

**Asian Forum for Human Rights and Development (FORUM-ASIA)**

**1<sup>st</sup> Regional Workshop on Minority Issues in Southeast Asia**

21-23 January 2008

Bangkok, Thailand

**Final Statement**

1. We, the participants of the 1<sup>st</sup> Regional Workshop on Minority Issues in Southeast Asia, organised by the Asian Forum for Human Rights and Development (FORUM-ASIA), in partnership with the International Movement Against All Forms of Discrimination and Racism (IMADR<sup>1</sup>), and Minority Rights Group (MRG<sup>2</sup>), in Bangkok, Thailand on 21 -23 January 2008,
2. Recognizing the significance of this year as the 60<sup>th</sup> anniversary of the Universal Declaration of Human Rights (UDHR) and the 10<sup>th</sup> anniversary of the Declaration on Human Rights Defenders<sup>3</sup> which was adopted at the 50<sup>th</sup> anniversary of the UDHR in 1998,
3. Welcoming the establishment of Forum on Minority Issues under the UN Human Rights Council and adoption by the UN General Assembly of the Declaration of Rights of Indigenous People which are significant steps towards the promotion and protection of the human rights of minorities and indigenous peoples,
4. Aware of the need to promote public awareness of the human rights situation of minority groups; to build the capacity of minority groups to access and make use of international human rights standards and mechanisms, in particular the mandate of the Independent Expert on Minority Issues (IEMI), for their empowerment; and to facilitate and strengthen networking among minority groups and human rights defenders working on minority issues in Southeast Asia,
5. Expressing our appreciation to the United Nations Independent Expert on Minority Issues, Ms. Gay McDougall for her participation and contribution to the workshop,

*On Thematic Minority Issues*

6. Note with extreme concern the situation of national or ethnic, religious and linguistic minorities, and the similarity and interrelationship with the situation of indigenous peoples, as follows:

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<sup>1</sup> Tokyo-based international NGO work against discrimination and racism ([www.imadr.org](http://www.imadr.org))

<sup>2</sup> London-based international NGO working on minority issues ([www.minorityrights.org](http://www.minorityrights.org))

<sup>3</sup> Its full name is Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, (General Assembly resolution 53/144, 9 December 1998).

- a) Non-recognition of the diversity of ethnic, racial, religious and other identities within states in the region by national governments;
- b) Laws and policies that discriminate against persons belonging to ethnic, national, religious or linguistic minorities, combined with the imposition of exclusivist national identities by states, often based on the ethnicity and identity of the ethnic majority;
- c) Statelessness and the denial or deprivation of citizenship of ethnic minorities, despite residence for generations within present-day state territory, causing the denial of essential rights and services;
- d) Disadvantaged situations—poverty, non-participation, exclusion, marginalisation—generally being experienced by minorities and indigenous peoples;
- e) Lack of effective participation and representation in all stages of decision-making, as both an effect and cause of their already disadvantaged positions;
- f) The continuing serious situation faced by many minority women who face multiple discrimination, and the lack of integration of women and children's concerns within existing national and international law and institutions that seek to address minority and indigenous issues;
- g) The need for effective state compliance and domestic application of international human rights standards on minorities and indigenous peoples, including the 1992 United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities;

*On the Human Rights Situation of Minorities by Country*

- 7. Call for urgent action from governments, intergovernmental bodies and civil society to address the following human rights issues affecting ethnic minorities and indigenous peoples in Southeast Asia that were raised in this workshop:

**In Burma**

- a) Violent conflict which has long been associated with ethnic identities and nationalities, and continues to cause massive displacement of peoples both internally and into neighbouring countries;
- b) Land confiscation and the exploitation of natural resources in the areas of ethnic nationalities which do not benefit the local populations and deprive them of decent and sustainable sources of livelihood;
- c) The absence of any form of protection of the rights of ethnic nationalities, indigenous peoples and minorities, particularly regarding meaningful participation and representation in national and local governance and in development planning;
- d) Severe human rights violations and discrimination faced by stateless minorities, in particularly the Rohingyas.

**In Cambodia**

- a) Land grabbing and the granting of large-scale concessions to commercial interests, which cause displacement of indigenous peoples and the deprivation and destruction of their ways of life and livelihoods;
- b) Discrimination and insecurity faced by ethnic minorities, including Vietnamese and Kampuchea Krom, and indigenous peoples.

#### In Indonesia

- a) Violence and discrimination against religious, lesbian, gay, bisexual, transgendered and other minorities, as well as indigenous peoples;
- b) The lack of access to services, compensation and restitution of internally displaced persons who, as a result of both natural and human-made disasters, are often unable to return to their homes.

