

- a) The Urgent Appeals Program;
- b) AHRC/ALRC's work linking human rights with the rule of law, with special emphasis on the work in Sri Lanka;
- c) The China Project;
- d) The Human Rights Correspondence School;
- e) Certain specific issues namely AHRC/ALRC's working methods in relation to its partners and the target group, and the relevance and effectiveness of the tools and methods used by AHRC/ALRC are studies as well.

After careful study the evaluation team comes up with the following reflections, recommendations and conclusions.

A Reflection on AHRC/ALRC's Programmes and Activities

Urgent Appeals

Urgent Appeals (UAs) is primary to all works of AHRC: it is "the key advocacy program of the AHRC. The objective of the program is to take up individual human rights violations to build international pressure for their resolution by issuing timely and accurate Urgent Appeals". UA has been organized "as a means of bringing to public notice the private frustrations arising from human rights violations, and then to create a public discourse on these issues.... in the expectation that some form of solidarity will develop to resolve the relevant issues".

Developed as a rapid and widespread response to day-to-day human rights violations in Asia since 1997, the UA has dramatically increased in terms of scope, number of issues, and countries covered.

The areas of concern have been also expanded to cover not only the traditional issue of torture but also issues of disappearances, right to food, honor killings, etc. In addition, AHRC issues, on a daily basis, Statement and series of Statement addressing structural matters relating the rule of law.

The team realized during the evaluation process that the UA Program represents the most important activity of AHRC in the country where the problem of the rule of law is serious such as Sri Lanka. UA help exercising pressure from outside when and where intervention from within seems to be impossible. The intense work that AHRC puts into UA/Statement/Press Releases contributes largely to sustain attention both at national and international levels. Constant pressure and continued interventions have, sometimes, multiplying effects especially when cases are picked up by the media and international agencies.

The UA program is distinctive when compared with other programs of similar nature carried out by other human rights organizations in many aspects. One of the most important rests on the relationships that AHRC builds and maintains with local human rights groups/organizations and local partners. The victims-based approach of UA UA serves the poor and those who are forgotten or invisible in the societies. It enables their voice to be heard even beyond national borders. From the review of UA, the team confirms that in general UA contain accurate information and AHRC acts in a timely manner. UA are prepared with objectivity, compassion and competence by objective, compassionate, and competent people. Different forms of UA have been developed in order to address and advocate not only individual cases but also structural and institutional causes of human rights violations (UG, Statement, and Press release in particular).

Nevertheless, a number of challenges about UA/Statement need to be addressed. The challenges cover the issues of responses and reactions, systematic follow-up work of local partners, accessibility of UA at local level, the building up of local capacity, the skills to use of modern communications for human rights works and the problem of verification of forming solidarity and multiplied effects.

The team feels that UA represents the most important activities and were designed by AHRC to perform several functions: alerting people of human rights problems, means of protecting local activists and victims, educating people through direct and indirect involvements, being used as material and information for press releases, magazines, and other publications, putting pressure for responses and redress, and internationalizing local issues, etc. It seems that in spite of challenges, the UA Program has, to great extent, fulfilled those functions.

AHRC's Sri Lanka Project

In Sri Lanka AHRC and its local partners have been working in the situation of of exceptional collapse of the rule of law. Based on this perception AHRC tries to address this issue. As AHRC considers torture as the mother of all human rights violations AHRC has decided to use “the prevention of torture program” to expose the depth of the collapse of the rule of law, particularly manifested in the policing, prosecution and judicial systems” as the main focus of its work in Sri Lanka. Apart from raising people’s awareness of the problem, providing remedies to victims, bringing perpetrators to justice, AHRC and its partners’ ultimate aim is to use individual cases to address the structural problems of judicial and justice systems for structural change in Sri Lanka.

It is important to note that the programs and activities in Sri Lanka started some years ago with individual interest and commitments of Basil Fernando himself in particular. More intensive and systematic programs, however, begun in 2002 (according to Fr. Reid Shelton Fernando) when a network of human rights activists called People Against Torture- PAT was established. AHRC and its partners in Sri Lanka have worked intensively on torture issues as a means to ensure the proper implementation of ICCPR, CAT and the Anti-Torture Act No.22 of 1994. Developed around the *Urgent Appeals project*, activities of AHRC and partner organizations have been expanded to many other related activities. All activities

have been carried out not only to respond to the needs of victims but also to the exigencies of the serious rule of law situation in Sri Lanka.

Partners of AHRC in Sri Lanka consider AHRC as **INDISPENSIBLE** and that AHRC has been adding value to their existing work. In a country where internal publicity of human rights violations is impossible, where human rights groups and activists are subject to pressure from authorities, where people in general and victims in particular have justifiable fear of speaking up and are disempowered, there is a real need that debate and discussions on human rights violations, particularly torture and disappearances, be initiated and generated outside the country and circulated internationally. More importantly, the works with AHRC help them reach out to people thus enabling them to fight against human rights violations and injustice, hence adding to efficiency, effectiveness of their work. In addition AHRC helps them to work in coalition with and build up a network among human rights groups. Although the view of AHRC partners in Sri Lanka is very positive, some concerns were raised such as the issues of flexibility, the very strict focus of work, and accessibility of some of AHRC materials, and the risk that local partners may have to take.

There are some of the challenges that the evaluation team has identified. There concerns the issues of capacity building and empowerment, the long term financial burden in order to provide relief to the victims, the understanding of indivisibility of rights and the place of economic, social and cultural rights in Sri Lanka. However, despite some challenges, the team wants to commend that the activities of AHRC in Sri Lanka reflect very well some fundamental concepts of the organizations. Broad rights recognized by Western countries are given articulation of one of the most basic components of rights which is right to life including right not to be tortured, right to fair trial and due process. As Basil Fernando puts it “various activities such as UA which are considered the most important work of AHRC and its partners in Sri Lanka, human rights education, seminars and the like should not be understood as separate activities by themselves”. They are all a means towards the re-establishment (if there was one) of the rule of law in Sri Lanka.

China Project

The activities of the organizations started in 1997 focusing on the issue of rule of law with Chinese Judges. However, more systematic and formal cooperation was established in 2000 and has been extended ever since. Four main activities have been and are being carried out namely exposure programs, one month internship in Hong Kong, consultation on due process for Chinese judges, and small-scale consultations on ICESCR. Besides small consultations, 2 international workshops were held in October 2003 in Wuhan and June 2005 in Bangkok bringing together scholars, lawyers and human rights activists from China and other Asian countries.

The cooperation of ALRC in China focuses in four cities, Beijing, Guangzhou, Wuhan, and Xian. Most partners of ALRC in China are academic institutions, including some from the top ten in the country. Although the focus of their work is more or less different they all offer human rights education through their law courses. The centers also provide a legal training for students. We learned that a national curriculum on (international) human rights (law) course and manual was approved by the central government.

Most if not all Chinese partners of ALRC expressed their appreciation of AHRC and its cooperation, and this is for various reasons; Through its activities and programs, ALRC exposes them to the wider Asian context; ALRC provides them with platform for discussions and joint human rights activities; For many, ALRC serves as a good example. In their eyes, ALRC works hard, is professional, has a high working spirit, and keeps them up dated about what is going on in Asia and beyond; Although China ratified the ICESCR in 2001, the Covenant was not familiar to Chinese academics or non profit organizations. ALRC introduces them to the Covenant and its implementation.

Only a few adverse comments were made in the sense that the activities of ALRC are still confined to certain groups and do not reach grassroots people.

It is interesting to note that ALRC has been using a very subtle way to address some serious issues such as fair trial, rule of law, due process, and torture by providing opportunities and venues for discussions. Furthermore, by using ICESCRs some problems arising from development policies especially land rights, forced evictions, environmental degradation, have been raised in most of the forums jointly organized by ALRC.

The team would want to encourage ALRC to be more aggressive in China despite the fact raised by Basil that ALRC is too small to operate on a large scale in China. We endorse this view. There is, however, a window already open for AHRC. AHRC/ALRC is now being used, among others, as window for Chinese scholars and activists to the outside world. We believe that under the coordination of Kai Shing the organization could be more aggressive while not to “appearing to be too imposing”.

Human Rights Correspondence School

The Human Rights Correspondence School (HRCS) is a program under AHRC that aims to provide human rights education to human rights practitioners through action-oriented methodology. The program includes a series of human rights lessons and workshop/ consultation with the target groups. With this program, human rights education is offered through the study of existing human rights problems, mostly from the real cases AHRC/ALRC is dealing with, followed by the introduction of human rights standards and mechanisms involved and suggested actions to tackle the problem.

Since 1999, the HRCS runs activities in two main parts. The majority of its work is on the production of lesson series. Up to present, 45 series of lessons have been produced and distributed. Among these, three lessons were also produced as multimedia lessons. All the lessons will be published on Human Rights Correspondence School's website www.hrschool.org, mainly in PDF and MSWord files. They were also emailed to AHRC partners and those who showed their interest in the programme (keep as mailing list for Human Rights Correspondence School). The lessons are also printed out and mailed to another several hundred individuals/ organizations. The majority of those who received HRCS lessons were human rights practitioners, both in NGOs and academic sectors.

Apart from the production of the lesson series, HRCS also organized consultations at a regional level. They discussed the lessons and the underlying principles of the School. The consultation has been organized annually at the regional level ever since.

In February 2006, the School launched its first publication *Rule of Law and Human Rights in Asia* which is a compilation of lessons series on the relationship between the rule of law and the implementation of human rights in Asia.

Partners and evaluation team are of the same opinion that the topics presented in the lessons series are highly relevant to AHRC's work. However, the accessibility of HRCS' lesson series is limited by its distribution method. Not all AHRC partners have good internet access, if indeed they have any. The problem is worsening in China where the AHRC website is blocked and not all of the partners are in the mailing list of the School. Another major obstacle to lesson accessibility is the language. All the lessons are produced in English. Although they are written in easy-to-understand language, they can be accessed and utilized by only a small number of English-speaking people. With the language barrier the utilization of the lesson series is limited.

It is to be noted that the HRCS Program is distinct from other human rights education project in the sense that it does not focus mainly on international laws or international human rights standards. With the focus on real human rights situations as the basis for further discussion, the Program is able to access human rights practitioners in the field more easily.

It is important to stress here that human rights education is “in fact an integrated aspect of all AHRC’s programs, which are implemented according to the basic principles of dialogue, participation and action.” The activities done under HRCS Program, therefore, cannot be separated from other AHRC activities and programs.

Organizational Structure and Its Management

The administrators of AHRC emphasize on certain working principles which are “*extremely flexible*”, “*quality of work*” and “*creativity*”. It was stressed that AHRC/ALRC should be viewed as one *organization with two identities* which are necessary to work under Hong Kong law. Charitable organizations are not allowed to undertake advocacy work such as Urgent Appeals.

For management structure, both organizations share the same board of advisors, board of directors and executive director. At present, the two organizations have 17 full time staff, and 4 part time staff. They do not have a formal organizational structure, however, staff have been contracted and separated into two organizations.

The team became convinced that it was a good idea and may have some advantages to run both organizations the way it is being run currently. For example, most of the key staff e.g. Executive Director, Senior Administrative Officer and Editor, got salary from one organization, but were responsible for work of both organizations. In terms of work, all the work in the China Project has been carried out under the name of ALRC since human rights is still not a subject that Chinese authorities will be happy to see it discussed openly. This may help to explain why the AHRC and ALRC websites have been blocked in China since November last year. ALRC will also be useful for the future work in the countries where human rights are still very sensitive. However, they have to explain to donors about AHRC/ALRC and the way these two organizations operate.

The Board of Directors has equal numbers of males and females. At present, they have no limited term of office. They are with both organizations since 1994. At present, the Board of Directors meets 2 times per year to give advice, approve work plan and ensure governance of the organizations.

Since the present Executive Director has been directing the two organizations since 1994, the degree of internal democracy has come to mind of people like funding agencies. From frank discussions with Basil Fernando and interviews with some staff members and some board of directors, we got an impression that the degree of internal democracy is quite high, e.g. the organizations now have a weekly meeting of the administrative committee which consists of 6 senior staff members. What Basil knows is also known by all staff.

The team would want to recommend that

1. The Board of Directors should have a fixed term in office like 4 years and no more than two consecutive terms.
2. A limited number of new members should be added to the Board of Directors, e.g. one from China, allowing it to bring new people and new ideas to the organizations.
3. AHRC/ALRC should be one organization with two identities as it is. But it needs to keep donors clearly informed about the need for two organisations and how they operate together.
4. A staff development plan should be introduced. If possible, all staff should have his/her own short and long term road maps within the organization.

Publications and Communications

As part of its communication and information activities, AHRC publishes a number of magazines, newsletters and books available both in printed format and in website format. The communications

system of the AHRC/ALRC is not “just another technical tool” but an integral and indispensable part of all the work AHRC/ALRC is engaged in. AHRC/ALRC have consciously developed its communications system using ICTs understanding the enormous opportunities provided by the use of e-mails and the Internet and related technologies. From the mid-1990s onwards, AHRC/ALRC spent much time and effort developing its communications system using ICTs. These include about 100 e-mailing lists specialized in terms of countries, themes, and professional groups, and about 39 different web sites and related databases.”

At present AHRC/ALRC run about 39 websites: 2 on AHRC/ALRC and their programs; 3 of their periodicals; 7 weekly and fortnightly e-newsletters; 9 country/region sites; 12 on their campaigns; and 3 other on specific cases. The two major print periodicals of AHRC/ALRC are *Human Rights Solidarity* and *article 2*, which are bimonthly magazines¹ (also available online at www.hrsolidarity.net and www.article2.org respectively). It also publishes a sub-regional periodical Protection and Participation (www.southasiahr.net) which focuses mainly on the human rights situation in South Asia. AHRC also publishes a number of books covering the issues they are working on.

For the purpose of this evaluation, the evaluation team focused their review on the two main publications (*Human Rights Solidarity* and *article 2*), overall books publication in general, and the internet-based materials and communications. These publications are highly appreciated by most of interviewees. In particular, e-newsletters which are issue/ area specific are found to be practical and related to the work in the field. AHRC’s periodicals can be considered the only human rights journals in the region that are issued in a regular manner. Since issuing a regular qualified magazine requires enormous effort, AHRC’s success in doing so for many years should be stressed and appreciated.

