

## Asian Human Rights Day Campaign: Ratify, Remove, Report and Remedy Towards the 60<sup>th</sup> Anniversary of UDHR 2008

**Statement on the occasion of International Human Rights Day,  
10 December 2006 by FORUM-ASIA, in cooperation with:**

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**Submitted to the governments of Afghanistan, Bangladesh, Bhutan, Brunei Darussalam, Burma, Cambodia, China, India, Indonesia, Japan, Laos, Malaysia, Maldives, Mongolia, Nepal, North Korea, Pakistan, Philippines, Singapore, South Korea, Sri Lanka, Thailand, Timor-Leste, and Vietnam.**

## Asian governments must ratify treaties, remove reservations, report and remedy rights violations

On Human Rights Day this year, we remind all governments that almost sixty years ago in 1948, world governments adopted the Universal Declaration on Human Rights, which articulated and codified the rights of all individuals, with the fundamental message that *every person is born free and equal with inalienable human rights, simply because he or she is a human being*.

Despite this universal recognition decades ago, people continue to suffer from the denial of basic rights throughout the world. We, as human rights defenders in Asia, are particularly concerned about the deteriorating state of human rights in the region, as well as disappearances, extrajudicial killings and persecution of human rights defenders, aggravated by the prevailing culture of impunity for human rights violators and renewed emphasis by Asian governments on “cultural specificities” to justify human rights violations.

In addition, we remain concerned about the lack of progress towards a regional intergovernmental human rights instrument, leaving Asia without adequate human rights protection mechanisms both at the domestic and regional levels.

**Against this backdrop, we urge all Asian governments to:**

**1) RATIFY** the core international human rights treaties and their optional protocols, the Rome Statute of International Criminal Court and other relevant human rights conventions to which they are not already a party. We believe that ratification is the first step for each government to demonstrate its commitment to promote and protect human rights by assuming legal obligations to protect against, prevent, and remedy human rights violations.

As highlighted by the United Nations High Commissioner for Human Rights, Asia suffers from low levels of ratification.<sup>1</sup> The lack of ratification of core international human rights treaties in Asia allows governments to escape accountability and sidestep their obligations to promote and protect the basic universal rights of all individuals.

### Singapore, Burma, Malaysia, Brunei and Bhutan worst in Asia

Singapore, Burma, Malaysia, Brunei and Bhutan have the worst ratification records in Asia, all having ratified only two treaties—the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination Against Women (see **Annex II**, “Ranking of Asian Governments’ Ratification Record”).

These governments have not even accepted the two basic covenants on civil and political rights (ICCPR) and economic, social and cultural rights (ICESCR). Without acceptance of these core treaties, there are little legal guarantees to ensure that the fundamental rights of all individuals are respected, promoted and protected. We therefore specifically urge these governments, **in particular Malaysia, as a member of the Human Rights Council**, to ratify all the core international human rights treaties.

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<sup>1</sup> High Commissioner’s Strategic Management Plan 2006- 2007, p.39 (available online at <http://www.ohchr.org/english/about/docs/strategic.pdf>)

### Asian governments adverse to individual complaint procedures

As evident from the attached chart on the status of ratified treaties in Asia (**Annex V**), we are alarmed by the fact that our governments have not accepted procedures which allow individuals to submit complaints of human rights violations directly to the international committee of experts.

There are currently four individual complaints procedures under the treaty body system. These are:

1. First optional protocol to the International Covenant on Civil and Political Rights (ICCPR), which allows individuals to submit cases of violations relating to any civil or political right;
2. Optional protocol to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), which allows individuals to submit cases of violations of women's rights;
3. Declaration under Article 14 of the International Convention on the Elimination of All Forms of Racial Discrimination, which allows individuals to submit cases of any discrimination based on race, colour, descent, or national or ethnic origin;
4. Declaration under Article 22 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which allows individuals to submit any cases of physical or mental acts of torture and other inhuman or degrading treatment or punishment.

Given the lack of a regional human rights mechanism in Asia, coupled with inadequate domestic guarantees, international complaints procedures are particularly important to ensure the effective delivery of justice to human rights victims.

*Hence, we urge Asian governments to ratify the optional protocols listed above, and to make the necessary declarations under ICERD and CAT.*

### Asian candidates to UN Human Rights Council must ratify pledged treaties

We remind Asian states that have pledged to ratify human rights treaties prior to the Human Rights Council election in May 2006 to do so as soon as possible. They are:

- **China:** pledged to ratify the International Covenant on Civil and Political Rights (ICCPR)
- **Pakistan:** pledged to ratify the International Covenant on Civil and Political Rights (ICCPR), International Covenant on Economic, Social and Cultural Rights (ICESCR), and Convention Against Torture (CAT)
- **Indonesia:** pledged to ratify optional protocol to Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), optional protocol to CAT, Optional protocol to the Convention on the Rights of the Child (CRC) on the involvement of children in armed conflict, optional protocol to CRC on the sale of children, child prostitution and child pornography, Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, and the Rome Statute of the International Criminal Court
- **Philippines:** pledged to ratify the optional protocol to CAT
- **Thailand:** pledged to ratify CAT.

Human Rights Council members must urgently demonstrate that they deserve to be part of the Council, and to earn the right to protect human rights elsewhere. We call upon Asian Council members to lead through example, and act upon the pledges they have submitted.

However, we emphasise that ratification itself is not enough. Upon ratification, many governments have entered reservations to these treaties, which allow governments to be only partially bound by the provisions of the treaties. As a result, the full implementation of the rights enshrined in the treaties is hampered.

**Hence as a second step, we call upon Asian governments to:**

**2) REMOVE** reservations entered to the international human rights treaties and their optional protocols. The high number of reservations entered by Asian governments nullifies the purpose and effect of ratifying treaties in the first place.

#### **Malaysia and Singapore have lowest ratifications and highest number of reservations**

We remain concerned that **Malaysia and Singapore** have the lowest ratification record in Asia having only accepted two treaties, yet they have also entered the highest numbers of reservations (see **Annex III**)<sup>2</sup>.

In addition to these countries, **China, Brunei, Bangladesh, Thailand and Maldives** are also at the bottom of the list with the highest numbers of reservations in the region.

*We urge all Asian governments to remove ALL reservations unconditionally to ensure that the rights guaranteed by the treaties are fully realised for every individual.*

However, ratifying treaties and removing reservations is insufficient to ensure that the rights guaranteed under the treaties are actually promoted and protected in practice. For the system to be effective, Asian governments must also submit their reports on time, so that the treaty bodies, or committees of independent international experts, can regularly review the implementation of the treaties in each country.

**Thus in addition to ratifying and removing reservations, we call upon all Asian governments to:**

**3) REPORT** on time to the treaty bodies. Without the submission of State Party reports, the treaty bodies cannot, except for a few exceptional circumstances, objectively assess the compliance of the State Party to its treaty obligations.

As such, while we welcome the fact that countries such as **Timor Leste, Philippines and Cambodia** have one of the highest ratification records in Asia, we are deeply concerned that they have the highest numbers of overdue reports to the treaty bodies (see **Annex IV**). Timor Leste has ten reports that are overdue, while the Philippines and Cambodia have sixteen and seventeen overdue reports respectively.

*On Human Rights Day, we reiterate once again the importance of submitting regular reports to the treaty bodies for ratification to have any significant meaning, and call upon all Asian governments to submit their overdue reports as soon as possible.*

Full participation and consultation with civil society and National Human Rights Institutions in the preparation of these reports is also essential.