#### In Malaysia

- a) Denial of equal citizenship rights to all citizens, and especially ethnic minorities;
- b) Curtailment of religious freedom and the need for equal support for members of religious minorities;
- c) The perpetuation of race-based party politics that promotes divisive and race-based ideologies.

#### In the Philippines

- a) Displacement of indigenous peoples from their ancestral lands caused by the incursion of mining companies and commercial agricultural interests;
- b) Extrajudicial killings, arrests and detention of indigenous and Muslim activists and leaders.

#### In Thailand

- a) Violence in the southern border provinces along the lines of ethnicity and religion that is fuelled by assimilationist policies of the state towards the Thai Malay people, and aggravated by a lack of understanding of some members of the Thai majority, which deepens the conflict;
- b) Denial of citizenship and access to services associated with statelessness of various indigenous and tribal peoples.

#### In Timor Leste

- a) Adoption of Portuguese as a national language used in the government and judicial system, which has marginalised the majority of the population, particularly the younger generation.

#### In Vietnam

- a) Discrimination and violence perpetrated against the Khmer Kampuchea Krom, including political persecution of their leaders, land alienation, torture, arbitrary arrest and imprisonment.

8. Express our grave concern on the human rights situation of ethnic minorities and indigenous peoples in other countries in Southeast Asia such as Laos and Singapore, and similar and related issues outside Southeast Asia discussed during the workshop such as violent conflict in Sri Lanka and indigenous peoples' issues in Taiwan;
9. Recognise common challenges identified through sharing and discussion to build a stronger solidarity and commitment among human rights defenders working on human rights issues of minorities and indigenous peoples;

10. Deplore the multiple discriminations and exclusions based on racial, religious, national, ethnic and caste differences prevailing in Southeast Asia in particular and in Asia in general for persons belonging to national, ethnic, religious and linguistic minorities, and for indigenous peoples;
11. Emphasise the important role of human rights defenders from minority and indigenous communities in promoting and protecting the human rights of their communities through empowerment and advocacy, and the specific protection needs of those who are at risk or under threat due to their human rights work;
12. Recognise ethnic and cultural diversity both within and among the different countries in the region, and the need to affirm our common humanity in order to promote solidarity, equality, dignity and human rights for all;
13. Reaffirm the state's primary responsibility to promote and protect the human rights of minorities and indigenous peoples in accordance with international human rights standards;
14. Emphasize the importance of fully utilizing existing international human rights instruments, mechanisms and processes related to the human rights of minorities and indigenous peoples, including:
  - The International Convention on the Elimination of All Forms of Racial Discrimination (1965)
  - The International Covenant on Civil and Political Rights (1966)
  - The International Covenant on Economic, Social and Cultural Rights (1966)
  - The UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (1992)
  - The UN Convention on Biological Diversity (1992)
  - The UN Permanent Forum on Indigenous Issues (2000)
  - Durban Declaration and Programme of Action (2001) (DDPA) and its related mechanisms: the Intergovernmental Working Group on the Effective Implementation of the DDPA, the Working Group on People of African Descent, the Five Independent Experts to follow-up on the Implementation of the DDPA, the Preparatory Committee for the Durban Review Conference, and the Ad Hoc Committee on the Elaboration of Complementary Standards
  - Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance
  - The Special Rapporteur on the Situation of Human Rights and Fundamental Freedoms of Indigenous People (2001)
  - The UN Independent Expert on Minority Issues (2005)
  - The UN Declaration on the Rights of Indigenous Peoples (2007)
  - The UN Forum on Minority Issues (2007)
  - The Durban Review Conference process (2007-2009)

15. Highlight the significance and importance of meaningful observance of the international anniversaries related to human rights of minorities and indigenous peoples, including:

- International Mother Language Day (February 21)
- International Day for the Elimination of Racial Discrimination (March 21)
- World Day for Cultural Diversity, Dialogue and Development (May 21)
- International Day of the World's Indigenous People (August 9)
- International Day for the Remembrance of the Slave Trade and its Abolition (August 23)
- International Day Against Fascism and Anti-Semitism (November 9)

16. Emphasize the importance of cooperation with UN human rights bodies and agencies such as the Office of the High Commissioner for Human Rights (OHCHR), the United Nations High Commissioner for Refugees (UNHCR), the United Nations Development Programme (UNDP), the United Nations Environmental Programme (UNEP) and the International Labour Organisation (ILO), among others, in strengthening the protection and promotion of the human rights of minorities and indigenous peoples;