Although rich in content, the publications need to change their appearance to be more attractive to wider audiences. Although many publications are country specific, the major medium of communication is still English language. Although this is helpful in bringing an issue to international attention, a number of local partners and people cannot make a full use out of it then. There are some constraints and limitations of internet-based materials and internet-based. The two organizations relied heavily on internet based materials. This has an advantage in term of costs, quick sending and receiving, and easy to update. Unfortunately, there are limitations for example, language barrier, limited internet access, and blocking of the website in China. From November last year, the AHRC/ALRC website has been banned. These problems need to be addressed.

General Observations and Recommendations

To a large extent AHRC has been adding value to human rights in Asian region. The value-added lies on the capacity of AHRC to internationalise the local human rights problems. Its multilayer approach contributes to reach out all levels where human rights issues should be addressed. The works of AHRC/ALRC are viewed as highly relevant and effective. AHRC has been making a legal venue for local organizations. This venue has been made available to the poor. More over, as a regional human rights organization, AHRC has been playing a unique role in human rights protection and promotion. It has clear and focused goals and implements its activities with those in mind. It has a close relationship and works on an equal manner with its partners in different countries. Its information technologies enable AHRC to respond to urgent problems effectively. It also closely follows up cases. With these characteristics, AHRC’s contribution is irreplaceable in promoting of human rights in the Asian region.

¹ AHRC/ALRC Narrative Report 2003

There are, nevertheless, some aspects that AHRC could consider to improving namely:

Staff

AHRC/ALRC have very dedicated and high quality staff, most of whom have sole responsibility for particular programs or projects. Though this is very efficient, in terms of continuity, it may be more secure to have more than one person involve in the same work. Developing long term road maps for each staff members would be a valuable exercise for both organizations.

Partners

AHRC/ALRC has very hard working partner organizations. They are in various stages of development, some are in the beginning stage, some are well established. It will be very beneficial to those organizations and AHRC/ALRC if they can provide support for capacity building, and strengthening partner organizations.

ICT

AHRC/ALRC has put ICT into use very well. Since, development and stage of ICT readiness are quite different in countries around the region, AHRC/ALRC should help partner organizations to increase their capacity and long term dependence on using ICT for their work.

Indivisibility and interdependence of rights

AHRC/ALRC have emphasized the indivisibility and interdependence of political and civil rights and economic, social, and cultural rights. These two aspects are not well reflected in any activities and thus not well understood by their partners. It is crucial for AHRC to put more efforts to linking them together. This is a matter of breaking a misconception about each category of rights.

Making human rights work accessible and effective

AHRC recognizes one of the limitations and weaknesses of human rights work done by other international and regional organizations which is English language. If AHRC wants to see its work have greater effect and produce great impacts on human rights conditions, it may have to put more effort into overcoming this problem, by building national capacity in particular.

Conclusion and recommendation for Sida

“It is not possible to contribute to change in any place unless we know the place and the context”. Many human rights organisations have been operating without this knowledge and some don’t even want to admit this. This is, however, not the case with AHRC/ALRC. The organizations not only know the place and context well, but also try to perform their functions through an Asian lens by using both national and international standards. Their ability to adapt to the complex realities of the region is very well reflected in the work in China and Sri Lanka where different strategies and approaches are being applied. They distinguish themselves from many other regional human rights organizations by being very focus and firm in their direction, by undertaking human rights work at grassroots level, and by developing and sustaining their relationships with national and local groups.

In spite of some challenges, but with its value-added and its uniqueness, AHRC/ALRC as organizations are worth supporting. We strongly recommend Sida to continue its support in the future. It is, however, for Sida to decide and design how and for what activities their funds should be used.

The Team wants to stress, though, that each activity assessed had its own values and contribution to the human rights cause, and we want to emphasize that UAs, human rights education, and many other activities that AHRC has been implementing should not be considered as separate activities by themselves. They don't remain in isolation but are linked to each other with UAs as a basis for all other works.

If Sida wants to put a Swedish flag in Asia through AHRC, and if it wants to make evaluation easier, it could chose to concentrate its funds on one particular country or particular project. But if Sida wants to join forces with other funding sources/or human rights work in Asia, its contribution could remain the same as it is now. Sida could, in fact, support national or local organizations having AHRC monitor them.

Definitely, Sida needs to go beyond financial support. For that, the Team strongly recommends that Sida staff visit the AHRC office and some of its projects and activities themselves from time to time in order to better understand and appreciate the scope, nature and success of its works.

1. Background and Objectives of Evaluation²

The Asian Human Rights Commission and its sister organization, the Asian Legal Resource Centre, (hereafter called AHRC/ALRC or the organizations) are regional human rights organizations that aim to protect and promote human rights in Asia. AHRC/ALRC, founded in 1986, concentrates on the link between justice systems and human rights, as articulated in the UN Covenants and conventions. AHRC/ALRC puts great emphasis on the realization of Article 2 of the International Covenant on Civil and Political Rights. The two organizations are formally independent from one another. However, in terms of programs and activities they are inter-linked. The secretariat is based in Hong Kong with Basil Fernando as Secretary General.

AHRC/ALRC pursues its mission through several programs either on their own or together with their partners. Urgent Appeals, human rights education, information sharing, training programs, interventions with UN Human Rights Mechanisms and Governments are some of the routine activities.

Among other funding sources, Sida has been supporting AHRC/ALRC since 1999. As its standard procedure Sida commissions independent evaluation of the organizations with which it cooperates. This evaluation is expected:

- a) to provide Sida with a more profound and analytical understanding of the role, activities and organizational structure of AHRC/ALRC.
- b) to serve as a basis for Sida's consideration of possible future support, even beyond financial support.
- c) to provide a basis for AHRC/ALRC's strategy in terms of developing the activities and the institutional structures.

With those expectations, the evaluation aims to assess the relevance, effectiveness, achievements and sustainability of AHRC/ALRC's programs, activities and products as specified in the Work Program of AHRC/ALRC 2002–2004. It also aims to assess the organizational structure of AHRC/ALRC in relation to the organizations' capacity to carry out their projects and annual plans. Given the broad spectrum of AHRC/ALRC programs and activities, the evaluation focuses only on the following projects, programs and issues:

- a) The Urgent Appeals Program;
- b) AHRC/ALRC's work linking human rights with the rule of law, with special emphasis on the work in Sri Lanka;
- c) The China Project;
- d) The Human Rights Correspondence School;
- e) Certain specific issues namely AHRC/ALRC's working methods in relation to its partners and the target group, and the relevance and effectiveness of the tools and methods used by AHRC/ALRC are studied as well.

The evaluation has been carried out through studies of relevant documents such as annual programs, strategies, program documents, reports, urgent appeals and related statements, human rights correspondence school series, printed materials, and financial reports. It also considers previous evaluations and other relevant documents. Interviews and consultations with key personnel, including representa-

² See detail in TOR for evaluation in Annex 1.

tives of local and other partners of AHRC/ALRC, the staff of AHRC/ALRC, the Board of Directors and representatives of selected target groups of AHRC/ALRC's advocacy have been conducted. It is important to note that the evaluation has been carried out in close cooperation with AHRC/ALRC. The AHRC/ALRC have been invited to provide opinions and comments in the course of preparation of this report. The team has used the Sida evaluation manual "Looking Back, Moving Forward" (2004) as a guide.

The preparation of this evaluation and report was based on the following basic concepts;

1. systematic and objective assessment of projects and activities by looking at concepts, design, implementation, result and impact;
2. focus on giving reflections from an interdisciplinary point of view;
3. transparent methods of evaluation through consultation and participation of parties concerned;
4. taking into consideration that all activities being carried out were an on-going , thus making it essential that both process and impact be assessed;
5. emphasizing that a funding source financially supporting any organization should understand the fundamental philosophy as well as the approaches of the recipient/partner, and also accept it as such. This analysis pays particular attention to the concept of each activity of AHRC/ALRC.

The report is divided into four parts. The first is introduction of AHRC/ALRC, evaluation project and basic concepts. The second part deals with 4 major on-going activities being implemented by AHRC/ALRC and their partners namely Urgent Appeals, the Sri Lanka project, the China project, and the Human Rights Correspondence School. In this same section, two other important elements, organizational structure and publications as well as communications are assessed. Observations, comments, and recommendations are made on each and every project, both by the team and AHRC/ALRC' partners. The third part provides overall reflections on the activities studied in earlier sections while the final part attempts to come up with overall recommendations and conclusions.

2. AHRC/ALRC' s Programs and Activities: A Reflection

2.1 Urgent Appeals

Urgent Appeals (UA), as Basil Fernando puts it, is primary to all works of AHRC: it is "the key advocacy program of the AHRC. The objective of the program is to take up individual human rights violations to build international pressure for their resolution by issuing timely and accurate Urgent Appeals".³ UA has been organized "as a means of bringing to public notice the private frustrations arising from human rights violations, and then to create a public discourse on these issues.... in the expectation that some form of solidarity will develop to resolve the relevant issues".⁴

The main messages of UA and the like are to demand immediate responses from agencies concerned in the respective countries; to defend and gain redress for victims; to ensure due process and rule of law; to prevent further violations now and in the future; and to suggest and demand repeal of unjust laws

³ Interview with Basil Fernando, 18 February, 2006; AHRC & ALRC, *Narrative Report 2004* (1 January to 31 December, 2004), p.7.

⁴ Basil Fernando, *The theory behind the Asian Human Rights Commission's (AHRC) Urgent Appeals Programme* (date unspecified).

and dismantling of unjust systems.⁵ UA, therefore, addresses both individual cases as well as structural causes of human rights violations.

Working on victims-based, Basil Fernando affirms that a good recording of privately expressed grievances is the most important tool. If suffering of the poor and grassroots is well recorded, the story can be shared with a larger audience. To sensitize the audience and to make it effective, the UA must be prepared with objectivity, compassion and competence.

AHRC claims in its report that UA “reach around 200,000 people⁶ via emails and often these are multiplied by other agencies. Often, both international and local media also picks up UA”. One of the main goals of UA is to pressure authorities concerned. Although UA reach out to such a wide audience, the main targets of UA are still concerned government agencies, human rights institutions as well as international human rights mechanisms. UA usually address high and the highest authorities. Most of the UA would request, at the same time, the receivers to sign up and to forward to wider audience. Often times, information from UA becomes the source of information to UN agencies and NGOs. Most issues taken up by the UN Human Rights Committee were published by ALRC.⁷

Developed as a rapid and widespread response to day-to-day human rights violations in Asia since 1997, the UA has dramatically increased in terms of scope, number of issues, and countries covered. In terms of scope, apart from UA, AHRC has initiated in 2004;⁸

- 1) Updated Appeal Program (UP) designed to inform up dates of cases and situations to UA networks; and Forwarded Appeals (FA) are appeals forwarded by other organizations;
- 2) Urgent Appeals General (UG) which address systematic problems of human rights in Asian countries rather than dealing with individual cases;
- 3) Hunger Alert Appeals (HA) which was launched in September 2004 as an extension of the People’s Tribunal on the Right to Food and Rule of Law in Asia. It highlights the poor condition of food security and the right to food;
- 4) Hunger Alert Updates (HU) which is an update of HA.

The areas of concern have been also expanded to cover not only the traditional issue of torture but also issues of disappearances, right to food, honor killings, etc. In addition, AHRC issues, on a daily basis, Statement and series of Statement addressing structural matters relating the rule of law.

According to statistics gathered by AHRC in 2004, 180 UA were issued from 14 countries (23 in 2003). The rest were UA, UP, FA, UG, HA, and HU, totaling 302 issues out of which about 77% (233) concerned South Asian countries having Sri Lanka on the top of the list with 101 issues followed by India, Nepal and Pakistan. In Southeast Asia, Thailand, Burma, and the Philippines ranked at the top of the list. The number of UA has increased to 521 in 2005. The countries covered go beyond Asia to include Saudi Arabia and Honduras. Although Sri Lanka still ranks first on the list, it accounts for only 24.56% of the total. Out of 521 issues about 60% were from South Asia. From our own observation,

⁵ Ibid, p. 7.

⁶ As explained by IT officer of AHRC (Sanjeeva), the organization participated in a meeting of IT workers working in human rights issues in the region in 1999. The Asia Human Rights Alert or Asia-HR-Alert which is the IT Network moderated by AHRC was created. The network was meant for the use of urgent actions of human rights in the Asian region. It includes not only individual members but also networks such as Human Rights Watch, Green Net net in Europe, Association for progressive Communications (APC) in Europe, Japan NGOs network through Japan Computer Network and Korean NGOs Network (Jinbonet). It was estimated that the combined outreach of the list covered about 200,000 recipients in different countries. AHRC has been using the network to disseminate information including UA.

⁷ See for example ALRC, *UN Human Rights Committee decisions on communications from Sri Lanka*, August 2005; ALRC, Article 2, Vol.4, No.4, August 2005.

⁸ See more detail in *Narrative Report 2004*, Op.Cit. pp 8–10,

on average, one may receive at least one UA and/or Statement everyday and some times even 3–7 UA and/or Statement per day. Kim Soo A and Basil Fernando himself confirmed that the percentage of UA on Sri Lanka has decreased but this does not imply that the number of cases has dropped, or that the human rights situation is getting better. The main reason lies in that the number of UA/Statement on other countries such as Nepal, Thailand, Cambodia, India, etc has been increasing since then because of deteriorating situations elsewhere. Another reason is the strengthening of network in those countries which, according to AHRC, has been remarkable. It is to be noted as well that AHRC hires full time staff based in Bangkok and Colombo. In Bangkok, the work of AHRC's staff focuses mainly on UA and coordination with agencies concerned.

The team realized during its visit to Sri Lanka that the UA Program represents the most important activity of AHRC in the country where the problem of the rule of law is serious. UA help exercising pressure from outside when and where intervention from within seems to be impossible. The intense work that AHRC puts into UA/Statement/Press Releases contributes largely to sustain attention both at national and international levels. Constant pressure and continued interventions have, sometimes, multiplying effects especially when cases are picked up by the media and international agencies. In some countries like Sri Lanka, UA serves the poor and those who are forgotten or invisible in the societies. It enables their voice to be heard even beyond national borders.

Some observations and comments

In reviewing hundreds of UA, Statement, UP, etc, and by discussing with partners of AHRC as well as people concerned, the evaluation team comes up with some observations and comments.