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<sup>2</sup> Please note that the number of reservations includes all the sub-articles and sub-paragraphs of each article. For example, if a government has entered a reservation to Article 1 of ICCPR, the reservation would be counted as three, as there are three sub-paragraphs. This methodology ensures that all reservations are counted fairly and equally, as a government with a reservation to one sub-article would still be counted as having one reservation.

We remind governments that they have at their disposal full assistance of the UN Office of the High Commissioner for Human Rights to prepare the reports to the treaty bodies. We urge governments to avail themselves of these resources.

Finally, even if a government has ratified all the treaties with no reservations in place and reports regularly to the treaty bodies, it still does not ensure that fundamental rights are guaranteed in practice. Although no country in Asia satisfies these criteria, we are concerned that governments in the region merely pay lip service to their human rights obligations. Implementation of human rights provisions at the national level remains dismal in Asia.

**Thus, we urge all governments to:**

**4) REMEDY** human rights violations. We remind Asian governments that ratification and reporting is not enough to ensure the enjoyment of all human rights by all. Concrete actions to improve the situation of human rights and to remedy violations are essential. Moreover, Asian governments have the responsibility to ensure that the concluding observations by the treaty bodies are implemented substantively at the national level.

Again, governments have at their disposal full assistance of the UN and international expert groups to assist in the implementation of recommendations of concluding observations. We urge governments to avail themselves of these means of technical assistance.

**We reiterate that these four components—ratifying the core international human rights treaties and their optional protocols, removing reservations, submitting reports on time, and remedying violations—must all be acted upon as a whole to ensure the effective enjoyment of all human rights by all.**

**Joining the UN Secretary General's call to make 2008 the 10<sup>th</sup> anniversary of the UN Declaration on Human Rights Defenders and the 60<sup>th</sup> anniversary of the UDHR more meaningful, we sincerely hope that Asia achieves a new milestone in human rights improvement by adopting these recommendations.**

**Please find attached to this statement:**

- Annex I: Country-by-Country Analysis
- Annex II: Ranking of Asian governments' ratification records
- Annex III: Ranking of Asian governments according to the number of reservations
- Annex IV: Ranking of Asian governments according to the number of overdue reports
- Annex V: Statue of ratification of international human rights treaties by Asian governments

**For more information, please contact Momoko Nomura at [unadvocacy@forum-asia.org](mailto:unadvocacy@forum-asia.org)**

## Country-by-country recommendations (see Annex V)

### **Afghanistan**

- We are encouraged by Afghanistan's acceptance of nine treaties, which places the country in the third place in Asia, alongside Bangladesh, Nepal and Cambodia.
- However, there are currently six reservations entered to these treaties. We recommend the government to remove these reservations as soon as possible.
- We are particularly concerned about the fact that there are 29 overdue reports by Afghanistan.
- We recommend the government to avail itself of the technical assistance of the Office of the High Commissioner to prepare and submit these overdue reports.
- In the transition phase, we call upon the government to ensure that all individuals are guaranteed the rights enshrined in the treaties and effective mechanisms be established to respond effectively to past and ongoing violations.

### **Bangladesh**

- We welcome Bangladesh's ratification of nine ratifications, including individual complaints procedures under the Convention on the Elimination of All Forms of Discrimination Against Women. In terms of ranking in Asia, Bangladesh shares third place out of ten together with Afghanistan, Nepal and Cambodia.
- We urge the government to ratify the remaining international treaties, starting with the Convention on the Rights of Migrant Workers and the Rome Statute on the International Criminal Court, which it has signed.
- Bangladesh should remove the fifteen reservations currently in place as soon as possible, to ensure that the treaties are given full effect in practice.
- The government must also submit its ten overdue reports to enable the treaty bodies to examine the situation of human rights in the country. Bangladesh has not submitted any reports to date to the Human Rights Committee, Committee on Economic, Social and Cultural Rights and the Committee Against Torture.
- Bangladesh must also fulfill its international treaty obligations by implementing the concluding observations and remedying situations of human rights violations in the country.
- As a member of the Human Rights Council, Bangladesh has a particular responsibility to implement the above recommendations.

### **Bhutan**

- Bhutan has ratified only two international human rights treaties, which is the worst ratification record in Asia, alongside with Brunei, Malaysia, Burma and Singapore.
- We urge the government to ratify the remaining treaties as soon as possible to demonstrate its commitment to human rights.
- We also call upon the government of Bhutan to submit its three overdue reports the Committee on the Rights of the Child and the Committee on the Elimination of Discrimination Against Women.
- Bhutan should also implement the existing concluding observations by the treaty bodies and ensure that its international treaty obligations are translated into practice.

### **Brunei**

- We welcome Brunei's recent ratification of the Convention on the Elimination of All Forms of Discrimination Against Women on 24 May 2006. Together with the Convention on the Rights of the Child, Brunei has ratified two treaties to date.
- Brunei has the worst ratification record in Asia, alongside Bhutan, Malaysia, Burma and Singapore. We urge the government to ratify the remaining treaties as soon as possible.

- We are concerned that despite having only ratified two treaties, Brunei has thirteen reservations in place, which is one of the worst in Asia. We strongly urge the government to remove these reservations as soon as possible to ensure that the treaties are given full effect.
- Brunei must also implement the existing concluding observations by the treaty bodies and ensure that its international treaty obligations are translated into practice.

### **Burma**

- Burma has the worst ratification record in Asia, alongside Bhutan, Brunei, Malaysia and Singapore. We urge the government to ratify the remaining treaties as soon as possible.
- Burma has in place three reservations to the two treaties it has ratified. We call upon the government to remove these reservations as soon as possible.
- Burma should submit its second report to the Committee on the Elimination of Discrimination Against Women which was due in 2002.
- We also call upon the government to implement the existing concluding observations by the treaty bodies, and ensure that its international treaty obligations are translated into practice.

### **Cambodia**

- We welcome Cambodia's ratification of nine international human rights treaties, which places the country in the third position out of ten in Asia.
- We call upon the government to ratify the remaining treaties, particularly the three treaties that Cambodia has signed—the First Optional Protocol to the International Covenant on Civil and Political Rights (allowing for individual complaints), Optional Protocol to Committee on the Elimination of Discrimination Against Women and the Optional Protocol to the Convention Against Torture. The first two will allow individuals to submit cases of human rights violations directly to the treaty bodies, while the optional protocol to Convention Against Torture will allow regular visits to places of detention in Cambodia. Such procedures are urgently needed in Cambodia, where the situation of human rights continues to deteriorate.
- We are also concerned that Cambodia has seventeen overdue reports to the treaty bodies. It has not submitted a single report to the Committee on Economic, Social and Cultural Rights which was due in 1994.
- In addition, the government of Cambodia has overdue reports to the Committee on the Elimination of Racial Discrimination (due 1998), Committee Against Torture (due 1997), Committee on the Rights of the Child (due 1998), Human Rights Committee (due July this year), among others.
- We urge the government to submit these reports as soon as possible to enable the treaty bodies to examine the situation of human rights in the country.
- In addition, Cambodia must fulfil its international treaty obligations by implementing the existing concluding observations by the treaty bodies and remedying human rights violations in the country.

