ASEAN Intergovernmental Commission on Human Rights launched

ON OCTOBER 23, 2009, in Cha-Am Hua Hin, Thailand, the Heads of States and Governments of the Association of Southeast Asian Nations (ASEAN) adopted the Cha-Am Hua Hin Declaration that formally launched the ASEAN Intergovernmental Commission on Human Rights (AICHR).

This is indeed a significant advancement for ASEAN in terms of placing human rights at the center of ASEAN’s agenda,” said Prime Minister Abhisit Vejjajiva of the Kingdom of Thailand. “AICHR is not an end in itself but an evolutionary process towards strengthening the human rights architecture within the region.”

Through the political declaration, the Heads of States and Governments of ASEAN emphasized the importance of human rights for the full realization of human dignity in the region.

Representatives of ASEAN governments to the AICHR held an introductory meeting, chaired by Dr. Sriprapha Petcharamesree of Thailand, on the day after the launch. They also met with the High Level Panel (HLP) on the ASEAN Human Rights Body (AHRB) to discuss issues relevant to the Terms of Reference (ToR) of the AICHR, noting its evolutionary approach towards an effective and efficient Commission. They also agreed to meet in the coming months to discuss their work plan and activities.

Although he noted that the AICHR will need ample time to firm up its plans, Prime Minister Vejjajiva emphasized that the responsibility to make the Commission credible and effective in the promotion and protection of human rights rests on everyone.

The AICHR was set up in compliance with Article 14 of the ASEAN Charter which states that ASEAN shall establish an ASEAN human rights body to promote and protect the human rights and fundamental freedoms of the people in the region. In July 2008, the HLP was created to draft the ToR for the establishment of a human rights body. The HLP held consultations with various stakeholders, including civil society, on what to include in the ToR. A year later, during the 42nd ASEAN Ministerial Meeting in Thailand, the foreign ministers of ASEAN adopted and approved the ToR. Three months later, in October 2009, ASEAN leaders launched the AICHR.

5th RTD tackles role of institutions in envisioned ASEAN human rights system

THE FIFTH ROUNDTABLE Discussion (RTD) on Human Rights in ASEAN was held in Bangkok, Thailand on 15-16 December 2009. Organized and hosted by the Ministry of Foreign Affairs of the Kingdom of Thailand, the National Human Rights Commission of Thailand and the Working Group for an ASEAN Human Rights Mechanism, the RTD’s theme was “Towards an ASEAN Human Rights System: Role of Institutions and Related Activities.”

It was attended by participants from the 10 ASEAN member-states representing the different foreign ministries, national agencies working on the rights of women, children and migrant workers, national working groups and NHRLs, together with representatives from the AICHR.

The purpose of the RTD was fully realized not only through its diverse participation but by the inputs and insights shared by everyone in the lively discussions.

Among its general conclusions, the RTD recognized that while the core elements of the ASEAN human rights architecture have begun to emerge, it is still incumbent upon all stakeholders in ASEAN to work together to advance the human rights agenda in order to achieve a truly people-oriented ASEAN. Furthermore, the participants recommended that:

- the complementary role of the AICHR be strengthened, given the existence of national structures and

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Dr. Sriprapha Petcharamesree
On being a member of the AICHR

WHEN THE AICHR was established, the Working Group was elated upon learning that Dr. Sriprapha Petcharamesree, Chairperson of the Thai Working Group for an ASEAN Human Rights Mechanism, was appointed as Thailand’s representative to the AICHR (and Chair until the end of Thailand’s Chairmanship of ASEAN at the end of 2009).

Dr. Petcharamesree is a very significant figure in the Working Group. A dynamic and critical-thinking human rights advocate, she has been active in human rights both in the academic community and in human rights circles. She works closely with NGOs, grassroots groups and marginalized sectors.

A month after her appointment, Dr. Petcharamesree shared her thoughts as a representative to the AICHR with the Working Group Secretariat. What follows is a summary of the interview.

What was your initial reaction when you found out you were chosen as the representative of Thailand to the AICHR?

Apart from being fairly surprised, I realized that (the people's) expectations will be very high from all sides and that I need to balance my work as an academic with my future responsibilities as a representative to the AICHR.

Coming from civil society, how helpful do you think your involvement in human rights advocacy (since the early 90s) will be as you participate in the AICHR?

I have always considered myself as an academic and I have been making use of my academic knowledge to contribute to the human rights cause. My advantage of having been with civil society groups is three-fold. First, it seems that I am quite well recognized and accepted by different groups. It facilitates the dialogues with those groups. Second, at least I feel that I know more or less what they want and what are their expectations. Third, I should be able to bridge the gap between civil society and the governments. I really hope so.

Also, as one of the members of AICHR, I may have to advocate within the group as we come from different backgrounds and different beliefs. The target groups are broader because you will have to work together; you have to work and engage many more officials and ASEAN leaders, and you have to dialogue with civil society groups – each requiring different approaches of advocacy.

What do you think is the value added by a diverse set of representatives to the AICHR?

Diversity is always considered a source of wealth of knowledge and skills. Definitely, each will be able to make full use of their skills to contribute to the promotion and protection of the human rights of ASEAN peoples. We should be able to complement each other’s perspectives, and hopefully, fill the gaps.