1. UA program is distinctive when compared with other programs of similar nature carried out by other human rights organizations in many aspects. Firstly, through the UA process, AHRC builds and maintains relationships with local human rights groups/organizations and local partners. Secondly, it could be considered as direct intervention in human rights violation cases through which process activists have to meet victims themselves, and through cyber space in which time and space does not matter any more. Lastly, it deals with very specific cases with specific demands to specific authorities.
2. UA's approach is victims-based. Victims come forward because they may not have any other alternatives. UA has to be built on trust in some one or some organizations. This trust would be difficult to build if information they provide is not acted upon and if some relief is not rendered to them. AHRC and its partners, at least in Sri Lanka, have gained the trust of victims and their families because it acts on and provides them relief. More and more cases of human rights violations were reported to AHRC through its networks and partners.
3. In order for UA to be effective, they must be timely and accurate. From the review of UA, the team confirms that in general UA contain accurate information and AHRC acts in a timely manner. This view is reconfirmed by many, including Thai authorities and Thai human rights commissioners. The team finds that UA have always been issued in a speedy and timely manner.
4. Another related matter is how UA are prepared. The team was very impressed to learn that once received information of human rights violation incidents AHRC will have to verify and then writing up before sending it out. All this is done by few key staff with voluntary assistance from other officers of AHRC and their partners, some even working on part time basis. UA are not only sent in a speedy manner but they are always well written, articulated and accurate. UA are prepared with objectivity, compassion and competence by objective, compassionate, and competent people.
5. One of very important aspects which, in some ways, may reflect the efficiency of AHRC in its intervention through UA is its relationships with local partners and human rights groups, and its

ability to intervene with national governments and make use of pressure exercised by the international community. These three aspects are reflected as follows;

- a) Relationships with local partners. As already pointed out earlier, AHRC has been successful in building trust of local partners and victims. More permanent contact with local partners was established in many countries. Their cooperation has been becoming closer. Partners view the roles of AHRC as indispensable;
 - b) When a government reacts on one UA it means that AHRC is successful to make it responsible to its people. A number of UA were reacted upon by concerned governments, national human rights institutions as well as local NGOs and media. In some cases, UA lead to redress demanded in UA. But structural changes may need time and perseverance;
 - c) Through UA/Statement, AHRC makes local issues known to UN human rights mechanisms and international communities. This is one of the most important contributions of AHRC's UA program.
6. Different forms of UA have been developed in order to address and advocate not only individual cases but also structural and institutional causes of human rights violations (UG, Statement, and Press release in particular). Some of them have served as a basis for recommendations to the government and other institutions. The team did not have much chance to assess this rather direct impact on structural changes but has seen that there are some changes in the judicial system and laws in Sri Lanka, and that the Thai NHRC has seriously considered points made by AHRC through UA/Statement. One very important example is about protection of witnesses which requires not only amendment and creation of laws but also institutional reforms.

Challenges and recommendations

Nevertheless, a number of challenges about UA/Statement need to be addressed.

1. *Responses and reactions.* Since UA deal with very specific cases with specific demands to specific authorities, they demand responses from the government. "Some governments such as the Thai (and India) may not officially respond to the UA. Some such as the Philippines may "write lengthy replies to AHRC's intervention but there is no genuine reaction to most of the cases."⁹ When it comes to reaction upon the UA, at least in the case of Thailand, we were informed by Thai authorities that as they were bombarded by UA one after another they don't pay attention any more. Most of the time, the Thai authority will react if the cases have already gained wide publicity both within and outside the country such as the cases of Muslim lawyer Somchai Neelapaichit or of Supinya Klangnarong. Special attention will be paid to the cases picked up by the UN.¹⁰ On this point Nick Cheesman of AHRC has shared with the team a comment made by Thai officer saying that "government agencies especially the Ministry of Foreign Affairs pay special attention to what the UN says. They even said that they received many complaints from your agency but they paid more attention to the letters from the UN on the same issues. Even they said that they did not pay much attention to your complaints but actually they did because they had to set us a meeting to consult about the alleged human rights violation...."¹¹ This point is interesting in the sense that while repetitive and insisting UA/Statement might not be appreciated nor responded to by the Thai authorities but they work quietly to a certain extent. They work quite well in certain countries such as Sri Lanka.¹² The AHRC report on UA 2005 revealed that Sri Lankan authorities and NHRC have intervened in many urgent appeals the AHRC issued.¹³

⁹ Comment made by Nick Cheesman of AHRC.

¹⁰ Interview with Jarul Dithaapichai, Thai human rights commissioner and Chanchao Chaiyanukit, DG of Department of the Protection of Rights and Liberties., 9 April, 2006.

¹¹ Quote from Nick Cheesman e-mail.

¹² Interview with Fr. Reid Fernando (11/03/2006) and Fr. Nandana Fernando (14/03/2006)

¹³ AHRC, *Urgent Appeals Programme, 2005 Report*.

The implications of the issues of responses and reactions lie in the fact that “written responses might not be, in some sense, good indicator for effectiveness of UA. At the same time, in order to gain reaction, the case should become and kept at high profile level”.¹⁴ This comment reflects the case of Thailand. What matters is that in reality not all the cases in UA were picked up by the UN or the international community. If UA are to create public awareness and public pressure on its own government it is essential for AHRC and its partners to work more intensively with local media and local organizations in order to create public discourse and solidarity at a national level. This might be the best way to ensure the “multiplied effects”. To do so, the issues of language and follow-up may need to be addressed.

2. *Follow-up work.* AHRC recognizes that follow up procedure is a challenge and needs to be strengthened. Until now, while AHRC has been doing well in follow-up work but it seems that its local partners have no systematic follow-up mechanisms. This will be becoming problematic as the number of UA and other categories of petitions increases. Strengthening the capacity of local partners in follow-up work could be a sustainable solution to this problem.
3. *Accessibility of UA/Statement.* One of the serious points raised by authorities and users of UA is that while UA are accessible to international communities and to the countries where English is widely used, access seems to be difficult thus limited in some countries where government officers, NGO workers, and staff of NHRIs are not comfortable with any other languages than their own, e.g. the Thai. If UA are published only in English they will not have the expected effect on human rights conditions of the country concerned nor on advocacy work of AHRC at local and national level. AHRC recognizes this challenge and tries to deal with it in some countries by hiring local officers. Translation of UA and other materials into local languages seems to be fundamental if they are to be more effective. The team was informed by AHRC that translation is essentially the work of the local partners. Already, some efforts have been made to address the issue. Basil Fernando gave the team information that translation is now being done by way of websites, of interviews on local issues through radio program in local languages. An article is published weekly in a Sinhala newspaper. In Thailand, most UA are translated into Thai. In spite of these efforts, much remains to be done.
4. *Local capacity.* UA relies very much on ability of local partners to provide information about human rights violations. Although most local partners have basic training in methods of gathering and sending information, in using computer and modern communication technologies as well as some other skills required by AHRC, some challenges remain. Capacity of more people with those skills (and English language) is to be built. AHRC may consider a more systematic capacity building methods and programs for their partners.
5. *The use of modern communications for human rights work.* UA have been making full use of modern communications –IT- to communicate with a large audience which requires basic organization of communication channels and some technical skills. While IT provides an enormous advantage both in terms of cost and speed for UA, it also has some limitations. Not all partners of AHRC are skillful in using computers and the internet. UA cannot work well in a country where the internet system is frequently blocked and no communication system is put in place. AHRC may have to put more effort into building technical skills and investing in establishing communication networks. Appropriate hardware and software should be provided to local partners. In addition, while UA use mainly modern communications, it is still necessary for AHRC and its partners to keep some traditional forms of communications alive.
6. *Forming solidarity and multiplied effects.* One of the assumptions that UA work on is the belief that those who receive UA will forward mail to their colleagues which will help multiplying the number of supporters. However, this may not true in many cases. Asian people are not that responsive nor responsible. They may do so from time to time and may sign petitions but in a very selective way.

¹⁴ Nick Cheesman’s comment.

AHRC may have to review the claim that UA reaches out to about 200, 000 people. Although the explanation is given by IT staff of AHRC (see footnote number 5) this number remains questionable. Basil Fernando wrote that he “feels more comfortable in using large contribution networks rather than giving a specific figure”. The point here is that after some years AHRC may have to review the mailing list and find way(s) to verify the multiplied affect.

The team feels that UA represents the most important activities and were designed by AHRC to perform several functions: alerting people of human rights problems, means of protecting local activists and victims, educating people through direct and indirect involvements, being used as material and information for press releases, magazines, and other publications, putting pressure for responses and redress, and internationalizing local issues, etc. It seems that in spite of challenges, the UA Program has, to great extent, fulfilled those functions. The UA Program is elaborately illustrated by AHRC’s activities in Sri Lanka.

2.2 AHRC’s Sri Lanka Project

Sri Lankan Context

The authoritarian model introduced through the 1978 Constitution not only gave rise to conflicts in the South, North, and East, but also resulted in the disintegration hence loss of credibility of basic institutions of democracy, such as the parliament, government bureaucracy, courts, and law enforcement agencies. The situation was described by AHRC as “one of exceptional collapse of the rule of law”.¹⁵ AHRC notes further that “people have lost confidence in the Sri Lankan justice system. The policing system, the judiciary, and the prosecution system have suffered to the extent that effective control of crime through a justice process has become impossible. The major defects of the justice system include the absence of any witness protection and the unreasonable delays faced by complainants”.¹⁶ Most of the reports done by AHRC, HRW, AI, as well as other organizations including the National Human Rights Commission of Sri Lanka confirm each other that disappearances, tortures, extrajudicial killings are widespread. Perpetrators, mainly police officers, continue to enjoy great impunity.

It is in this critical context that AHRC and its local partners have been working in Sri Lanka. It is believed that “the bleak picture can be changed only if more courageous voices rise against the widespread anarchy, corruption, and lack of the rule of law. This requires greater articulation by people themselves of their problems and formulation of policies on this basis”.¹⁷

Concept and AHRC’s strategies in Sri Lanka

Based on the perception that “there is an exceptional collapse of the rule of law in the country and that ordinary people will have to take responsibility to deal with their own problems” AHRC tries to address this issue. As AHRC considers torture as the “mother of all human rights violations”; as cases of torture practiced by police are numerous; and as deaths in police custody are frequent, AHRC has decided to use “the prevention of torture program” to expose the depth of the collapse of the rule of law, particularly manifested in the policing, prosecution and judicial systems¹⁸ as the main focus of its work in Sri Lanka. Using the concept of “victim based” AHRC’s strategy has been to:

- highlight the situation through documentation of actual torture cases;
- work towards the provision of services for torture victims and/or families including legal and medical assistance, essential financial support, as well as providing protection and security for such victim and/or families;

¹⁵ AHRC, *Independence Day: An opportunity for fundamental change in Sri Lanka*, Statement issued by the Asian Human Rights Commission on the occasion of Independence day of Sri Lanka, 2005.

¹⁶ Ibid.

¹⁷ Ibid.

¹⁸ Shyamali Puvimanasinhe, A successful model for torture prevention in Asia, in AHRC&ALRC *Narrative Report 2004*, Appendix 1, p.60

- network with local organizations;
- make use of international pressure, UN agencies and international, regional human rights groups in particular, plus extensive media ventures;
- use emails and electronic facilities to transmit the cases of victims recorded by local organizations and re-edited/synthesized by AHRC to a very large email network.
- develop generalization based on the experience of the cases to reach wider audiences locally and internationally.

Apart from raising people's awareness of the problem, providing remedies to victims, bringing perpetrators to justice, AHRC and its partners' ultimate aim is to use individual cases to address the structural problems of judicial and justice systems for structural change in Sri Lanka.

Programs and Activities

It is important to note, at the first instance, that the programs and activities in Sri Lanka, according to the interviews with Basil Fernando and Philip Setunga, started some years ago "with individual interest and commitments of Basil Fernando himself in particular".¹⁹ In the late 1990s AHRC conducted several human rights education activities. More intensive and systematic programs, however, begun in 2002 (according to Fr. Reid Shelton Fernando) when a network of human rights activists called People Against Torture- PAT was established. Before that, the issue of disappearances was one of the major activities in Sri Lanka. The evaluation team has visited the memorial of disappearances (at Raddoluwa) initiated by Basil Fernando together with the families of the disappeared and supported by AHRC

AHRC and its partners in Sri Lanka have worked intensively on torture issues as a means to ensure the proper implementation of ICCPR, CAT and the Anti-Torture Act No.22 of 1994. Developed around the *Urgent Appeals project*, activities of AHRC and partner organizations have been expanded to many other related activities, namely holding seminars on torture, providing services & support (morally and financially) and protection to victims and families as well as witness, advocating for new law and measures to accelerate judicial process and to prevent torture, training and study visits for activists in Hong Kong under exposure program and some others. All these activities are part and parcel of the same whole process of the prevention of torture and a strive for due and no delay justice.

What does the *same whole process* mean? It means that partners of AHRC will have to build confidence of the victims and families of victims, bringing them out of their fear, breaking silence, getting the cases of torture (through newspaper, direct complaint to AHRC or partner organizations of AHRC, and case reporting by the coordinator of the organizations), collecting and verifying information, sending the well-researched case to AHRC, writing and editing by AHRC, presenting urgent appeals, advocacy, victims protection and rehabilitation, providing shelter, financial support, accompanying victims to the courts, appearing in courts, following up the cases, etc.

All these activities have been carried out not only to respond to the needs of victims but also to the exigencies of the serious rule of law situation in Sri Lanka. The whole process is indispensable. To make it possible it requires "three things: to know the violation, to provide for the immediate needs of the victims and to document their stories. All three of these are in fact linked and do not have distinct lines separating them. To know the violation, it is essential for activists to meet the victims, rather than rely on outside reports".²⁰ We have seen that this is the way AHRC and its partners work in Sri Lanka.

¹⁹ Interview with Basil Fernando and Philip Setunga, Hong Kong, 18 February, 2006.

²⁰ Meryam Dabhoiwala, Recapturing Human Dignity: Victims of Human Rights Abuse, in *Protection & Participation*, Vol.2, No.1, 2005 ,p 7.