### **China**

- China has ratified six international human rights treaties, which places the country in the sixth position out of ten in Asia.
- We urge the government to improve its ratification record by ratifying the remaining treaties to demonstrate its commitment to human rights.
- In particular, noting the continual denial of civil and political rights in the country, we remind the government to ratify the International Covenant on Civil and Political Rights, which it has signed in October 1998 and pledged to ratify prior to the Human Rights Council membership election.
- China also has in place ten reservations to the six treaties, which should be removed as soon as possible.
- We also call upon the government of China to submit its five overdue reports to the treaty bodies as soon as possible to enable the treaty bodies to examine the situation of human rights in the country.

- We urge the government of Vietnam to implement the existing concluding observations by the treaty bodies, and ensure that its international treaty obligations are translated into practice.
- As a member of the Human Rights Council, China has a particular responsibility to implement the above recommendations.

### India

- India has ratified seven international human rights treaties, which places the country in joint fifth position (out of ten) in Asia. India has not ratified any treaties that allow for individual complaints.
- We urge the government of India to ratify the remaining treaties to demonstrate its commitment to human rights.
- India should also remove its reservation to Article 29 of CEDAW, whereby the government has refused to recognise the competence of the International Court of Justice to arbitrate any disputes between two or more States Parties concerning the interpretation or application of the treaty.
- India has five overdue reports to the treaty bodies. We urge the government to submit these reports to enable the treaty bodies to examine the situation of human rights in the country.
- As a member of the Human Rights Council, India has a particular responsibility to implement the above recommendations.

### Indonesia

- We welcome Indonesia's ratification of the two Covenants on Civil and Political Rights (ICCPR) and Economic, Social and Cultural Rights (ICESCR) on 23 February 2006 this year.
- Indonesia now has a total of six ratifications, which places the country in the joint sixth position out of ten in Asia.
- We call upon the government to ratify the remaining treaties, in particular the Optional Protocol to the Convention Against Torture, Optional Protocol to the Convention on the Elimination of All Forms of Discrimination Against Women, the Convention on the Rights of Migrants, the two Optional Protocols to the Convention on the Rights of the Child and the Rome Statute of the International Criminal Court, which it has pledged to ratify.
- Indonesia should remove the three reservations entered to the International Convention on the Elimination for All Forms of Racial Discrimination, the Convention Against Torture and the Convention on the Elimination of All Forms of Discrimination Against Women.
- We congratulate Indonesia for having submitted its reports recently to the Committee on the Elimination of Racial Discrimination, Committee Against Torture and the Committee on the Elimination of Discrimination Against Women. We look forward to the active participation of civil society and the National Human Rights Commission before and after the consideration of these reports by the treaty bodies in July 2007 and May 2008.
- At the same time, we call upon the government to implement the existing concluding observations by the treaty bodies, and ensure that its international treaty obligations are translated into practice.
- As a member of the Human Rights Council, Indonesia has a particular responsibility to implement the above recommendations.

### Japan

- Japan has ratified eight international human rights treaties, which places the country in joint-fourth place out of ten in Asia.
- We call upon the government to ratify the remaining treaties to demonstrate its commitment to human rights. In particular, Japan should ratify those that allow for individual complaints, as it has not accepted any international individual complaints treaties to date.
- Japan has also in place seven reservations to the treaties it has ratified. In order to ensure that the treaties are given full effect in practice, we call upon the government of Japan to remove these reservations as soon as possible.



- There are also nine overdue reports to the treaty bodies. We urge the government to submit these reports to enable the treaty bodies to examine the situation of human rights in the country.
- Japan must also implement the existing concluding observations by the treaty bodies, and ensure that its international treaty obligations are translated into practice.
- As a member of the Human Rights Council, Japan has a particular responsibility to implement the above recommendations.

### Laos

- Laos has ratified five international human rights treaties, which places the country in the seventh position out of ten in Asia.
- We urge the government to improve its ratification record by ratifying the remaining treaties to demonstrate its commitment to human rights.
- The government should also remove its reservation to the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.
- We call upon the government of Laos to submit its four overdue reports to the treaty bodies as soon as possible to enable the treaty bodies to examine the situation of human rights in the country.
- We remind the government that it has at its disposal the full assistance of the UN, in particular the Office of the High Commissioner for Human Rights, to assist in the preparation of its reports, as well as the implementation of the concluding observations. We recommend the government to avail itself of these resources.

### Malaysia

- Malaysia has the worst ratification record in Asia, alongside Bhutan, Brunei, Burma and Singapore. We urge the government to ratify the remaining treaties as soon as possible.
- In addition, Malaysia has entered 25 reservations to the two treaties it has ratified, making the country one of the worst record holders in Asia for both ratification and reservations.
- We strongly recommend Malaysia to remove these reservations as soon as possible to ensure that these two treaties are given full effect.
- Malaysia also has three overdue reports to Committee on the Elimination of Discrimination Against Women and the Committee on the Rights of the Child. Malaysia has not submitted a single report to the latter, which was due almost ten years ago in 1997.
- As a member of the Human Rights Council, Malaysia has a particular responsibility to implement the above recommendations.

### Maldives

- We welcome the Maldives' ratification four new treaties in 2006: ICESCR (on 19 September 2006), ICCPR (on 19 September 2006), optional protocol to ICCPR (on 19 September 2006), and the optional protocol to CEDAW (on 13 March 2006).
- With a total of eleven international human rights treaties, the Maldives is among the top ratification record-holders in Asia.
- However, the Maldives has entered 25 reservations to these treaties, which places the country the third from the bottom in Asia. We urge the government to remove these reservations as soon as possible, to ensure that the treaties are given full effect in practice.
- In addition, the Maldives has ten overdue reports to the Human Rights Committee, Committee on the Elimination of Racial Discrimination, Committee Against Torture and the Committee on the Rights of the Child. Maldives is thus ranked fourth from the bottom in Asia for its inability to report to the treaty bodies.
- We call upon the government to submit these reports as soon as possible to enable the treaty bodies to examine the situation of human rights in the country.

- Maldives must also fulfill its international treaty obligations by implementing the existing concluding observations and remedying situations of human rights violations in the country.

### **Mongolia**

- We welcome Mongolia's ratification of eleven international human rights treaties, which is one of the highest in Asia.
- We also laud the government for the fact that there are no reservations entered to the treaties.
- However, we note that there are six overdue reports to the Human Rights Committee, the Committee on Economic, Social and Cultural Rights, Committee Against Torture, Committee on the Elimination of Discrimination Against Women, and the Committee on the Rights of the Child. We call upon the government to respect its reporting obligations by submitting these reports as soon as possible.
- The government of Mongolia should also fulfil its international treaty obligations by implementing the concluding observations by the treaty bodies and remedying situations of human rights violations in the country.

### **Nepal**

- We welcome Nepal's recent ratification of an additional treaty, the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (on 20 January 2006). Nepal's ratification now totals nine treaties, which places the country in the third place out of ten in Asia, alongside Afghanistan, Bangladesh and Cambodia.
- We also laud Nepal for having ratified the Second Optional Protocol to ICCPR on the abolition of the death penalty, which is one of the least accepted treaties by Asian governments.
- To show its commitment to human rights, Nepal should remove its reservation to Article 22 of the International Convention on the Elimination of All Forms of Racial Discrimination regarding the jurisdiction of the International Court of Justice to arbitrate in any disputes between two or more States Parties regarding the interpretation or application of the treaty.
- Nepal should also submit its three overdue reports to the treaty bodies, and implement the existing concluding observations by the treaty bodies and remedy human rights violations.