17. Commit to engage more proactively with the UN Independent Expert on Minority Issues, Ms. Gay McDougall, by providing her and other relevant mandate holders within the UN system with information necessary for the discharge of her mandate;

*On the International Convention on the Elimination of All Forms of Racial Discrimination and Other Human Rights Treaties*

18. Note with regret and dismay the poor ratification record of the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) by Asian member-states, and urge Brunei Darussalam, Burma (Myanmar), the Democratic People's Republic of Korea (North Korea), Malaysia and Singapore, to ratify it as soon as possible;

19. Note with dismay that no Asian state, except the Republic of Korea (South Korea), has made a declaration under Article 14 which allow for individual complaints under the Convention and urge all to take necessary action as a matter of urgency;

20. Further urge all Asian states to ratify other United Nations human rights treaties, and to effectively comply with their obligations by removing reservations, reporting in a timely manner on the status of implementation, and making effective remedies as required;

21. Commit to engage more proactively with the Committee for the Elimination of Racial Discrimination (CERD), including by submitting NGO reports under the treaty's reporting mechanism, and to similarly engage with other treaty monitoring bodies;

*On the Universal Periodic Review (UPR) of the United Nations Human Rights Council*

22. Recognize that the Universal Periodic Review (UPR) provides a useful national platform for cross-sectoral cooperation among human rights NGOs and a new opportunity to engage with NHRI and governments to promote international human rights standards at the national level;
23. Commit to fully participate to bring human rights issues relating to minorities and indigenous peoples into the UPR process;

*On the United Nations Forum on Minority Issues*

24. Recognize that the creation of the UN Forum on Minority Issues under UN Human Rights Council is a significant step towards the full promotion and protection of human rights of minorities;
25. Commit to engage fully with the Forum including by facilitating the participation of minority groups from Asia to raise their issues and concerns and to hold constructive dialogues with governments and other stakeholders;

*On the Durban Review Conference (DRC) 2009*

26. Recognize the process of the Durban Review Conference (DRC) 2009 as a new opportunity to look into human rights issues related to racism, racial discrimination, xenophobia and related intolerance in the light of Durban Declaration and Programme of Action (DDPA) adopted at the World Conference Against Racism (WCAR) held in Durban in September 2001 and renew our commitment to them;
27. Reaffirm the action plans for the DRC made at the 2<sup>nd</sup> SAPA (Solidarity for Asian People's Advocacy) Regional Consultation on the UN Human Rights Council in July 2007, which includes the development of a stock-taking tool regarding the implementation of Durban Declaration and Programme of Action (DDPA) by Asian states, and an Asia-wide anti-discrimination campaign as a way to raise new issues in the post-Durban process since 2001, such as i) migrant workers and their families especially those with HIV/AIDS, ii) ethnic minorities and indigenous peoples, iii) gender-based violence and discrimination including LGBT, iv) discrimination based on work and descent ("Dalits"), v) religion and human rights (freedom of religion, religious minorities, religious intolerance, religious defamation, etc.) and vi) non-citizens (stateless persons, refugee, etc.);
28. Urge Asian governments to report on their implementation of the DDPA, and ensure the effective participation of civil society in this process;
29. Urge national human rights institutions, and other human rights bodies, to make substantial contributions to the state party reports, particularly on measures taken to promote and protect the human rights of minorities and indigenous peoples;

30. Commit to initiate an Asian civil society process to participate in the DRC process and call on Asian civil society groups to give special attention to the human rights issues of minorities and indigenous peoples in their engagement with national and regional processes;

*At the domestic level*

31. Urge Asian governments to establish national human rights institutions whose mandates include the promotion and protection of human rights of minorities and indigenous peoples;
32. Urge existing national human rights institutions in Asia to develop effective mechanisms and programmes to address human rights issues of minorities and indigenous peoples in their own countries;
33. Call on members of the ASEAN to develop effective Terms of Reference (TOR) for an ASEAN human rights body as mentioned in the ASEAN Charter signed at the 13<sup>th</sup> ASEAN Summit in Singapore on 20 November 2007, in accordance with international human rights standards, with full and meaningful participation by civil society and, in particular, representatives of minorities and indigenous peoples;
34. Reiterate our commitment to continue to build the capacity of minorities and indigenous peoples to advance their human rights and fundamental freedoms;
35. Finally, pledge to build and strengthen the solidarity of civil society groups and peoples' movements at the local, national and international levels in order to effectively promote and protect the human rights of minorities and indigenous peoples.

***Completed in Bangkok, Thailand, on 23<sup>rd</sup> of January 2008, at the conclusion of the 1<sup>st</sup> Regional Workshop on Minority Issues in Southeast Asia.***

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