Partners of AHRC and Their Relations

The team met Rev. Fr. Reid Shelton Fernando who not only represents Kamkaru Sewana (Ekala) but also acts as convener of PAT (People Against Torture), his team and victims; Chitral Perera and Shyamali Puvimanasinhe of Janasansadaya at Panadura; Justice Samitha de Silva who is currently working with AHRC in Hong Kong (on mission in Colombo during our visit); Jayanthi Dandeniya from Families of the Disappeared, K. J. Britto Fernando and Philip Dissanayake of Right to Life Center where we also met families of victims of torture and disappearances; SETIK in Kandy where we met Secretary and colleagues of the organization; Media Center where we met Rev. Fr. Nandana Manathunga, Sr. Mabel, support group team, as well as victims.

All these organizations are member of People Against Torture or PAT. According to the document prepared by Fr. Reid and all other people we met, there is no membership application. There are now 9 member organizations.²¹ “Those who were present at inaugural sessions were considered as founding members. However, due to many unforeseen reasons some could not take part in the activities. It was also decided that PAT would act as a joint network, while each group retaining its own identity and independence, having their own programs apart of torture concerned activities”²² This was confirmed by all we discussed with. Network organizations work independently in different part of the country, mainly, however, in Colombo and its environment and Kandy.

According to Fr. Reid and others, meetings were regular at the beginning but less so now because of growing activities and communication facilities (e-mail, telephone) which allow them to share information and experiences. PAT’s members get together on some events e.g. International day against torture, Human Rights Day, Street Movements and Campaign, Commemoration (in memory of victims of disappearances, for example), etc.

As already pointed out, AHRC does not work on a membership basis but on a partnership and networking basis. The network organizations in Sri Lanka work as a center for documenting, transmitting cases, providing protection, and assisting victims and their families. Each of them is in regular and constant communication with AHRC which also links up with torture victims and their families. Therefore, organizations work as intermediaries between AHRC and victims. Relationship with AHRC and with each other is closed but rather informal. Institutionalization and expansion of network is not foreseeable in the near future. Cyber communications require AHRC to provide computers and training on how to make use of technology to organizations which previously were not familiar with new types of communications.

Another aspect of the relationship between partners and AHRC should be added here. Basil Fernando stresses that partners in Sri Lanka are “independent organizations who have full responsibility and the control of their organisations”...our partners should not at anytime be dependent upon us”. However, on this particular point the team was given the impression by the partners that some organizations are rather dependent on AHRC in certain aspects. For example although many organizations such as Janasansadaya, Media Center attract support from outside, some are still in need of funding from AHRC for their activities. In addition, even if it is quite true that AHRC does not exercise control of their partners but “helps with advocacy work on a day to day as well as long term basis”, some partners still seek approval from AHRC to expand the scope of their activities. (This point will be elaborated below).

It is important to note that all network organizations except one were already well established before becoming a member of PAT and partners of AHRC. Only the Rule of Law Center was established by

²¹ They are Janasansadaya in Panadura, PAT in Ekala, Gampaha District Human Rights Citizen Committee at Ekala, Right to Life in Kurana, Organization of the Disappeared in Kurana, Human Right Center in Dambulla, SETIK in Kandy and Media Center in Kandy, Rule of Law Center in Nugegoda.

²² *PAT – People Against Torture – Evaluation Report*, paper prepared for the evaluation team by Fr. Reid Shelton Fernando, p.1.

AHRC itself with 2 full time staff and two part time. According to Basil Fernando, the organisation was meant to be a research center. We learned, however, the main duty of the center is to provide lawyers and legal services to victims and other organizations. Most, if not all, members of PAT have direct lines (hot lines in some cases) to AHRC.

AHRC and Its Activities Viewed by Partners in Sri Lanka

1. Most, if not all, partners consider AHRC as **INDISPENSIBLE** and that AHRC has been adding value to their existing work. In a country where internal publicity of human rights violations is impossible, where human rights groups and activists are subject to pressure from authorities, where people in general and victims in particular have justifiable fear of speaking up and are disempowered, there is a real need that debate and discussions on human rights violations, particularly torture and disappearances, be initiated and generated outside the country and circulated internationally.
2. All partners of AHRC confirm that the most important value-added AHRC brings to their activities is internationalization of human rights violation cases. AHRC makes them (both partners and victims) more confident that things are still possible in Sri Lanka (from outside Sri Lanka).
3. AHRC has built up their capacity in communications, documentation, giving remedies and protection to victims and survivors. Through AHRC activities such as training, seminars, exposure programs, and internships they have been exposed to what and how things happen in other countries thus giving them opportunities to share and to learn.
4. More importantly, the works with AHRC help them reach out to people thus enabling them to fight against human rights violations and injustice, hence adding to efficiency, effectiveness of their work.
5. Last but not least, AHRC helps them to work in coalition with and build up a network among human rights groups. What is really felt is that AHRC and international pressure could, to a certain extent, make authorities accountable to people. This has been proved when the cases are brought up by UN Human Rights Commission and other treaties' bodies and by the media. Cases were brought and being brought to the court of justice against perpetrators in Sri Lanka as well.

In general, partner organizations have an extremely positive view about AHRC and its activities. However, some interviewees and partners of AHRC express some concerns. At the Right to Life Center, they felt that AHRC had lost interest in the issue of disappearances after the opening of Monument. Some view that AHRC is not flexible enough in the sense that many suggestions have not been accommodated by AHRC due to some limits. Those "some limits" include, among others, financial support. The limits derive as well from the fact that the work of AHRC in Sri Lanka has been very focused (mainly on the issue of rule of law through Urgent Appeals dealing particularly with torture and rape cases) which results in the limit of scope of work. In addition, AHRC does not pay (enough) attention to other aspects of rights such as the right to work and to suitable working conditions, the right to food or the right to health, although all these rights are fundamental for victims and families. Moreover, since the decision on which cases to be appeared in urgent appeals is made at and by AHRC, and not all the cases will be taken up, victims and families whose cases were reported to the local organizations may be very disappointed and might loose confidence in them. This puts partners in a rather embarrassing situation. Lastly, using IT is very effective, but it is costly and requires a lot of effort and skills.

Recommendations by Partners

The following are recommended by partners of AHRC;

1. One of the problems of organizations dealing with torture cases is to find qualified and committed lawyers to give legal advices, full time lawyers with human rights expertise should be made available.

2. In order to cope with increasing complaints and complexity of situations as well as psychological conditions of victims overall, the capacity of local leaders/partners should be built. More training in counseling would be useful.
3. Until now, activities of AHRC with partners focus only at a national level. Partner organizations of AHRC are operating mainly in Colombo and Kandy while human rights violations/torture cases are widespread. It was recommended that more activities could be initiated at a regional level (within the country). AHRC may consider having a contact person or branch office in some other areas.
4. Although Basil Fernando stressed that almost more than 50% of UAs are generated by Janasansandaya headed by Chitral and much of the Sinhala publications comes from this very well established organization, many members gave the impression that Fr. Reid had been playing crucial roles in connecting with AHRC and PAT (Fr. Reid is currently convener). AHRC's partners raised some concerns that any change of person would create some practical problems. It is recommended, however, that the role of convener could be rotated.
5. Due to the nature of the work, partners of AHRC are exposed to threats, pressure, retaliation and intimidation, and AHRC may have to consider providing a life insurance scheme or some security measures.
6. Material for the Human Rights Correspondence School should be translated into local languages.
7. Some officers such as those at SETIK request ID cards from AHRC for human rights officers saying that it might assist them to better represent victims, in the courts, and at government agencies in particular.
8. More support for communications with AHRC.
9. Although most if not all local partners of AHRC enjoy support (financially) from other funding sources like RCT (Denmark), Oxfam (Hong Kong), and Finance Asia (some for Tsunami related activities), such support is meant for some specific projects. AHRC has been giving allowances (funded by RTC) to victims and/or families because of security reasons. AHRC's partners (such as Media Center in Kandy) have to provide shelter to victims/families. It could be very burdensome since no one can guarantee when the cases will over and when the victims/families can resume their normal lives. For AHRC's local partners, more financial resources are needed.

Observations and Recommendations

1. *Addressing grassroots grievances of victims.* AHRC and its partners stress the human dimension by giving primary importance to victims. The activities carried out in Sri Lanka show that constant work is being undertaken at the grassroots level before bringing it to national and international arenas. Individual cases of the poor have been taken up to address the structural causes of deficiencies of the rule of law.
2. *Church/religions based partners.* The meetings with AHRC's partners in Sri Lanka reminded us that in 1983 the CCA (Christian Conference of Asia), by its Interim secretary of CCA international affairs has organized the Asian Lawyers Consultation in Singapore and helped in establishing AHRC/ALRC. Most, with very few exceptions, of the network organizations of AHRC are Church-based organizations led by very committed Catholic priests. Only Chitral has identified himself as Buddhist and he has been trying to work with Buddhist monks. Priests and nuns have come forward and gained respect of both people and authorities. "We try to make religion(s) responsible for the people" said Fr. Nandana Manatunga from the Media group. Actually, activities of AHRC in Sri Lanka are carried out mainly by religious groups, the Church in particular. They might be the most appropriate partners not only because they are very committed to human rights and to helping people but also respected by authorities. Most of their staff are highly educated and speak very good English, and are close to the people.

3. *Expansion of network.* The number of network organizations is still rather limited and there is a high potential for expansion. The question of expanding the network in Sri Lanka was raised many times but the reaction was rather similar. “So far we want to maintain PAT as it is. Each partner, however, could expand their network on their own” said Fr. Reid. The challenge for AHRC may arise when the networks of its partners want to have direct contact with AHRC.
4. *Capacity building and empowerment.* Although AHRC has been assisting its partners in capacity building, there remain some difficulties. For the organizations two problems have been identified: English language and the use of modern communications. English remains an issue since more than half of the staff of AHRC partner organizations could not communicate in English. The team could have better appreciated the impressive work of Chitral if only he had communicated directly with it.

While organizations have been strengthened and empowered, the process of people empowerment is slower and requires wider human rights education work. Although it is true that the fact of victims/families coming forward is, in a sense, self empowering, further empowerment could be achieved through organizing them and providing them with information relevant to their problems. For this, the Media Center could play a very important role in human rights education due to its expertise in media production.

5. *Financial Burden.* AHRC, through its partners, provides financial support to victims and families. This relief has been seen by AHRC and partners as part of responsibilities and solidarity. For AHRC it is unacceptable to encourage people to come forward then let the victims fend for themselves. In so doing a culture of fear will rule and the fight for justice and rule of law will be given up. For Basil Fernando, there is no real distinction between relief and rights. Although the team clearly understands that some of the victims in Sri Lanka have paid with their lives for justice, it still has some concerns. As the number of cases/complaints sent to AHRC is increasing it may involve more budget for relief operations. In this sense relief could be costly and burdensome in the long run. The question lies in how to make the government responsible for its people. Is there any way for AHRC to push the government to set up a fund for victims and their families when there is a delay in the judicial process, and if it involves the government’s officials and agencies?
6. *Indivisibility of rights and the place of economic, social and cultural rights in Sri Lanka.* AHRC has been emphasizing the indivisibility and interdependence of political and civil rights and economic, social, and cultural rights. Some organizations such as the Right to Life Center and the Human Rights Citizen Committee with trade unionist background claimed that they were interested in ESCRs, the right to work and the right to health, etc but their activities are not supported by AHRC. In addition, although most of AHRC’s partners talk about economic, social, and cultural rights, there is no clear indication of understanding. The visit at SETIK, originally a development organization, confirms that understanding of ESCRs is minimal. AHRC may consider putting more effort into demonstrating that the right to life is the basis of all rights. There is a need for AHRC to place greater emphasis on link of the two categories of rights.
7. The team would recommend that AHRC consider recommendations made by partner organizations as most of them seem to be legitimate.

Despite some challenges, the team wants to commend that the activities of AHRC in Sri Lanka reflect very well some fundamental concepts of the organizations. Broad rights recognized by Western countries are given articulation of one of the most basic components of rights which is right to life including right not to be tortured, right to fair trial and due process. As Basil Fernando puts it “various activities such as UA which are considered the most important work of AHRC and its partners in Sri Lanka, human rights education, seminars and the like should not be understood as separate activities by themselves”. They are all a means towards the re-establishment (if there was one) of the rule of law in Sri Lanka.

2.3 China Project

A Glance at China: Economic Growth vs. Human Rights

China, the world's most populous country, is now the world's fastest growing economy. Economic growth, however, is not evenly distributed in the country. "The economic disparity between urban and the rural hinterlands is among the largest in the world. Many impoverished rural dwellers are flocking to the country's eastern cities. Social discontent has manifested itself in protests by farmers and workers".²³ Economic changes have not been matched by political reform. The Communist party still retains its monopoly on power and maintains strict control over the people.

This control has been exercised by various measures. One of the most serious is the tight control of media. Access to foreign news providers is limited. Although the internet is making its way into China with over 100 million internet users in 2005, the authorities routinely block access to sites run by the banned spiritual movement Falun Gong, human rights groups and some foreign news organizations. The Human Rights Watch reports that in September 2005, the Ministry of Information Industry and the State Council introduced new regulations on Internet news which prevent distribution of any uncensored version of a news event or commentary".²⁴ The same report adds that "in an increasing number of instances, global Internet companies have been complicit in the repression, insisting they must abide by the rules and regulations of the countries in which they operate. Google does not list links to sites banned in China; certain words may not be used as titles for Microsoft blogs; ...".²⁵ This information has been confirmed by the ALRC coordinator as well his partners in China. "An international group of academics concluded in 2005 that China has the most extensive and effective legal and technological systems for internet censorship and surveillance in the world".²⁶ The control of media and internet access has, somehow, affected the work of ALRC as the organization relies much on modern communications.

Although control has been widely exercised, we witness some progress. In 2003 some legal reforms were introduced, including new regulations aimed at preventing torture in police custody, and in March 2004 an amendment to the Constitution was introduced, stating that "the State respects and protects human rights".²⁷ In the same year, the Chinese authority issued a regulation encouraging the establishment of legal aid center the result of which is a mushrooming of a legal aid centers throughout the country. According to the ALRC report, to date there are over 3,000 (government) legal aid centers in China. Although those laws are rarely enforceable, it gives opportunities for universities to benefit from those laws.

Not only legal reform has taken place in China but the Chinese government has also signed and ratified certain international human rights instruments. As of 2006, the country has ratified ICESCR, CERD, CEDAW, CAT, CRC and the Second Optional protocol to CRC while signing ICCPR and the First Optional protocol to CRC.