### **North Korea**

- The government of North Korea has ratified four international human rights treaties, which is one of the lowest numbers of ratifications in Asia (eighth out of ten).
- North Korea also has three reservations in place to the Convention on the Elimination of All Forms of Discrimination Against Women, as well as two overdue reports to the Human Rights Committee and CEDAW.
- The government should remove these reservations and submit the overdue reports on time. North Korea must fulfill its international treaty obligations under the International Covenant on Civil and Political Rights, International Covenant on Economic, Social and Cultural Rights, Convention on the Elimination of All Forms of Discrimination Against Women and the Convention on the Rights of the Child.
- On the occasion of Human Rights Day, we call upon the government to improve the human rights situation in the country and abide by its legal obligations to translate the treaty provisions into practice.

### **Pakistan**

- Pakistan remains one of the worst Asian countries in terms of its ratification record. Pakistan has not yet accepted the two core covenants on civil and political rights and economic, social and cultural rights.

- We urge the government to ratify the remaining treaties as soon as possible, in particular the International Covenant on Civil and Political Rights, which it pledged to prior to the election of Human Rights Council membership.
- Pakistan has also entered one reservation to CEDAW, thereby rejecting the jurisdiction of the International Court of Justice to arbitrate in any disputes between two or more States Parties regarding the interpretation or application of the treaty.
- Pakistan also has five overdue reports dating as far back as 1998 for the fifteenth report to the Committee on the Elimination of Racial Discrimination. We urge the government to submit these reports as soon as possible.
- We also call upon the government to implement the existing concluding observations by the treaty bodies, and ensure that its international treaty obligations are translated into practice.
- As a member of the Human Rights Council, Pakistan has a particular responsibility to implement the above recommendations.

### Philippines

- We welcome the high number of ratifications by the government of the Philippines, and the recent signature of the Second Optional Protocol to ICCPR on the abolition of the death penalty on 19 September 2006.
- We urge the government to ratify this optional protocol, as well as the optional protocol to the Convention Against Torture, in line with its pledges submitted prior to the Human Rights Council membership.
- As the Philippines has ratified the Optional Protocols to ICCPR and CEDAW providing for individual complaints, many cases have been taken up by the treaty bodies. We call upon the government to give effect to the decisions made by the treaty bodies on these individual cases.
- Although the Philippines has a good record of ratifications, it is one of the worst in terms of respecting its reporting obligations, with sixteen overdue reports to date. The government should submit these overdue reports as soon as possible to enable the treaty bodies to examine the situation in the country.
- As a member of the Human Rights Council, the government of Philippines has a responsibility to ensure that its international treaty obligations are translated into practice. In particular, it should take concrete action to curb incidents of extrajudicial killings against human rights defenders in the country and hold the perpetrators accountable to gain its legitimacy as a Council member.

### Singapore

- Singapore has the worst ratification record in Asia, alongside Bhutan, Brunei, Burma, and Malaysia.
- We urge the government to ratify the remaining treaties as soon as possible and guarantee the fundamental rights of all individuals, as stipulated in the international human rights treaties.
- Singapore has also entered 36 reservations to the two treaties it has ratified, making the country the worst in Asia for both its record on ratification and reservations.
- We strongly urge the government to remove all reservations currently in place as soon as possible.
- Brunei must also implement the existing concluding observations by the treaty bodies and ensure that its international treaty obligations are translated into practice.

### Sri Lanka

- We welcome Sri Lanka's ratification of eleven of the international human rights treaties and their optional protocols, which is the highest record in Asia after Timor-Leste.
- We also commend that Sri Lanka also has no reservations to the treaties that have been ratified.
- However, Sri Lanka is at the bottom of list regarding its overdue reports to the treaty bodies. We urge the government to submit the nine overdue reports as soon as possible, so that the independent experts of the treaty bodies can examine the human rights situation in the country.

- In addition, we call upon the government to ensure that the domestic laws and policies are in compliance with international treaty obligations. In the context of escalating violence in the country, we urge the government to ensure that the rights of all individuals as guaranteed under the treaties are promoted and protected. The government has a particular responsibility to remedy and respond effectively to human rights violations committed by both warring parties and demonstrate its legitimacy as a UN Human Rights Council member.

### **South Korea**

- We are encouraged by South Korea's ratification of 11 international human rights treaties, which is one of the highest in Asia. It is also the only country in Asia to have accepted the individual complaints procedure under the International Convention on the Elimination of Racial Discrimination.
- We also welcome the recent ratification of the Optional Protocol to CEDAW on 18 October 2006, which allows individuals whose rights have been violated under the Convention on the Elimination of All Forms of Discrimination Against Women to submit their cases to the international committee of experts.
- However, there are currently 8 reservations in place, which the government should remove as soon as possible.
- South Korea must also submit its three overdue reports to the Committee on Economic, Social and Cultural Rights and the Convention on the Rights of the Child as soon as possible
- We also urge the government to give effect to its treaty obligations concretely at the national level, including the implementation of the concluding observations and the decisions by the treaty bodies on individual complaints cases (Human Rights Committee, CEDAW, CERD).
- As a member of the Human Rights Council, South Korea has a particular responsibility to implement the above recommendations.

### **Thailand**

- We welcome Thailand's recent ratifications of the Optional Protocols to the Convention on the Rights of the Child on the involvement of children in armed conflict (on 27 February 2006) and the sale of children, child prostitution and child pornography (on 11 January 2006).
- In total, Thailand has ratified eight international human rights treaties, which places the country in the joint-fourth place (out of ten) in Asia.
- We call upon the government to ratify the remaining treaties to demonstrate its commitment to human rights. In particular, we urge the government to ratify the Convention Against Torture, which it has pledged to ratify for many years.
- We are concerned that Thailand has fifteen reservations in place, and urge the government to remove them as soon as possible to ensure that these treaties are give full effect in practice.
- Thailand also has five overdue reports to the treaty bodies. We urge the government to submit these reports to enable the treaty bodies to examine the situation of human rights in the country.
- We urge the government of Thailand to implement the existing concluding observations by the treaty bodies, and ensure that its international treaty obligations are translated into practice.

### **Timor-Leste**

- We welcome Timor-Leste's ratification of twelve treaties, which is the highest record in Asia.
- We also laud Timor Leste for having ratified the Second Optional Protocol to ICCPR on the abolition of the death penalty, which is one of the least accepted treaties by Asian governments.
- We are further encouraged by the fact that Timor Leste has not entered any reservations to the ratified treaties.

- However, we note with concern that it currently has ten overdue reports, and call upon the government to submit these reports as soon as possible. The government should avail itself to the assistance of the UN to prepare these reports.
- We also urge the government to translate the rights guaranteed in the treaties into practice through concrete implementation.

### Vietnam

- Vietnam has ratified seven international human rights treaties, which places the country in the fifth position out of ten in Asia.
- We urge the government of Vietnam to ratify the remaining treaties to demonstrate its commitment to human rights.
- Vietnam should also remove its reservations to the International Convention on the Elimination of All Forms of Racial Discrimination, Convention on the Elimination of All Forms of Discrimination Against Women, and the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography as soon as possible.
- Vietnam has six overdue reports to the treaty bodies. We urge the government to submit these reports to enable the treaty bodies to examine the situation of human rights in the country.
- We urge the government of Vietnam to implement the existing concluding observations by the treaty bodies, and ensure that its international treaty obligations are translated into practice.

