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School's in for new rights champions

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PUNCHING THE AIR, the speaker stood before the gathering of students, academics and lawyers, and declared: 'We are producing human rights activists. We don't know what the Chief Executive thinks about it. But that is what we are doing.' This was not veteran protester Leung Kwok-hung or one of his followers. This was Johannes Chan Man-mun, new dean of the University of Hong Kong law faculty.

Professor Chan's performance, accompanied by a smile, was clearly aimed at entering into the spirit of the occasion, a ceremony for students completing a master of laws programme in human rights. He later admitted the Government had given 'a good reaction' to the course.

The programme is, indeed, producing human rights activists for Asia. It is believed to be the only one of its kind in the region. And there are hopes it will act as a catalyst for change.

'I think it has that potential. People who come to the programme go back to their own countries and make a visible difference,' said Jogendra Ghimire, who graduated from the course last year and then spent 13 months as secretary of the Human Rights Commission in his native Nepal. 'In the course of time, I really believe there will be a large number of fairly influential social actors in different jurisdictions coming entirely from the law faculty at HKU.'

Since it was launched in 1999, the course has attracted students from at least 17 countries, including India, Pakistan, Bangladesh, Thailand, Cambodia, Indonesia and the Philippines.

Many of the overseas students, who have included activists in the field of women's rights and the environment as well as a lawyer battling on behalf of street children in the Philippines, are awarded scholarships by the university, overcoming what would otherwise be prohibitive financial barriers.

By helping them gain a better understanding of international human rights law, the course seeks to provide tools which can be used in the field when they return to work in their own countries.

'It is the only [master of laws] human rights course in Asia and it has an important role to play in that respect. The great strength of the course is in bringing together a group of people from a diverse range of countries,' said Robyn Emerton, a research assistant professor at the university and one of the first graduates from the course.

But the programme, at least initially, has not been so successful in attracting candidates from Hong Kong, especially Chinese. Local law students generally prefer to opt for a more lucrative - and less politically sensitive - career in the commercial field.

It has also proved hard to attract funding from Hong Kong. The three sponsors for the course, which includes a study of Hong Kong's human rights problems, are all from overseas: the Asia Foundation, the Ford Foundation and the European Union.

But there are signs that interest in the course from Hong Kong is growing, and with them hopes that awareness of rights issues in the SAR will improve.

Joining the overseas human rights activists in class have been a senior official from the Home Affairs Bureau, a member of the Ombudsman's office, lawyers from the Department of Justice, a police officer and a magistrate.

Ernest Lin Kam-hung, the magistrate, said it was important to remember the rights issues dealt with on the programme were relatively new to Hong Kong.

'This is a new topic. We are still in a backwater when it comes to human rights concerns. We are not a very human rights conscious society,' he said. 'But this is no excuse. In other aspects of life we are reaching international standards. I think we need more people to look at things from this [human rights] perspective. I certainly hope the course will have an impact.'

Mr Lin said the programme had, to some extent, helped him in his job. 'I feel I am more conscious whenever I have to make orders that will affect the liberty of individuals, I look at the perspective of human rights.'

Surprisingly perhaps, the course has attracted a number of students from the mainland.

Dr Lyal Sunga, an associate professor at the university and director of the programme, said: 'There is increasing demand for human rights expertise [from the mainland]. Part of that might have to do with increasing globalisation and the World Trade Organisation, and the fact that China wants to be seen more and more to be playing by the rules.'

Mainland lawyers who attended the programme have shared their thoughts on China's human rights record. 'They seem to be concerned that in mainland China, commitments to constitutionalism, democratic government and the rule of law should be strengthened,' Dr Sunga said.

Magistrate Mr Lin said he did not believe the mainland students, who are mostly lawyers, would go back to China and join non-governmental organisations promoting human rights. 'But it will affect their decisions. It will affect the way they think, so it is not wasted,' he added.

One of the features which makes the course unique is its concentration on Asian issues.

Constitutional expert Yash Ghai, who along with a former associate professor at the university, Andrew Byrnes, helped establish the course, said it encompassed subjects which tended to be ignored by similar programmes in the West.

'We wanted to develop Asian perspectives on human rights,' he said, quickly adding he was not talking about the kind of Asian values espoused by Singapore's Senior Minister, Lee Kuan Yew. 'Asian culture has something to contribute in terms of dignity, fairness and equality,' said Professor Ghai.

Issues such as the right to food, housing and education have been tackled along with those of child labour, child prostitution, human trafficking, ethnic conflict and civil war. Those involved with the course hope it will help promote setting up a human rights mechanism for Asia, such as the commissions and courts that exist in Europe, America and Africa.

'Asia is the only region that does not have a regional system of human rights promotion and protection. It is important to highlight this and to ask why that may be the case and what can be done,' said Dr Sunga.

An e-mail network by which up to 40 students and former students of the course keep in touch with each other and share their experiences in different countries in the human rights field, is seen as a potential force for change.

Solicitor Mark Daly said he recently received an e-mail from another ex-student on the course who is fighting a case concerning sharia law in Pakistan. Barrister Vandana Rajwani, who also took the course, has received up to 15 e-mails a day on the network.

Magistrate Mr Lin said: 'At the moment the students and ex-students are relatively young, I would say the average age is about 30. It might be the beginning of something interesting and long lasting, we don't know yet. All I can do is hope.' Dean of the law faculty Professor Chan said the programme could help boost Hong Kong's image, making it a centre for the 'exportation' of human rights expertise. 'Our experience can help other countries,' he said.

Cliff Buddle edits the Post's opinion pages

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