ALRC's Activities in China

According to Wong Kai Shing, program coordinator in charge of China's project, the activities of the organization started in 1997 focusing on the issue of rule of law with Chinese Judges. However, more systematic and formal cooperation was established in 2000 and has been extended ever since. Four main activities have been and are being carried out so far.

²³ BBC News, *Country profile: China*, <http://newsvote.bbc.co.uk> accessed on 3/29/2006.

²⁴ Human Rights Watch, *Country Summary: China*, January 2006.

²⁵ Ibid.

²⁶ Ibid.

²⁷ Amnesty International, *China*, January–December 2004, <http://web.amnesty.org>, accessed on 29/3/2006.

1. Organization of 1–2 weeks *exposure programs* for Chinese partners in Hong Kong. Most of those we discussed with have participated in the visits. The participants varied from lawyers, university lecturers, and staff of non-profit organizations working with ALRC. It is noted that students have been given opportunity as well; The visits are arranged by ALRC in order to expose the participants to its works and the works of AHRC. It provides opportunities for participants to learn about the roles of NGOs based in Hong Kong and to understand the importance of institutional safeguards for human rights under the rule of law.
2. *One-month internship in Hong Kong*. Since 2004 a number of participants have been selected to do internships at the AHRC/ALRC office. So far, the interns are mainly university lecturers and partners of ALRC who are carrying out research in human rights. The purpose of the program is to “acquaint them with the universal norms of human rights as well as technological and other means that can be used to promote their work for legal reform and human rights in China”.²⁸ During their stay they are exposed to AHRC/ALRC work, receive an overview of the human rights situation in Asia, and learn how to do advocacy and research. Visits and meetings are arranged with official human rights institutions and NGOs based in Hong Kong.
3. *Consultation on Due Process for Chinese Judges*. According to Wong Kai Shing, 11 consultations were held since 1997. The Chinese participants were judges from the Supreme People’s Court and judges from high and basic courts of different provinces and some law faculties. During the consultations, participants discussed the criminal justice system of China in the light of the UN principle of fair trial and the experience of other Asian countries. The main idea is to get Chinese participants to understand the human rights perspective of fair trial, to reflect on the existing problems in China, and to seek improvement of the Chinese legal system.
4. *Small-scale Consultations on ICESCR*. The first series of consultations on ICESCR started in 2003 in Wuhan. It was a joint activity between the Center for Protection of Rights of Disadvantaged Citizens of Wuhan University Law School, the Legal Aid Center of the Zhongnan University of Economics and Law, and three other foreign human rights centers/institutes including RWI. In 2004, 4 consultations were organized in the four cities which, on a rotation basis, hosted the meetings. The aim of this consultation was to “introduce the ICESCR and its significance to China and giving participants opportunity to study their chosen subject(s) of rights within the ICESCR in depth via meeting with experts who have been working on the implementation of these rights in Hong Kong”.²⁹

Participants in the consultation were invited from four cities namely Wuhan, Xian, Guangzhou, and Beijing. It is interesting to note that the right to work was the common issue discussed in the four seminars; the right to education and the right to housing and judicial remedies for ICESCR were also discussed.

Besides small consultations, 2 international workshops were held in October 2003 in Wuhan and June 2005 in Bangkok bringing together scholars, lawyers and human rights activists from China and other Asian countries. The objective was to raise awareness among Chinese legal aid practitioners and NGOs of international ESCRs standards and mechanisms, as well as normative developments.

During our visit to China in late February, 2006, the evaluation team was allowed to observe the consultation held in Wuhan. The participants discussed the experiences in handling cases concerning ESCRs. Again, the right to work, along with the right to education, and the right to housing as well as land rights were brought to the discussions. Some participants prepared presentations based on their research or their work. The debates were rather lively.

²⁸ *AHRC & ALRC narrative Report* 2004, p. 44.

²⁹ *Op.Cit*, p. 42.

Partners of ALRC in China

ALRC's first contact in China was with a prominent law professor, Wan Exiang, who is now Vice President of the Supreme People's Court in Beijing. He initiated, in 1992, the establishment of "the first civilian legal assistance body in China" - the Center for protection of Rights of Disadvantaged Citizens (CPRDC) - at Wuhan University's Law School. The Center provides various forms of legal assistance including answering inquiries, representing cases and popularizing law.³⁰ The Center has registered itself under Companies Act in 2003 (?).³¹

The cooperation of ALRC in China has expanded to other three cities involving other universities and organizations, including the Center for Protection and Legal Aid of Zhongnan University of Economics and Law in Wuhan, the Legal Clinic of the Northwest University of Political Science and Law, the Shanxi Provincial Research Association for Women and Family, and the Center for Women Development and Rights of Northwest Politechnic University in Xian, the Guangzhou University Research Center for Human Rights and the Clinical legal education of Sun Yat-Sen University School of Law in Guangzhou, Legal Clinic of the Beijing University Law School, Legal Clinic of the Tsinghua University Law School, Center for Constitutional Law and Human Right Research of the same Tsinghua University, Center for Women's Law Studies & Legal Services of Peking University. Two other institutions have been working with ALRC namely the Research Center for Human Rights of Peking University Law School and the Beijing Child Legal Aid & Research Center. ALRC also works in partnership with some NGOs such the Migrant Workers Documentation Center, and the Migrant workers Culture Center in Guangzhou.

ALRC and Its Activities Viewed by Chinese Partners

Most if not all Chinese partners of ALRC expressed their appreciation of AHRC and its cooperation, and this is for various reasons;

1. Through its activities and programs, ALRC exposes them to the wider Asian context. Exposure programs in Hong Kong and Consultations in BKK bring particular value to them in the sense that they provide opportunities to gain direct experiences of human rights activities and human rights situations in other Asian countries. For the Judges with whom we discussed "it has a strong impacts on their thinking". The judges now talked about transforming the roles of courts and that the presumption of innocence should be a principle at court; The small scale consultations on ESCRs put them into contact with other institutions and organizations within the country hence facilitating the linkages among them.
2. ALRC provides them with platform for discussions and joint human rights activities.
3. For many, ALRC serves as a good example. In their eyes, ALRC works hard, is professional, has a high working spirit, and keeps them up dated about what is going on in Asia and beyond.
4. Although China ratified the ICESCR in 2001, the Covenant was not familiar to Chinese academics or non profit organizations. ALRC introduces them to the Covenant and its implementation.

Only a few adverse comments were made in the sense that the activities of ALRC are still confined to certain groups and do not reach grassroots people.

They recommend;

1. Forums designed particularly for Judges focusing on trial supervision mechanisms and rules of evidence should be organized in the future;

³⁰ CPRDC's brochure

³¹ The information about the date of registration is rather confusing. Some said in 2000 some said in 2003 or 2004 as a society.

2. More exposure programs for partner organizations, training on research methodologies, and support for research on torture, and workers' rights;
3. Facilitating exchange programs with universities outside China. Such exchanges should cover both students and faculty's staff;
4. Promoting linkages with other funding sources;
5. Cooperation in organization of regional conferences on particular subjects such as workers' protection, rule of law, and human rights education.

Observations and Recommendations

The team has visited and discussed with partners of ALRC mainly in Wuhan and Guangzhou. We had a chance to have a short interview with lecturers from Xian and interview conducted by our interpreter who happened to be in Beijing. Some observations should be made on ALRC's partners and the way ALRC has been working with them.

1. Most partners of ALRC in China are academic institutions, including some from the top ten in the country. Although the focus of their work is more or less different (for example the Center for protection of Rights of Disadvantaged Citizens (CPRDC) at Wuhan University's Law School emphasizes on providing multi-forms of legal assistance, the Guangzhou University Research Center for Human Rights focus on research) they all offer human rights education through their law courses. The centers also provide a legal training for students. We learned that a national curriculum on (international) human rights (law) course and manual was approved by the central government.
2. It is interesting to note that some legal aid centers are registered under the Company Act in order to avoid complications in the process and monitoring from authorities. Some prefer to be affiliated to law schools and not registered. Some like the CPRDC identifies themselves as NGOs while NGOs like the Migrant Workers Documentation Center and the Migrant workers Culture Center in Guangzhou avoid the term NGOs but prefer Non-profit organization.
3. Some centers have direct contact with authorities in Beijing. Though doing research on their own, as well as with international organizations such as the Danish Institute for Human Rights, the Guangzhou University Research Center for Human Rights does research at the request of the government. Its ambition is to become the first human rights research center in the country and it seems that they have the potential to realize this ambition due to the fact that the university's administrators have been supportive and they have competent faculty staff.
4. Most of the people we met were very committed to their work although the level of commitment varied. It is important to add here that not all of them are comfortable with the term human rights and some still avoid its use. When asking if they knew AHRC, they said they get to know more but prefer to cooperate on ALRC brand because it looks less sensitive in China. They are more comfortable with ESCRs and the issues of rule of law and legal reform because these issues complied with government policies.
5. Most, if not all, of ALRC partners receive funds from other funding sources, for instance Ford Foundation, Oxfam Hong Kong, the British government, EU. Many of them are working in cooperation with RWI.
6. From the discussions, it seems that ALRC's partners in China share the same agenda which is to work on the issue of migrant workers. They have already proposed to conduct a research on the issue but are rather reluctant to work together. The coordinating role of AHRC is important to bring them together, not only for discussion but also for co-operation and collaboration.

7. Conducting research on workers' rights and human rights in general is still a problem for those institutions. Capacity building on research methodology (and English language) is needed.
8. Considering that "Asia as a region is diverse and complex", for AHRC/ALRC "there can be no common agenda or approach for the entire region. Different strategies and methodologies have to be adopted keeping in mind the diversity and sensitivity of the particular situation".³² Activities and programs of organizations in China reflect the ability to adapt and adopt appropriate strategies and methods which allow them to open the window to China. This has been reflected in different ways.
 - a) The activities and programs have been and are being carried out under the name of ALRC not AHRC since the Chinese partners feel more comfortable with the former;
 - b) Not too aggressive in its approach but using a step by step approach. By addressing not too sensitive issues like the rule of law and ESCRs, the Chinese feel more comfortable with ALRC;
 - c) Working with selected partners mainly academics and higher institutions with some core groups having potential to influence policy;

ALRC should continue to apply both these approaches and strategies for the next few years but may need to review after some years in order to reach out the most needed in Chinese societies.

ALRC and its existing partners have potential to do so, through their "public interest litigations" which address a variety of rights of different groups of people.

9. AHRC has put the right man in the right job for human rights work in China. Wong Kai Shing, the coordinator, has gained the confidence of his partners. He is very well-equipped with knowledge of human rights, committed, and knowledgeable of China and Chinese cultures/policies. The problem here might be finding a suitable replacement of Kai Shing. The work in China becomes rather personalized relying mainly on one person. Finding a coordinator within the country could be a solution while Kai Shing plays the role of supervisor.
10. ALRC has been using a very subtle way to address some serious issues such as fair trial, rule of law, due process, and torture by providing opportunities and venues for discussions. Furthermore, by using ICESCRs some problems arising from development policies especially land rights, forced evictions, environmental degradation, have been raised in most of the forums jointly organized by ALRC. Although partners of ALRC are quite new to the human rights field, some are very committed and ready to challenge authorities on the earlier mentioned issues. There is a high potential for AHRC/ALRC to go further in China, with a step by step approach. They may need some more exposures and sharing experiences with other organizations other than those in Hong Kong. The team is well aware, though, that language could be a serious barrier.

The team would want to encourage ALRC to be more aggressive in China despite the fact raised by Basil Fernando that ALRC is too small to operate on a large scale in China. We endorse this view. There is, however, a window already open for AHRC. AHRC/ALRC is now being used, among others, as window for Chinese scholars and activists to the outside world. We believe that under the coordination of Kai Shing the organization could be more aggressive while not to "appearing to be too imposing".

2.4 Human Rights Correspondence School

Human Rights Education Concept behind the Program

The Human Rights Correspondence School (HRCS) is a program under AHRC that aims to provide human rights education to human rights practitioners through action-oriented methodology.

The program includes a series of human rights lessons and workshop/ consultation with the target

³² Op Cit, p.30

groups. With this program, human rights education is offered through the study of existing human rights problems, mostly from the real cases AHRC/ALRC is dealing with, followed by the introduction of human rights standards and mechanisms involved and suggested actions to tackle the problem. This approach is at the center of HRCS's methodology, which it claims is different from many other human rights education attempts that mainly focus on international laws that sometime seems alienated from the local context.³³

Similar to other programs of AHRC, and actually to the works of AHRC as a whole, the HRCS is guided by the principles underlying the Danish "Folk School" methodology developed by Dr. N.F.S. Gruntvig.³⁴ According to the Folk School approach, education starts with the situation of the learner, and thus the HRCS uses *concrete current problems* as its starting point to make its program more relevant. The education must be offered with a *participatory and dialogical process*. Importantly, it has *perspective of action*. In other words, human rights education must "result in the perception of the relevance of human rights concepts and principles in the struggle for a humane and just society and in the inspiration to undertake some form of action to promote and enhance these rights".³⁵ This can be done through training to acquire specific skills for different kinds of action.

With these principles in mind, we will later explore HRCS's activities to see whether they meet the organization and the target groups' needs.

Objective of the Correspondence School

As part of a bigger organization, the AHRC Human Rights Correspondence School shares AHRC's goal and is working towards the implementation of human rights principles in the local context. It takes the aim of *Asian Human Rights Charter-Final Document*³⁶, adopted in Kwangju-South Korea in May 1998, as its own ultimate goal.

The objectives of the HRCS can be classified into two main areas. Firstly, as its name suggests, it aims to provide human rights information and education, with special focus on the Asian context, to audiences to enable them to protect and promote human rights in their own contexts. Secondly, it wishes to be a forum for interaction of human rights practitioners. With the discussion that can be done through its website and workshop space, the School sees the potential for sharing of experiences and idea for further development of strategies to solve human rights problems.

The main target group of the Program is human rights practitioners working to address human rights violation in their own areas. It is hoped that the experiences learnt and human rights promotion activities suggested by the Program will enhance those practitioners to better work in their own realm.

Human Rights Correspondence School's Activities

Since 1999, the HRCS runs activities in two main parts. The majority of its work is on the production of lesson series. Up to present, 45 series of lessons have been produced and distributed. Among these, three lessons were also produced as multimedia lessons.