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## Glossary of Key Terms:

### International human rights treaties:

There are currently SEVEN core international human rights treaties, which are accompanied by six Optional Protocols:

- 1. International Covenant on Civil and Political Rights (ICCPR)**
  - i. First Optional Protocol, which allows individual complaints to be submitted to an international committee of experts (ICCPR-OP1);
  - ii. Second Optional Protocol, which obliges governments to abolish the death penalty (ICCPR-OP2)
- 2. International Covenant on Economic, Social and Cultural Rights (ICESCR)**
- 3. Convention on the Elimination of All Forms of Racial Discrimination (CERD)**
- 4. Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)**
  - i. Optional Protocol to CEDAW, which allows individual complaints to be submitted to an international committee of experts (CEDAW-OP);
- 5. Convention Against Torture (CAT)**
  - i. Optional Protocol to CAT, which permits regular visits by independent international and national bodies to places of detention (OP-CAT)
- 6. Convention on the Rights of the Child (CRC)**
  - i. Optional Protocol prohibiting the involvement of children in armed conflict (CRC-OPAC)
  - ii. Optional Protocol prohibiting the sale of children, child prostitution and child pornography (CRC-OPSC)
- 7. Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (MWC)**

**Optional Protocol:**

An optional protocol is a separate international treaty which is linked to a principal or core treaty and imposes additional legal obligations on States who chose to accept them. Optional protocols have been adopted for a number of reasons: to allow States Parties to sign up to additional obligations relating to international monitoring mechanism (eg. ICCPR-OP1, CEDAW-OP, OP-CAT); to allow States to assume additional obligations where these were not included in the main treaty (eg. Second Optional Protocol to ICCPR on the abolition of the death penalty); or to address particular problems in more detail (eg. the two optional protocols to the Convention on the Rights of the Child).

An Optional Protocol to the Covenant on Economic, Social and Cultural Rights has been under discussion to establish an individual complaints procedure, whereby individuals whose rights have been violated under the treaty can bring their grievances directly to the independent committees or treaty bodies (see below).

**Signature:**

When a State signs an international treaty, it does not undertake legal obligations under the treaty. However, signature does indicate the State's intention to take steps to express its consent to be bound by the treaty at a later date. In other words, signature is a preparatory step on the way to ratification of the treaty by the State.

Signature also creates an obligation, in the period between signature and ratification, to refrain in good faith from acts that would defeat the object and purpose of the treaty.

**Ratification:**

Ratification refers to the act undertaken by a State which establishes its consent to be legally bound by a treaty. Once a State has ratified a treaty at the international level, it must give effect to the treaty domestically. This is the responsibility of the State. Upon ratification, the State also becomes legally bound under the treaty.

**Reservations:**

When a State signs or ratifies a treaty, it may enter a reservation, which is a statement purporting to exclude or alter the legal effect of certain provisions of a treaty to that State. However, reservations cannot be contrary to the object and purpose of the treaty. Reservations exist under international law to enable a State to participate in a treaty that it would otherwise be unable or unwilling to participate in.

One of the obstacles in ensuring Asian governments' implementation of international human rights principles is due to the fact that they have entered many reservations to international human rights treaties, in particular the Convention on the Elimination of All Forms of Discrimination Against Women. However, as a State can withdraw its reservations completely or partially at any time, civil society groups should pressure governments to remove them completely.

**Reporting:**

When a State ratifies a treaty, it must submit its initial report with a set period of time, and submit periodic reports regularly thereafter to the treaty-monitoring bodies, or **treaty bodies** (see below). The periodicity varies from treaty to treaty, but this reporting process is the key element to ensure that States abide by their international human rights obligations. The reports are drafted by various Ministries at the national level on how the State has been implementing its human rights obligations under the treaty.

As the submission of the State Party report kick starts the examination process by the treaty bodies, it is essential that States comply with their reporting obligations and submit their reports regularly.

**Treaty Bodies:**

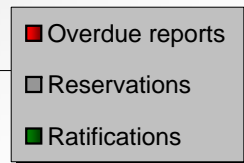
Treaty bodies are committees of independent experts appointed to monitor the implementation by States Parties of the core international human rights treaties. Each of the seven treaties thus has its own treaty body. Among many of their tasks, treaty bodies receive and consider reports submitted by States and schedule a face-to-face meeting with government delegations in New York or Geneva to discuss government's compliance with the treaties. After the meeting, the treaty bodies come up with **concluding observations**, highlighting their concerns and recommending what the State Party should do to improve the implementation of human rights treaties.

The main problem in Asia is that Asian States Parties frequently fail to submit their reports. This impedes the ability of the treaty bodies to examine the situation of human rights in many Asian countries (although there are some treaty bodies that under certain circumstances may consider a country's situation even without State reports).