The issues covered by the study lessons varied. According to Meryam Dabhoiwala, the Program Coordinator of HRCS, the issues were selected based on the emerging issues AHRC was working on at the moment. The Program Coordinator consulted with other desks and studies from AHRC publications to determine the topic that needed to be addressed and to design the lessons. AHRC partners were also welcome to suggest topics. However, according to Meryam, only about 10 per cent of the topics came from the partners.

³³ <http://www.ahrchk.net/modules5383.html?name=Content&pa=showpage&pid=16&cid=1>

³⁴ More information about the "folk school" approach to be found in AHRC's publication W.J. Basil Fernando (2000) *Democratization and Hope: Creating the Social Foundation for Sustaining Democracy*, AHRC: Hong Kong

³⁵ <http://www.hrschool.org/modules.php?name=Content&pa=showpage&pid=7&cid=1>

³⁶ http://www.ahrchk.net/charter/mainfile.php/eng_charter/

In general, though not with all cases, the study lessons were presented using the following structure:

1. The situation of the problem – the human rights problems are presented with the real cases happened at the ground. Most of the examples come from real cases AHRC or its partners are dealing with.
2. Related human rights standards
3. What is being done with the problem
4. Questions for discussion for the readers to analyse the issues or to think about what can they do in the local context
5. In some lessons, links to other documents were provided.

All the lessons will be published on Human Rights Correspondence School's website www.hrschool.org, mainly in PDF and MSWord files. They were also emailed to AHRC partners and those who showed their interest in the program (keep as mailing list for Human Rights Correspondence School). The lessons are also printed out and mailed to another several hundred individuals/ organizations. The majority of those who received HRCS lessons were human rights practitioners, both in NGOs and academic sectors.

Apart from the production of the lesson series, HRCS also organized consultations at a regional level. The people invited to join the consultations were considered a core group whose discussion would help in guiding the work of the program. The first consultation was organized in Hong Kong in August 2001 with 39 participants from Asia. They discussed the lessons and the underlying principles of the School. The consultation has been organized annually at the regional level ever since.

In February 2006, the School launched its first publication *Rule of Law and Human Rights in Asia*³⁷ which is a compilation of lessons series on the relationship between the rule of law and the implementation of human rights in Asia.

From time to time, HRCS also co-organised human rights training with other programs of AHRC. For example, in November 2003, HRCS and AHRC's Religion Groups Human Rights Program co-organised a training program in Sri Lanka. The AHRC working methodology as discussed and trained to 38 participants from Asia.

Reflection on HRCS: Views from partners and evaluation team

Relevance of the Lesson Series. The topics presented in the lessons series are highly relevant to AHRC's work. Almost all the lessons are core issues AHRC is working with, especially on rule of law, torture, and legal reform. About one third of the lessons are about strategies, methods, techniques and experiences in human rights protection and promotion, both at international level and in a local context.

Most of the study lessons use the case studies from Sri Lanka which is the area where most AHRC works are being implemented. However, this does not mean that the audiences in Sri Lanka found the lesson redundant. From discussions with AHRC partners in Sri Lanka, we found that the study lessons bring to them a broader knowledge about the human rights situation abroad.

With regard to the lessons about specific problems, they corresponded well with the issues that AHRC had taken up as campaigns or programs. However, with the limitation about the knowledge on the time each lesson and each campaign were issued, we failed to analyse the lessons' contribution to other parts of AHRC work.

³⁷ Meryam Dabhoiwala (2006) *Rule of Law and Human Rights in Asia*, AHRC: Hong Kong

Accessibility of the Lesson Series. The accessibility of HRCS' lesson series is limited by its distribution method. Not all AHRC partners have good internet access, if indeed they have any. The problem is worsening in China where the AHRC website is blocked and not all of the partners are in the mailing list of the School. It is only with help from the China Project Program Coordinator who brings along the study lessons during his visits to China that some partners can get access to those lessons.

Another major obstacle to lesson accessibility is the language. All the lessons are produced in English. Although they are written in easy-to-understand language, they can be accessed and utilized by only a small number of English-speaking people. Realizing the benefit of the lesson series, some partners in China and Sri Lanka expressed their interest in translating the lessons into local languages. However, this has not been done at the moment due to time limitations of each partner. It is only the Media Center in Kandy, Sri Lanka, that translates some lessons they view as needed into the local language with some adaptation to the local context.

Utilization of the Lesson Series. With the language barrier as discussed above, the utilization of the lesson series is limited. It depends so much on how the people who get access to the lesson disseminate the information further within their own organisations. We found that in many cases, especially when the users are academics, the lessons are taken as reference materials.

It is quite clear that the users of the lessons learn about human rights situations from them. However, it is still doubtful whether the Program's aim to equip human rights practitioners with skills and strategies have reached beyond the lesson series. There need to be more guidance on how to deal with a case and analyse the obstacles. This gap might be supplemented by the consultation and workshop organized by the Program.

Human Rights Folk School Approach. The HRCS Program is distinct from other human rights education project in the sense that it does not focus mainly on international laws or international human rights standards. With the focus on real human rights situations as the basis for further discussion, the Program is able to access human rights practitioners in the field more easily. Chitral Perera of Janasansadaya at Panadura, Sri Lanka, who joined one of the consultations stated that the Human Rights Folk School sessions deal with real problems, not merely theories like other human rights education programs. As a consequence, it is more accessible for human rights activists. So it is more interesting and more practical. And this has proved to be the strength of AHRC's Human Rights School Program.

Observations/Recommendations

1. It is important to note here that human rights education is "in fact an integrated aspect of all AHRC's programs, which are implemented according to the basic principles of dialogue, participation and action."³⁸ The activities done under HRCS Program, therefore, cannot be separated from other AHRC activities and programs. The lessons prepared come from the work of AHRC. Sometimes the lessons are about the outcome of forums AHRC organized. In one way, HRCS is acting like a bridge between other AHRC works and those partners on the ground. The lesson series materialized the rich knowledge and experiences gained by AHRC, transferred them into a simplified form, and sent them to other human rights practitioners.
2. The HRCS Program Coordinator stated that one of the present aims of the Program is to let the audiences use the lessons to create their own discussion groups about human rights situations and actions. It is therefore recommended that AHRC should also arrange more such discussion forums to make the best use of its lesson series. The Program Coordinator's wish to have national consultation sessions is strongly supported.

³⁸ The HRCS's underlying guiding principles in <http://www.hrschool.org/modules.php?name=Content&pa=showpage&pid=7&cid=1>

3. The Program's methodology based on actual human rights situations and action-oriented is highly appreciated. However, in order to help building the capacity on human rights promotion and protection of the audiences, there are some recommendations on how the lessons should be presented:
 - It would be good to have an introduction to the whole lesson, especially on how to use the lessons.
 - Clear objectives of each lesson should be presented to enable the readers to follow the lesson more effectively. These objectives can be reiterated again at the end of the lesson, in the question for discussion section, which can be the most important part to bring the readers to further analysis and ideas.
 - The lessons are prepared well by practitioners for practitioners. However, a touch of educators can help to design the lesson series in a more systematic way that enable the learners to better gain from the rich stories presented.
4. The lessons that were produced in multimedia format have proved to be an interesting presentation that can reach not only HRCS's target groups but also wider audiences effectively. It is a bit difficult to access online, though.
5. In order to promote more participation from the AHRC's partners, there should be more channels to get their feedback and recommendations.
6. Some of AHRC's partners express their interest in doing human rights education activities. With HRCS's rich experiences for more than 6 years, it can provide assistance to launch those initiatives.
7. In order to reach to wider audiences, it is recommended that AHRC still give priority to producing more attractive lessons in a print out format. The mailing list should also be updated. More importantly, AHRC should support any attempt to translate the lesson series into local languages and context.

2.5 Organizational Structure and Its Management

The idea of setting up the Asian Human Rights Commission (AHRC) and the Asian Legal Resource Centre (ALRC) was put forward by the consultation on "Asian Lawyers for Justice and Human Rights" held in October 1983. Both organizations were founded in April 1986 by a prominent group of jurists and human rights activists in Asia. They were registered under the Company Act of Hong Kong and established a joint secretariat. AHRC seeks to promote greater awareness and realization of human rights in the Asian region, and to mobilize Asian and international public opinion to obtain relief and redress for the victims of human rights violations. ALRC is committed to the development of legal self-reliance and empowerment of people. It also places particular emphasis in its work on areas of cultural, social and economic rights and the right to development. It has General Consultative status with the Economic and Social Council of the United Nation.³⁹

From limited activities from its establishment to 1994, the work of AHRC and ALRC has been revived with the recruitment of Basil Fernando as the Executive Director, and a gradual increase in funding and number of staff. In its internal note on organization, they indicated the basic elements of administration as follows:

1. Contacts in different countries include their direct partners who work with them based in their countries, others who receive their information constantly through email and other networks; and the general public who is informed about their views and work, through newspapers and other masmedia.

³⁹ *AHRC/ALRC Narrative Report 2004*

2. Staff engaged in Articulation of Human Rights Problems. This group of staff keeps contact with different countries, receives information and engages in various types of dissemination of information either on individual cases or about general situations.
3. Staff Ensuring Technical Capacity for Communication. This group of staff engages in the use and development of technical capacities in order to disseminate our communications as widely and as speedily as possible.

Organization Structure

In the interview with the Executive Director, he stressed about the nature of the work they are doing now: “many things, we can’t know in advance what are going to happen?”. So, his working principles are “*extremely flexible*”, “*quality of work*” and “*creativity*”. He further elaborated that “we are one movement but work through two different organizations for historical and legal reasons.” In a telephone interview with the Chairman of the Board of Directors, he expressed his view that AHRC/ALRC should be viewed as *one organization with two identities* which were necessary to work under Hong Kong law. Charitable organizations are not allowed to undertake advocacy work such as Urgent Appeals.

At present, the operation of the two organizations AHRC/ALRC can be confusing for outsiders who have not known them well. It took sometime for the evaluation team to fully understand how these two organizations are operated.

For management structure, both organizations share the same board of advisors, board of directors and executive director. At present, the two organizations have 17 full time staff, and 4 part time staff. They do not have a formal organizational structure, however, staff have been contracted and separated into two organizations as follows:

AHRC	ALRC
*Basil Fernando Executive Director	
*Philip Setunga: Program Coordinator- Religious Groups Human Rights	Samith De Silva: Senior Adviser
*Kai Shing Wong: Program Coordinator- China Project.	*Sanjeeva Liyanage: Program Coordinator-IT and communications
Bruce Van Voorhis: Communications Officer (Publications)	*Nick Cheesman: Editor
Purdey Mak: Communications Officer –Information Technology	Bijo Francis: Program Officer – South Asia Desk
Meryam Dabhoiwala: Program Coordinator-HRC School	Michael Anthony: Program Coordinator: Asia/Europe Program
Kate Hurst: Program Officer-Urgent Appeals Program	Tim Gill: Project Officer-Dalit & Indonesia related work (Brussels Based)
Norman Voss: Program Officer	*Louise Sun: Senior Administrative Officer
	Amy Mak: Admin., and Accounts Cleark
	Linda Lai: Office Assistant
Part-time staff	Part-time staff
Soo A. Kim: Program Officer-Urgent Appeals Program	Payal Rajpal: Program Coordinator-People Tribunal on Food and the rule of Law.
Wai King Law: Accountant	John Sloan: Secretary to the Executive Director.

* Administrative committee

Many staff have responsibilities to both organizations, but their salaries come from the organization with which they have their employment contract.

About funding to both organizations and whether it is strictly separated, the Executive Director said “for purposes of funding agencies’ accounts, they prefer to have the contract with one of the two organizations but they all understand that these are sister organizations carrying out an interrelated program”.⁴⁰

⁴⁰ E-mail discussion with the Executive Director April 6, 2006

Up to now only ALRC has charitable status and tax exemption. This is reflected in its latest income statement for the year 2004, which shows that ALRC has accumulated surplus carried forward 2,410,885 HK\$ while AHRC has accumulated deficits carried forward 449,828 HK\$.⁴¹

We became convinced that it was a good idea and may have some advantages to run both organizations like this. For example, most of the key staff e.g. Executive Director, Senior Administrative Officer and Editor, got salary from one organization, but were responsible for work of both organizations. In terms of work, all the work in the China Project has been carried out under the name of ALRC since human rights is still not a subject that Chinese authorities will be happy to see it discussed openly. This may help to explain why the AHRC and ALRC websites have been blocked in China since November last year. ALRC will also be useful for the future work in the countries where human rights are still very sensitive. However, they have to explain to donors about AHRC/ALRC and the way these two organizations operate.

The Board of Directors has equal numbers of males and females. At present, they have no limited term of office. They are with both organizations since 1994. At present, the Board of Directors meets 2 times per year to give advice, approve work plan and ensure governance of the organizations.

We have had a telephone interview with two members of the board, i.e. Mr. John J. Clancey, who is the present chairman based in Hong Kong, and Mr. Rene Sarmineto, from the Philippines. Both have been board members for a long time, and could not really remember when they started. They both expressed their satisfaction with their roles, and they felt they can contribute to policy direction of AHRC/ALRC beyond approval of work plans. With regard to the evaluation team's suggestion for a fixed term of office for board members and the executive director, both agreed that the board of directors should have a term and that it may be good idea to add one or two more new members, like from China, and countries where AHRC/ALRC are having more activities. For the term of the Executive Director, one thought that it would be premature at this stage to introduce any change to the present structure, while the other favoured the idea of introducing a second layer of leadership.

Both organizations have made 4 year plan (2006–2009), and annual work plans. There is also a possibility to add new items to the work plan, since some of the work has to be carried out immediately. Every July, the organizations will release their annual reports. They also have to submit an annual report to each funding agency separately. For follow up of the organizations' activities, most of activities will be reviewed by individual funding agency annually. They also face stringent auditing under the tough and high standard of the auditing law of the Special Administration of Hong Kong.

In any organization, staff is a key component of its success. From our limited contact with staff of AHRC/ALRC, we would like to record our appreciation of their dedication and high quality of work. In organizations like this, if staff turn over rate is high, then the continuity of work will suffer.

In discussions about organizational structure, the executive director has this to say: "The test of an organisational structure is whether it helps the organisation to function efficiently, enables the avoidance of abuse of resources and funds, maintains a participatory process and is able to achieve the aims and objectives of the organisation. Our present organisational structure has enabled us to do this beyond a satisfactory degree. At no stage have we felt that this structure needed any change. If we feel internally any reason to do so we will of course make the changes. But we will not be moved by external compulsions that are not based on reasonable grounds and we will not impose upon ourselves impediments to our work."

Since the present Executive Director has been directing the two organizations since 1994, the degree of internal democracy has come to mind of people like funding agencies. From frank discussions with

⁴¹ *AHRC Limited Annual Reports 2004 and ALRC Limited Annual Reports 2004*

Basil Fernando and interviews with some staff members and some board of directors, we got an impression that the degree of internal democracy is quite high, e.g. the organizations now have a weekly meeting of the administrative committee which consists of 6 senior staff members. So, “since two and a half years ago, there is nothing only Basil knows” said Basil Fernando.

From discussions with various partners of AHRC/ALRC in Sri Lanka, the question of “what would happen to AHRC/ALRC and their organizations without Basil ?” has brought some silence or ‘don’t know’ for answers. So, we put this question to the man himself, he said the organizations had drastically changed 3 years ago, when he was quite seriously ill. Since then, the Board of Directors has recommended recruiting more senior people to the team e.g. a senior judge, respectable academics and HR activists. So, he is now very confident that the current staff know what to do and can allow AHRC/ALRC to carry on its good work.

Recommendations

1. The Board of Directors should have a fixed term in office like 4 years and no more than two consecutive terms.
2. A limited number of new members should be added to the Board of Directors, e.g. one from China, allowing it to bring new people and new ideas to the organizations.
3. AHRC/ALRC should be one organization with two identities as it is. But it needs to keep donors clearly informed about the need for two organisations and how they operate together.
4. A staff development plan should be introduced. If possible, all staff should have his/her own short and long term road maps within the organization.

2.6. Publications and Communications

As part of its communication and information activities, AHRC publishes a number of magazines, newsletters and books available both in printed format and in website format.

From a note on the use of information and communications technologies (ICTs) by the AHRC, they explained “one important aspect of the work of the AHRC/ALRC has been the effective use of information and communications technologies (ICTs). The communications system of the AHRC/ALRC is not “just another technical tool“ but an integral and indispensable part of all the work AHRC/ALRC is engaged in. AHRC/ALRC have consciously developed its communications system using ICTs understanding the enormous opportunities provided by the use of e-mails and the Internet and related technologies. Introducing such systems to our partners was challenging at the beginning as it was not just beginning to use computers for our work, but changing the way we communicated and essentially changing our mindset on communications.

From the mid-1990s onwards, AHRC/ALRC spent much time and effort developing its communications system using ICTs. These include about 100 e-mailing lists specialized in terms of countries, themes, and professional groups, and about 39 different web sites and related databases.”

At present AHRC/ALRC run about 39 websites: 2 on AHRC/ALRC and their programs; 3 of their periodicals; 7 weekly and fortnightly e-newsletters; 9 country/region sites; 12 on their campaigns; and 3 other on specific cases. The two major print periodicals of AHRC/ALRC are *Human Rights Solidarity* and *article 2*, which are bimonthly magazines⁴² (also available online at www.hrsolidarity.net and www.article2.org respectively). It also publishes a sub-regional periodical *Protection and Participation* (www.southasiahr.net) which focuses mainly on the human rights situation in South Asia. AHRC also publishes a number of books covering the issues they are working on.

⁴² AHRC/ALRC Narrative Report 2003

For the purpose of this evaluation, the evaluation team focused their review on the two main publications (Human Rights Solidarity and article 2), overall books publication in general, and the internet-based materials and communications.

Human Rights Solidarity and *article 2* are bi-monthly magazines in English language that alternate the months of publication with each other. As its name suggests, article 2 is “being inaugurated to draw global attention to *article 2* of the International Covenant on Civil and Political Rights (ICCPR), and make it a key concern of all partners in the global human rights community. This integral article deals with provision of adequate remedies for human rights violations by legislative, administrative and judicial means.”⁴³ For Human Rights Solidarity, the main purpose is “to support AHRC’s campaigns as well as to educate readers about human rights issues in the region.”⁴⁴ In the past recent years, both magazines have evolved to cover specific thematic issues in each volume. A major part of their contents, similar to other publications, is heavily drawn from the work done by AHRC/ALRC, especially from the organisation’s urgent appeals and statements. As Basil Fernando has clearly pointed out, the publications are the result of the analysis of the human rights situation by AHRC staff in the course of their everyday work.

These magazines are open for membership subscription. They are also distributed to partners and other human rights organizations and available on the internet.

From our discussion with AHRC’s partners, we found that these publications are highly appreciated. In particular, e-newsletters which are issue/ area specific are found to be practical and related to the work in the field.

Observations and Recommendations

1. Since the content of AHRC/ALRC’s publications come from the ground work of the organization and its partners, it is highly relevant to the human rights situation in the region.
2. AHRC’s periodicals can be considered the only human rights journals in the region that are issued in a regular manner. Since issuing a regular qualified magazine requires enormous effort, ARHC’s success in doing so for many years should be stressed and appreciated.
3. Being able to communicate with the public as part of advocacy for policy and structural changes is one of the main objectives of AHRC’s publications. Although rich in content, the publications needs to change their appearance to be more attractive to wider audiences. Photographs, graphics, or design could help attract more attention from general people.
4. Although many publications are country specific, the major medium of communication is still English language. Although this is helpful in bringing an issue to international attention, a number of local partners and people cannot make a full use out of it then. It is recommended that AHRC support local organizations to translate or publish the documents to suit local needs.
5. From interviews with various organizations in the field, they all give high value to the organizations internet-based publications and information materials. However, these are some constraints and limitations of internet-based materials and internet-based communications and the evaluation team would also like to put some suggestions to overcome these limitations. The two organizations relied heavily on internet based materials. This has an advantage in term of costs, quick sending and receiving, and easy to update. Unfortunately, there are limitations we can identify, for example:

⁴³ AHRC, Letter to the global human rights community in *Article 2* Vol. 1 No. 1. 2002

⁴⁴ *AHRC Annual Report 2002*

- *language barrier*, since most of materials on AHRC/ALRC websites are in English, the language barrier will be a problem in many countries they are working now. Though, different languages such as Chinese, Thai are available, the contents of those website with other languages are still limited.
- *internet access in Sri Lanka*, from organizations we have visited, the internet access were varied from e-mail access only, web access with slow speed connection and some can afford ADSL high speed internet connection.
- *blocking of the website in China*. From November last year, the AHRC/ALRC website has been banned.

To overcome these limitations we would like to suggest the following:

1. *Internet access*. For the blocking of the website, it may be possible to get away with setting up a “mirror site” within China or somewhere outside Hong Kong, with no “human rights” as a key word. In case of Sri Lanka, the main problem seems to be the high cost of internet access and slow speed in downloading materials. So, some organizations only have e-mail access, but not www. This problem can be reduced by providing ‘text only’ version in the website, which at present AHRC/ALRC have. Unfortunately when we tried to access it, it only worked with the first page. So, the IT communication officer should make sure that the ‘text only’ version is updated and working well.
2. *Language barrier*. This is a big problem both in Sri Lanka and China, AHRC/ALRC has now provided the website with both languages. For the long term solution, it may be a good idea to have capacity building program for partner organizations in using and developing internet based materials or their own websites in local languages.

3. General Observations and Recommendations

To a large extent AHRC has been adding value to human rights in Asian region. Aspects of value-added are as follows;

Internationalisation

Human rights violations always occur at a national level and that is why human rights activities need to be carried out at local and national levels. It is, however, extremely important that regional and international pressure is exercised. One of the great contributions of AHRC is the internationalization of local human rights problems. With its reputation as an active regional human rights organization and with its high capacity to undertake international advocacy and lobby work, the involvement of AHRC in specific local issues has led to more international pressure on the State. This role fills the important gap caused by local organizations which cannot do on their own, or cannot do due to the “fear factor”. In many cases, internationalization plays a crucial role in solving the problems.

The Multilayer Approach

In his report, the then secretary general Clement John, pointed out that “human rights work has to be undertaken at different levels. It needs to be addressed at the UN level-within the UN system; at the NGO level; at the national and regional levels; but most of all at the local grassroots level. At all levels, activists have a role”⁴⁵. This principle has been repeatedly echoed by the present secretary general Basil

⁴⁵ Asian Human Rights Commission and Asian legal Resource Center, *Minutes of the Executive Committee Meeting*, 1987, Hong Kong, May, 1987, p.28.

Fernando and reflected in all activities of AHRC/ALRC. However, without committed and well-aware grassroots people and local organizations the work of AHRC might not be as valuable as it is now. Continued capacity building and expansion of local networks is essential to produce any impact at other levels.

Effectiveness and Relevance

“The effectiveness of the regional organization depends on its relationship with the national and/or local grassroots organizations on the one hand and its linkages with international organizations on the other. A regional organization can be effective only if it is sustained by a network of groups operating at the local grassroots level. The regional organization should never become an end in itself.

The strength or weakness of a regional organization is determined by how effectively it is able to relate to its base organizations”.⁴⁶ As repeatedly pointed out AHRC relates closely to their base organizations which make it a unique human rights organization in the region.

As for relevance, since one of the weaknesses of human rights works in Asia is the lack of judicial activism, AHRC has been making a legal venue for local organizations. This venue has been made available to the poor.

Uniqueness

As a regional human rights organization, AHRC has been playing a unique role in human rights protection and promotion. When compared to other regional human rights NGOs in Asia, AHRC has distinct strategies and ways of work. It has clear and focused goals and implements its activities with those in mind. It has a close relationship and works on an equal manner with its partners in different countries.

Its information technologies enable AHRC to respond to urgent problems effectively. It also closely follows up cases. With these characteristics, AHRC’s contribution is irreplaceable in promoting of human rights in the Asian region.

There are, nevertheless, some aspects that AHRC could consider to improving namely:

Staff

AHRC/ALRC have very dedicated and high quality staff, most of whom have sole responsibility for particular programs or projects. Though this is very efficient, in terms of continuity, it may be more secure to have more than one person involve in the same work. Developing long term road maps for each staff members would be a valuable exercise for both organizations.

Partners

AHRC/ALRC has very hard working partner organizations. They are in various stages of development, some are in the beginning stage, some are well established. It will be very beneficial to those organizations and AHRC/ALRC if they can provide support for capacity building, and strengthening partner organizations. Various activities can be carried out e.g. on the job training at AHRC/ALRC, short term visits or exchange with other partner organizations within and between participating countries.

ICT

AHRC/ALRC has put ICT into use very well. Since, development and stage of ICT readiness are quite different in countries around the region, AHRC/ALRC should help partner organizations to increase their capacity and long term dependence on using ICT for their work.

Indivisibility and Interdependence of Rights

AHRC/ALRC have emphasized the indivisibility and interdependence of political and civil rights and economic, social, and cultural rights. These two aspects are not well reflected in any activities and thus

⁴⁶ Ibid, p.29.

not well understood by their partners. AHRC has been active in countries where the basic needs of individuals are not met. For these people, economic, social, and cultural rights are often of a prime concern. The team does not recommend that AHRC shift its focus but rather that it should create new approaches and apply new strategies. It is not even a matter of balancing between the two categories of rights. Rather it is a matter of linking them together, a matter of breaking a misconception about each category of rights.

Making Human Rights Work Accessible and Effective

AHRC recognizes one of the limitations and weaknesses of human rights work done by other international and regional organizations which is English language. If AHRC wants to see its works have greater effect and produce great impacts on human rights conditions, it may have to put more effort into overcoming this problem, by building national capacity in particular.

4. Brief Conclusion and Recommendation for Sida

Basil Fernando wrote in an article entitled *A Drop of Water on a Banana Leaf – A few points on Cambodia* that “it is not possible to contribute to change in any place unless we know the place and the context”. Many human rights organisations have been operating without this knowledge and some don’t even want to admit this. This is, however, not the case with AHRC/ALRC. The organizations not only know the place and context well, but also try to perform their functions through an Asian lens by using both national and international standards. Their ability to adapt to the complex realities of the region is very well reflected in the work in China and Sri Lanka where different strategies and approaches are being applied. They distinguish themselves from many other regional human rights organizations by being very focus and firm in their direction, by undertaking human rights work at grassroots level, and by developing and sustaining their relationships with national and local groups.

In spite of some challenges, but with its value-added and its uniqueness, AHRC/ALRC as organizations are worth supporting. We strongly recommend Sida to continue its support in the future. It is, however, for Sida to decide and design how and for what activities their funds should be used. The team wants to stress, though, that each activity assessed had its own values and contribution to the human rights cause, and we want to emphasize that UAs, human rights education, and many other activities that AHRC has been implementing should not be considered as separate activities by themselves. They don’t remain in isolation but are linked to each other with UAs as a basis for all other works.

If Sida wants to put a Swedish flag in Asia through AHRC, and if it wants to make evaluation easier, it could chose to concentrate its funds on one particular country or particular project. But if Sida wants to join forces with other funding sources/or human rights work in Asia, its contribution could remain the same as it is now. Sida could, in fact, support national or local organizations having AHRC monitor them.

Definitely, Sida needs to go beyond financial support. For that, the team strongly recommends that Sida staff visit the AHRC office and some of its projects and activities themselves from time to time in order to better understand and appreciate the scope, nature, weakness and success of its works.