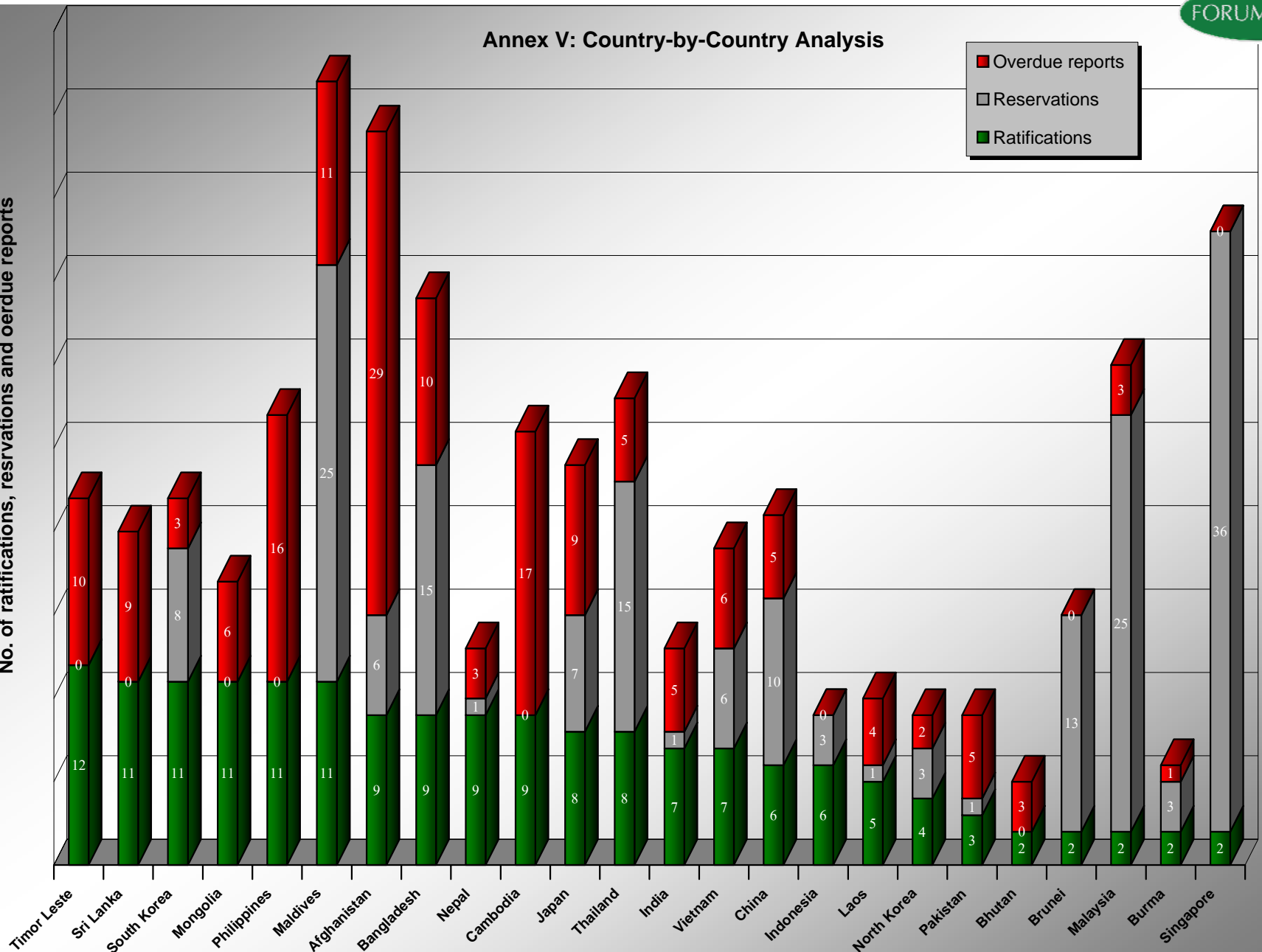
**Concluding Observations:**

Concluding observations are recommendations issued by a treaty body after consideration of a State party's report. Concluding observations refer both to positive aspects of a State's implementation of the treaty and areas where the treaty body recommends that further action needs to be taken by the State. However, there is no enforcement mechanism to ensure that the government implements these recommendations. In addition, due to lack of awareness about the existence of concluding observations, they are rarely translated into concrete actions at the national level in Asia, despite the fact that they are legal documents. Civil society should thus incorporate the concluding observations into their advocacy work to hold governments accountable to their treaty obligations.

Annex V: Country-by-Country Analysis



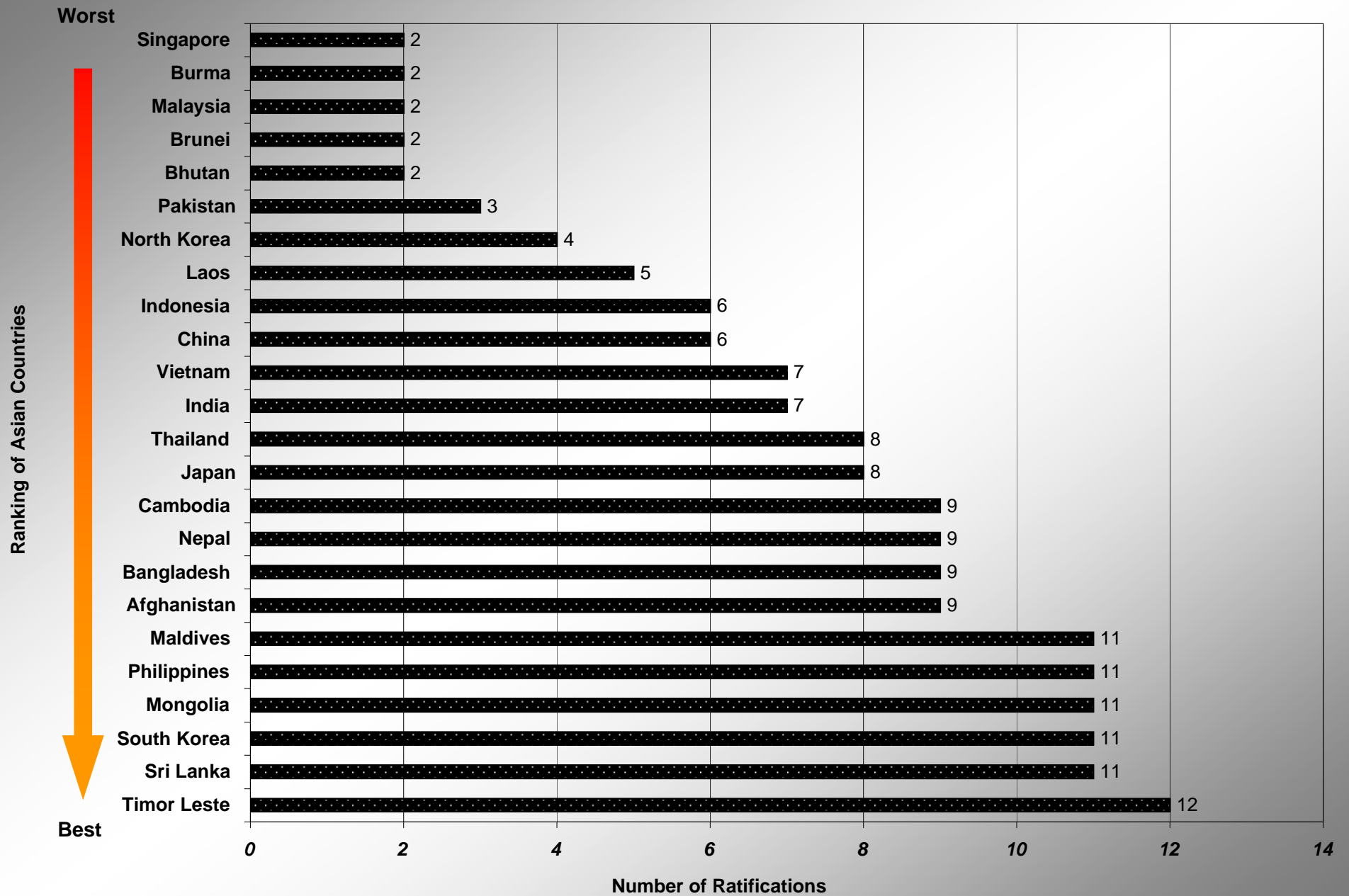
No. of ratifications, reservations and overdue reports



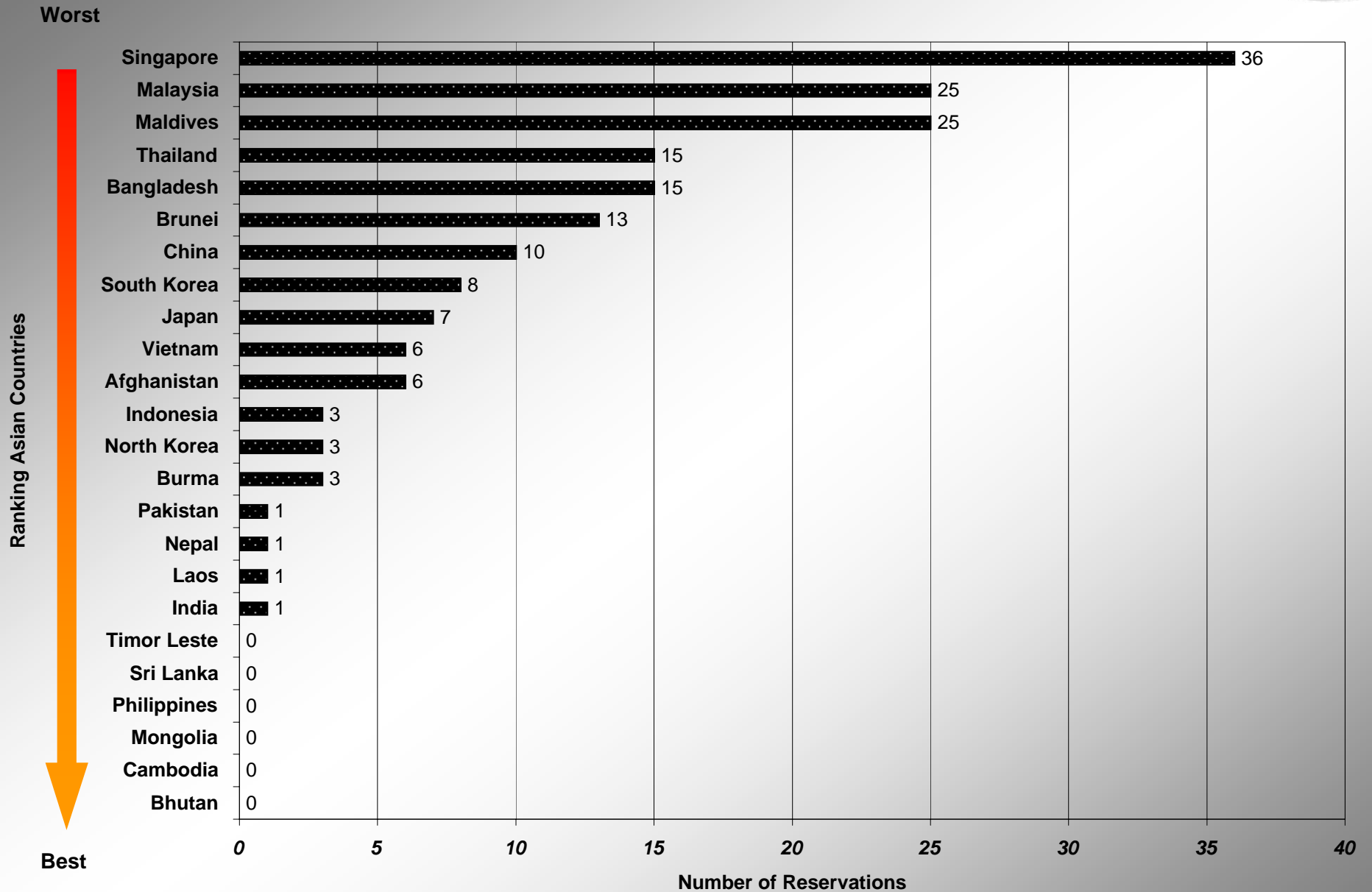
Asian Countries (24)



### Annex I: Ranking of Asian Governments' Ratification Record

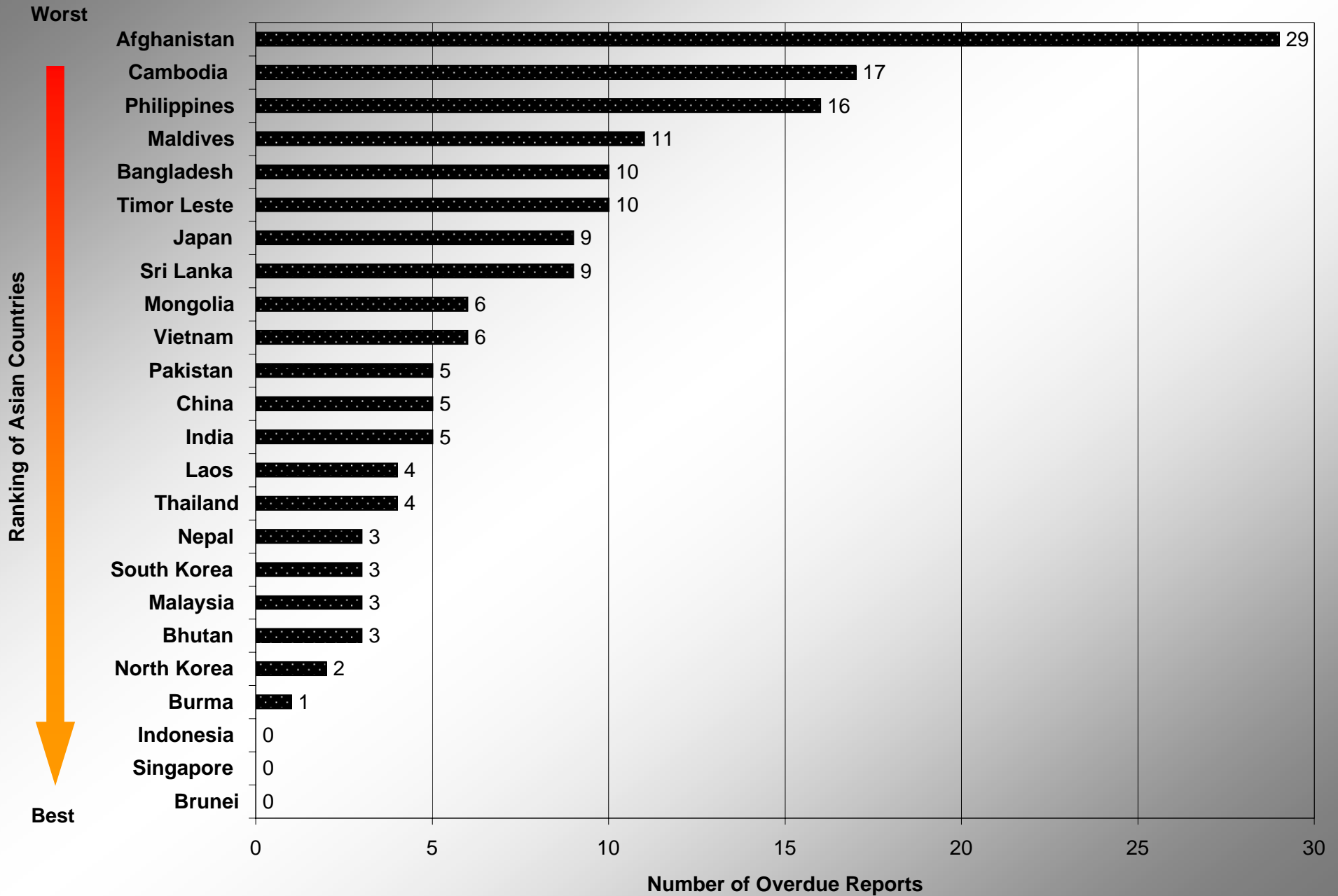


### Annex II: Ranking of Asian Governments According to the Number of Reservations\*



\* **Please note:** the number of reservations includes all the sub-articles and sub-paragraphs of each article. For example, if a government has entered a reservation to Article 1 of ICCPR, the reservation would be counted as three, as there are three sub-paragraphs. This methodology ensures that all reservations are counted fairly and equally, as a government with a reservation to one sub-article would still be counted as having one reservation.

Annex III: Ranking of Asian Governments According to the Number of Overdue Reports