List of Interviewees

Asian Human Rights Commission/Asian Legal Resource Center Staff

Basil Fernando	Executive Director 20 December 2005, 18 February 2006, 22 March 2006 (Telephone interview), 18 May 2006
Meryam Dabhoiwala	Programme Coordinator, Human Rights Correspondence School 20 December 2005, 18 February 2006
Sanjeeva Liyanage	Programme Coordinator, IT and Communications 20 December 2005, 19 February 2006
Kai Shing Wong	Programme Coordinator, China Project 17 February 2006
Soo A Kim	Programme Officer, Urgent Appeals Programme 17 February 2006
Philip Setunga	Programme Coordinator-Religious Groups Human Rights 18 February 2006
Samith De Silva	Senior Advisor 12 March 2006
John J. Clancey	Chairman of the AHRC/ALRC Board 3 May 2006 (Telephone interview)
Rene Sarmineto	Board Member 5 May 2006 (Telephone interview)
Nick Chessman	Editor 18 May 2006

ALRC Partners in China

The Northwest University of Political Science & Law (Xian, China)

28 February 2006

Wang Shirong

Peking University Women's Law Studies & Legal Aid Center (Beijing, China)

28 February 2006

Guo Jianmei

Judges from Wuhan who had participated in ALRC's forums (Wuhan, China)

1 March 2006

Zhang Xinwang

Hou Wangfa

Center for protection of Rights of Disadvantaged Citizens (CPRDC), Wuhan Univesity (Wuhan, China)

1 March 2006

Prof. Lin Lihong

Assoc. Prof. Li Ao

Wang Shirong

Human Rights Study Centre, Zhongnan University of Economic and Law (Wuhan, China)

2 March 2006

Dr. Peng Xihua

Students who had participated in ALRC's exposure programmes

Research Center for Human Rights, Guangzhou University (Guangzhou, China)

3 March 2006

Sony Yang

Li Yi (Office of International Affairs, Guangzhou University)

Legal Clinic, School of Law, Sun Yat-Sen University (Guangzhou, China) 3 March 2006

Huang Qiaoyan

Assoc. Prof. Li Zhi Ping

Prof. Xiaoming Ai

Students who had participated in ALRC's exposure programmes

Migrant Worker Documentation Center (Guangzhou, China)

4 March 2006

Zeng Feiyang

Li Zhi Ju

Research Center for Human Rights, Peking University Law School (Beijing, China)

9 March 2006

Prof. Bai Guimei

AHRC Partners in Sri Lanka

Gampaha District Human Rights Citizen Committee (Ekala, Sri Lanka) People Against Torture (PAT)

11 March 2006

Rev. Fr. Reid Shelton Fernando

Staffs of Gampaha District Human Rights Citizen Committee

Torture victims

Janasansadaya (Panadura, Sri Lanka)

12 March 2006

Chitral Perera

Shamali Puvimanasinhe

Right to Life Center (Katunayake, Sri Lanka)

13 March 2006

K. J. Britto Fernando

Philip Dissanayake

Family of the torture victims

Families of the Disappeared (Katunayake, Sri Lanka)

13 March 2006

Jayanthi Dandeniya

Setik (Kandy, Sri Lanka)

14 March 2006

N. Clarence Gregory

Nirmala Danail

Surangika Pamarweera

Asela Bandara

Sudath Bakmewatte

Media Center (Kandy, Sri Lanka)

14 March 2006

Rev. Fr. Nandana Manathunga, Sr.Mabel

Torture victims

Family of the torture victims

Authority and National Human Right Commission in Thailand

Thai National Human Rights Commission

9 April 2006 (Telephone interview)

Jarul Dithaapichai

Department of the Protection of Rights and Liberties, Ministry of Justice, Thailand

9 April 2006 (Telephone interview)

Chanchao Chaiyanukit

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Appendix 1. Terms of Reference

1. Background

The Asian Human Rights Commission and its sister organisation the Asian Legal Resource Centre (hereafter called AHRC/ALRC or the organisations) are regional human rights organisations that aim to protect and promote human rights in Asia. AHRC/ALRC, founded in 1986, concentrates on the link between justice systems and human rights, as articulated in the UN Covenants and conventions. AHRC/ALRC puts great emphasis on the realization of Article 2 of the Covenant on Civil and Political Rights.

AHRC/ALRC pursues its mission through several services provided to their partners. Urgent appeals, human rights education, information sharing, training programs, interventions with UN Human Rights Mechanisms and Governments are some of the routine activities.

The two organizations are formally independent from one another. However, in terms of programs and activities they are inter-linked. The secretariat is located in Hong Kong and is headed by Basil Fernando.

AHRC/ALRC has received direct support from Sida since 1999.

In its co-operation with NGOs it is a standard procedure that Sida commissions independent evaluations of the organisations. This evaluation is expected to provide Sida with a more profound and analytical understanding of the role, activities and organisational structure of AHRC/ALRC. Furthermore, it will serve as a basis for Sida's consideration of possible future support, even beyond financial support. The evaluation is also expected to provide a basis for AHRC/ALRC's strategy in terms of developing the activities and the institutional structures. It is expected that the evaluation will be studied and considered by the board of directors and the staff of AHRC/ALRC, and that a management response will be formulated.

2. Objectives

The evaluation aims at assessing the relevance, effectiveness and sustainability of AHRC/ALRC's programs, activities and products.

3. Scope of work

The evaluation team shall describe and analyse the areas indicated below:

1. Assess the relevance and clarity of the objectives of AHRC/ALRC and of the organisation's strategies for reaching these objectives
2. Assess the extent to which the objectives of AHRC/ALRC have been achieved and were realistic
3. Assess the achievements of project aims, as specified in the Work Program of AHRC/ALRC 2002–2004
4. Assess the organisational structure of AHRC/ALRC in relation to the organisation's capacity to carry out their projects and annual plans, including:
 - Assess the Secretariat's effectiveness and adequacy in relation to the planning, implementation and follow-up of the organisations' activities

- Are the current financial systems, reporting and other follow-up mechanisms, administrative routines and other institutional aspects organised in a way to enhance effectiveness of the work carried out?
 - Analyse the functions, roles and relationship between the management and governance (the Board of Directors) of the organisations,
 - Assess the degree of internal democracy within AHRC/ALRC.
5. Since the activities of AHRC/ALRC are very broad in nature, it will not be possible within the scope of this evaluation to study the achievements of each project in detail. Therefore, the relevance, effectiveness and sustainability of the activities within the following selected projects/programs shall be assessed in greater depth:
- a. AHRC/ALRC's work linking human rights with the rule of law, with special emphasis on the work in Sri Lanka
 - b. The Urgent Appeals Program
 - c. The China Project
 - d. The Human Rights Correspondence School,

The following specific issues shall, among other things, be studied and assessed:

- AHRC/ALRC 's working methods in relation to its partners and the target group;
- The relevance and effectiveness of the tools and methods used by AHRC/ALRC, including:
 - The relevance and effect of the training and other capacity building provided by AHRC/ALRC,
 - The relevance and effectiveness of AHRC/ALRC 's publications and information material (including the internet-based materials), in relation to the objectives of the target groups,
 - The relevance and effectiveness of AHRC/ALRC's national, regional and international advocacy work, in relation to the organisation's objectives and aims of the selected projects/programs (point 5, above).

In addition, the evaluation team may raise any other issue of relevance and interest for Sida and AHRC/ALRC. If such an issue should constitute a major deviation from the scope of work according to these Terms of Reference, a prior approval is required of such alterations by Sida and the AHRC/ALRC.

4. Methodology

The evaluation shall be carried out through studies of relevant documents such as annual programs, strategies, program documents, reports, printed materials and budgets. It will also consider previous evaluations and other relevant documents.

The evaluation team shall interview/consult key actors, including representatives of local and other partners of AHRC/ALRC, the staff of AHRC/ALRC, the Board of Directors, major donors and representatives of selected target groups of AHRC/ALRC's advocacy.

The evaluation team should also, for example through the use of questionnaires, seek to estimate the reach of the urgent appeals and how these are used by the recipients.

The evaluation shall be implemented in close cooperation with AHRC/ALRC. The AHRC/ALRC shall be invited to provide opinions and comments in the course of preparing the report.

The Sida Evaluation Manual “Looking Back, Moving Forward” (2004) shall be used as a guide by the consultants.

5. Time Schedule and Personnel

The evaluation shall be completed before the end of September 15, 2005. It is estimated that the maximum time needed for the evaluation is 12 full time weeks, and that these should be divided between two consultants. (Depending on the budget, the time may have to be limited to 10 weeks.).

The consultants shall have:

- Documented experience of evaluations of non-governmental organisations (engaged in human rights work) in Asia,
- Good understanding of the situation in Asia, especially in relation to the situation of rule of law and human rights,
- Good understanding of the dynamics and working-situation of Human Rights NGOs in Asia,
- Extensive knowledge and experience of national and international advocacy of (human rights) NGOs,
- Expertise in information and communication work,
- Preferably also experience of training in human rights.

6. Reporting

A draft report should be presented electronically to Sida and the AHRC/ALRC not later than 15 August 2004. If time and budget permits, a meeting with AHRC/ALRC, Sida, the consultants and possibly other interested donors shall be held in Hong Kong or Bangkok not later than two weeks after the submission of the report. The purpose of the meeting shall be to discuss the findings of the report.

Written comments by Sida and AHRC/ALRC should be given to the consultants not later August 31. The final evaluation report shall be presented not later than two weeks after receiving these comments.

The report shall be written in English and produced in both printed and electronic forms. It should not exceed 25 pages (excluding appendices), and should, among other things, contain an executive summary, conclusions and recommendations.

Internal appendix

Estimate of possible time plan total 6 weeks

Read documents, preparations 3 days (in my view it will take more than three days to read the extensive documentation that will be provided by us).

Time in Hong Kong (2 persons?) 1 week
Study Activities
Study methods
Study Institutional set-up, finances

Time in Sri Lanka 1 week

Time in China 3 days (*The work on China can be studied on the basis of documentation and consultation with relevant staff A visit to China cannot be completed in three days*).

Time to approach and get information from the target group and collate and analyse answers	1 week
Analysis of findings and writing of 1st draft of report	1 week
Meeting with Sida. A/A and poss. other donors in BKK or HK to presented report and receive comments	1 day
Discussions with Sida in Bangkok	1 day
Supplementary report writing	2 days

Appendix 2. Schedules of Field Visits

Date	Organization	Contact person	Summary of activities
20 December 2005	AHRC	Basil Fernando	-Initial discussion on overview of AHRC work -Meeting with AHRC staff -discuss with some AHRC desk -Collect materials
17–19 February 2006	AHRC	Wong Khai Ching	-Observed “The Asian Human Rights Commission Consultation on the Asian Charter and Rule of Law” -Discussed with some AHRC desk -Planned country visits
27–28 February 2006	AHRC	Wong Khai Ching	-Observed a workshop on “Theory and Practice of Public Interest Litigation: Case Study Forum on the International Covenant on Economic, Social and Cultural Rights” in Wuhan, China
1 March 2006	Legal Aid Center, Wuhan University	Prof. Ling Dr. Li O	-interviewed about the organisation’s activities -interviewed about its partnership with AHRC/ALRC
2 March 2006	Human Rights Study Centre, Zhongnan University of Economic and Law	Prof. Peng Xihua	-interviewed about the organisation’s activities -interviewed about its partnership with AHRC/ALRC
3 March 2006	Research Center for Human Rights, Guangzhou University (Guangzhou, China)	Sony Yang	-interviewed about the organisation’s activities -interviewed about its partnership with AHRC/ALRC
	Legal Clinic, School of Law, Sun Yat-Sen University (Guangzhou, China)	Huang Qiaoyan	-interviewed about the organisation’s activities -interviewed about its partnership with AHRC/ALRC
4 March 2006	Migrant Worker Documentation Center (Guangzhou, China)	Zeng Feiyang	-interviewed about the organisation’s activities -interviewed about its partnership with AHRC/ALRC
11 March 2006	People Against Torture	Rev. Fr. Reid Shelton Fernando	-interviewed about the organisation’s activities -interviewed about its partnership with AHRC/ALRC
12 March 2006	Janasansadaya	Chitral Perera	-interviewed about the organisation’s activities -interviewed about its partnership with AHRC/ALRC
	AHRC	Samitha Silva	-interviewed about Sri Lanka judicial system -interviewed about its partnership with AHRC/ALRC
13 March 2006	Right to Life	K. J. Britto Fernando	-interviewed about the organisation’s activities -interviewed about its partnership with AHRC/ALRC
14 March 2006	SETIK	N. Clorence Gregory	-interviewed about the organisation’s activities -interviewed about its partnership with AHRC/ALRC
	Media Center	Father Nandana Manatunge	-interviewed about the organisation’s activities -interviewed about its partnership with AHRC/ALRC

Appendix 3. About Evaluation Team

Sriprapha Petcharamesree, Ph.D

**Director, Office of Human Rights Studies and Social Development
Faculty of Graduate Studies, Mahidol University, Thailand**

Having her first degree in political science from Thammasat University, Thailand, Sriprapha furthered her studies in the same discipline and received her D.E.A. and then Ph.D. (Doctorat) in international politics from the University of Paris-X Nanterre, France. Her first formal contact with human rights works started when she served as a social worker at the UNICEF's Emergency Operations for Cambodian Refugees. She joined the Department of Technical and Economic Cooperation until 1996 when she accepted an offer from Mahidol University. Since then she chairs the first International Master Program in Human Rights ever established in Thailand and in Southeast Asia.

Active in human rights field among academic community and human rights activists both at national and regional levels, she works closely with NGOs, grassroots people and some marginalized groups, ethnic minorities, migrant workers, asylum seekers, etc. Her recent works focus mainly on issue of citizenship, economic, social and cultural rights, rights to development, community rights, and human rights education at grassroots level.

Suwit Laohasiriwong, Ph.D

**Director, Institute for Dispute Resolution
Khon Kaen University, Thailand**

Suwit Laohasiriwong has been a member of Khon Kaen University's Faculty of Agriculture since 1975. He got his B.Sc. (Agriculture) from Khon Kaen University, M.Agr. Sc. (Hons) in plant breeding and Ph.D. in Plant Science from Massey University, New Zealand. He is currently Director of the KKU Institute for Dispute Resolution, which he has instrumentally set up after his short term training in this field from University of Victoria, Canada. He has been involved in projects for international agricultural research, rural systems sustainability, social impacts assessment, public participation and environment policy. He has been a leader in the conflict resolution initiatives and research of the KKU Institute for Dispute Resolution. He is also past Vice-President for Foreign Relations of Khon Kaen University, and Dean of Faculty of Technology, Mahasarakham University.

For this evaluation he is responsible for the AHRC organizational structure and its management since he has served in various positions in different organizations, and for information and communication technology, which he has been interested in the field and has been follow the development in this area closely.

Bencharat Sae Chua

**Lecturer, Office of Human Rights Studies and Social Development
Faculty of Graduate Studies, Mahidol University, Thailand**

Bencharat has joined the Office of Human Rights Studies and Social Development since 2001 as researcher and currently as lecturer. She got her B.A. in Journalism from Chulalongkorn University, Thailand, and MA. in Political Science from University of Delhi, India. She got involved in human rights activities from her previous working experiences with several local non-governmental organizations.

Bencharat has strong interest in the role of social movements and the impacts of economic globalization on the rights of the people.

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