Has pledged to ratify upon issuing candidacy to Human Rights Council membership

### Ratification of UN Human Rights Treaties by Asian Countries

	ICESCR	ICCPR	ICCPR – OP1	ICCPR – OP2	ICERD	ICERD DEC (Art.14)	CEDAW	CEDAW-OP	CAT	CAT DEC (Art.22)	CAT-OP	CRC	CRC- OP- AC	CRC- OP- SC	CMW	ICC
<b>South Asia</b>																
Afghanistan	24 Jan 83 a	24 Jan 83 a			6 Jul 83 a		5 Mar 03		01-Apr-87			28-Mar-94	24-Sep-03 a	19 Sep 02 a		10 Feb 03 a
Bangladesh	5 Oct 98 a	06-Sep-00 a			11 Jun 79a		6 Nov 84a	06 Sep 00	5 Oct 98 a			03-Aug-90	06-Sep-00	06-Sep-00	7 Oct 98 s	16-Sep-99 s
Bhutan					26 Mar 73 s		31-Aug-81					01-Aug-90	15 Sep 05 s	15 Sep 05 s		
India	10 Apr 79 a	10 Apr 79a			03-Dec 68		09-Jul-93		14 Oct 97 s			11 Dec 92 a	30 Nov 05	16 Aug 05		
Maldives	19 Sep 06 a	19 Sep 06 a	19 Sep 06 a		24 Apr 84 a		1 Jul 93 a	13 Mar 06 a	20 Apr 2004a		15 Feb 06	11-Feb-91	29 Dec 04	10-May-02		
Nepal	14 May 91 a	14 May 91 a	14 May 91 a	4 Mar 98 a	30 Jan 71 a		22-Apr-91	18 Dec 01 s	14 May 91 a			14-Sep-90	8 Sep 00 s	20 Jan 06		
Pakistan	3 Nov 04 s	Pledged to R			21 Sep 66		12 Mar 96 a		Pledged to R			12-Nov-90	26 Sep 01 s	26 Sep 01 s		
Sri Lanka	11 Jun 80 a	11 Jun 80 a	3 Oct 97 a		18 Feb 82 a		05-Oct-81	15-Oct-02 a	3 Jan 94 a			12-Jul-91	08-Sep-00	22 Sep 06	11 Mar 96 a	
<b>Total Ratified</b>	<b>6</b>	<b>6</b>	<b>3</b>	<b>1</b>	<b>7</b>	<b>0</b>	<b>8</b>	<b>3</b>	<b>5</b>	<b>0</b>	<b>0</b>	<b>8</b>	<b>4</b>	<b>6</b>	<b>1</b>	<b>1</b>
<b>Total Remaining</b>	<b>2</b>	<b>2</b>	<b>5</b>	<b>7</b>	<b>1</b>	<b>8</b>	<b>0</b>	<b>5</b>	<b>3</b>	<b>8</b>	<b>8</b>	<b>0</b>	<b>4</b>	<b>2</b>	<b>7</b>	<b>7</b>
<b>East&amp;North Asia</b>																
China	27-Mar-01	5 Oct 98 s			29 Dec 81 a		04-Nov-80		04-Oct-88			03-Mar-92	15 Mar 01 s	03-Dec-02		
Japan	21-Jun-79	21-Jun-79			15 Dec 95 a		25-Jun-85		29 Jun 99 a			22-Apr-94	2 Aug 04	24 Jan 05		
Korea, Dem.	14 Sep 81 a	14 Sep 81 a					27-Feb-01 a					21-Sep-90				
Korea, Rep.	10 Apr 90 a	10 Apr 90 a	10 Apr 90 a		5 Dec 78	5 Mar 97	27-Dec-84	18 Oct 06 a	9 Jan 95 a			20-Nov-91	24 Sept 04	24 Sept 04		13-Nov-02
Mongolia	18-Nov-74	18-Nov-74	16 Apr 91 a		06-Aug-69		20-Jul-81	28-Mar-02	24-Jan-02 a			06-Jul-90	6 Oct 2004	27 Jun 03		11-Apr-02
<b>Total Ratified</b>	<b>5</b>	<b>4</b>	<b>2</b>	<b>0</b>	<b>4</b>	<b>1</b>	<b>5</b>	<b>2</b>	<b>4</b>	<b>0</b>	<b>0</b>	<b>5</b>	<b>3</b>	<b>4</b>	<b>0</b>	<b>2</b>
<b>Total Remaining</b>	<b>0</b>	<b>1</b>	<b>3</b>	<b>5</b>	<b>1</b>	<b>4</b>	<b>0</b>	<b>3</b>	<b>1</b>	<b>5</b>	<b>5</b>	<b>0</b>	<b>2</b>	<b>1</b>	<b>5</b>	<b>3</b>
<b>Southeast Asia</b>																
Brunei Darussalam							24 May 06 a					27 Dec 95 a				
Cambodia	26 May 92 a	26 May 92 a	27 Sept 04 s		28-Nov-83		15 Oct 92 a	11 Nov 01 s	15 Oct 92 a		14 Sep 05 s	15 Oct 92 a	16 Jul 04	30-May-02	27 Sept 04 s	11-Apr-02
Indonesia	23 Feb 06 a	23 Feb 06 a			25 Jun 99 a		13-Sep-84	28 Feb 00s	28-Oct-98		Pledged to R	05-Sep-90	24 Sep 01 s	24-Sep-01 s	22 Sept 04 s	Pledged to R
Lao PDR	7 Dec 00 s	7 Dec 00 s			22 Feb 74 a		14-Aug-81					8 May 91 a	20 Sep 06 a	20 Sep 06 a		
Malaysia							05-Jul-95 a					17 Feb 95 a				
Myanmar							22 Jul 97 a					15 Jul 91 a				
Philippines	07-Jun-74	23-Oct-86	22-Aug-89	19 Sep 06 s	15-Sep-67		05-Aug-81	12 Nov 03	18 Jun 86 a		Pledged to R	21-Aug-90	26 Aug 03	28 May 02	05-Jul-95	28-Dec-00 s
Singapore							5 Oct 95 a					5 Oct 95 a	7 Sep 00 s			
Thailand	5 Sep 99 a	29 Oct 96 a			28 Jan 03 a		9 Aug 85 a	14-Jun-00	Pledged to R			27 Mar 92 a	27 Feb 06 a	11 Jan 06 a		02-Oct-00 s
Vietnam	24 Sep 82 a	24 Sep 82 a			9 Jun 82 a		17-Feb-82					28-Feb-90	20-Dec-01	20-Dec-01		
Timor Leste	16 Apr 03 a	18 Sep 03 a		18 Sep 03 a	16 Apr 03 a		16 Apr 03 a	16 Apr 03 a	16 Apr 03 a		16 Sep 05 s	16 Apr 03 a	2 Aug 04 a	16 Apr 03 a	30 Jan 04 a	06-Sep-02 a
<b>Total Ratified</b>	<b>6</b>	<b>6</b>	<b>1</b>	<b>1</b>	<b>7</b>	<b>0</b>	<b>11</b>	<b>3</b>	<b>4</b>	<b>0</b>	<b>0</b>	<b>11</b>	<b>5</b>	<b>6</b>	<b>2</b>	<b>2</b>
<b>Total Remaining</b>	<b>5</b>	<b>5</b>	<b>10</b>	<b>10</b>	<b>4</b>	<b>11</b>	<b>0</b>	<b>8</b>	<b>7</b>	<b>11</b>	<b>11</b>	<b>0</b>	<b>6</b>	<b>5</b>	<b>9</b>	<b>9</b>

a – accession    d – succession    s – signature only # - 190 member states and 4 other states    DEC – declaration allowing individual complaint    Source: <http://untreaty.un.org>

ICESCR.....	International Covenant on Economic, Social and Cultural Rights
ICCPR.....	International Covenant on Civil and Political Rights
ICCPR-OP1.....	First Optional Protocol to the International Covenant on Civil and Political Rights (individual complaints procedure)
ICCPR-OP2.....	Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty
CERD.....	Convention on the Elimination of All Forms of Racial Discrimination
CERD DEC.....	Article 14, allowing for individual complaints procedure
CEDAW.....	Convention on the Elimination of All Forms of Discrimination against Women
CEDAW-OP.....	Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women
CAT.....	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
CAT DEC.....	Article 22, allowing for individual complaints procedure
CAT-OP.....	Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (permits regular visits by independent international and national bodies to places of detention)
CRC.....	Convention on the Rights of the Child
CRC-OP-AC.....	Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict
CRC-OP-SC.....	Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography
MWC.....	Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
ICC.....	Rome Statute of the International Criminal Court

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