But diversity could be a hindrance if we cannot find any common ground as ASEAN requires consensus. In such a diverse group, it would not be that easy to come to an agreement. But I think if we adhere to the same principles and to the fact that AICHR was established in order to protect and promote the rights of the people, diversity should not be a problem.

From your own perspective, what do you think should be included in the work plan of the Commission? What do you think should be the Commission’s short-term and long-term goals?

We will be sitting together to discuss the work plan in December 2009. The main question is what we want to achieve in the first year and the next three years of our mandate. As an organization, we will have to make sure that we deliver some things, otherwise we will not be relevant to ASEAN nor to ASEAN peoples and we will be losing our raison d’être.

For me, I think it is important that we start working on the human rights standards of the region. We have to make sure that ASEAN human rights standards will not be lower than international human rights standards. Secondly, we will have to raise the awareness of government officials and other groups about their obligations to respect, protect and fulfill the rights of every individual, so human rights education and capacity building should be part of the plan. Lastly, I think for the longer term, we should be able to produce one or two thematic reports on human rights in ASEAN every year.

In all these, AICHR has to evolve progressively and work proactively with all stakeholders. Who knows, ASEAN may consider the establishment of an ASEAN human rights court in the future. The work of AICHR should be to build on some groundwork for future development.
Terms of Reference of the ACWC completed at the 15th ASEAN Summit

DURING THE INAUGURAL Ceremony of the ASEAN Intergovernmental Commission on Human Rights (AICHR) on 23 October 2009 at the 15th ASEAN Summit in Cha-Am Hua Hin, Thailand, Prime Minis ter Abhisit Vejjajiva, surprised everyone with the announcement that the Terms of Reference (ToR) of the ASEAN Commission on the Promotion and Protection of the Rights of Women and Children (ACWC) had already been completed and that this development will lead to the establishment of the ACWC by 2010.

Despite being an intergovernmental and consultative body, the mandate and functions of the ACWC in the completed ToR include tasks which can potentially be optimized for effective promotion and protection of the rights of women and children in the region. These functions include:

• To promote the implementation of international instruments, ASEAN instruments and other instruments related to the rights of women and children.
• To develop policies, programs and innovative strategies to promote and protect the rights of women and children to complement the building of the ASEAN Community.
• To advocate on behalf of women and children, especially the most vulnerable and marginalized, and encourage ASEAN Member States to improve their situation.
• To encourage ASEAN Member States to undertake periodic reviews of national legislations, regulations, policies, and practices related to the rights of women and children.
• To propose and promote appropriate measures, mechanisms and strategies for the prevention and elimination of all forms of violation of the rights of women and children, including the protection of victims.
• To support the participation of women and children in dialogue and consultation processes in ASEAN, related to the promotion and protection of their rights.

The ToR expressly refers to the long-standing issue of coordination and alignment, and states that the ACWC shall coordinate with the AICHR and other relevant ASEAN sectoral bodies dealing with issues pertaining to women and children. Consultations on the ultimate alignment between the ACWC and the AICHR as the overarching human rights institution in ASEAN should be undertaken. Indeed, Vejjajiva in his speech at the inauguration of AICHR observed that the ACWC, as well as other regional mechanisms, shall be “part and parcel of the ASEAN human rights regime under the umbrella of the AICHR”.

The ToR also provides that the ACWC shall engage in dialogue and consultation, as may be appropriate, with other national, regional and international institutions and entities concerning the promotion and protection of the rights of women and children. It also specifically requires that the ACWC “keep the public regularly informed of its work and activities through appropriate public information materials.”

Other noteworthy provisions in the ToR of the ACWC are found on the subject of representatives. In appointing such representatives, ASEAN member-states are asked to: (1) give due consideration to competence in the field of the rights of women and children, integrity and gender equality; and (2) conduct, in accordance with the respective internal processes, a transparent, open, participatory and inclusive selection process of their representatives to the ACWC. Finally, in the discharge of duties, each representative is mandated to act impartially in accordance with the ASEAN Charter and the ToR, and to display the highest moral character.

5th RTD tackles role... from page 1
Civil society scrutinizes AICHR

THE CREATION of the ASEAN Intergovernmental Commission on Human Rights (AICHR) is undoubtedly a remarkable event and deserves to be considered a milestone in the development of ASEAN as a caring community of nations. However, the AICHR is, and will continue to be, the subject of fierce scrutiny and probing from different sectors of civil society.

Sr. Crescencia Lucero, Deputy Executive Director of the Task Force Detainees of the Philippines, observed in an interview that the credibility of any human rights body will be judged on its power to investigate. “It is disappointing that the AICHR will be weaker than the national human rights bodies,” she said.

Similarly, Yap Swee Seng, Executive Director of FORUM-ASIA, asserts that the AICHR should establish a strong mechanism that is accountable, independent, and effective in order to promote and protect human rights.

A number of advocates and pundits are markedly more critical. Brad Adams, Asia Director of the New York-based Human Rights Watch, opined that “the establishment of an AICHR confirms the people’s worst fears, because an intergovernmental body has always been second best, an intergovernmental body that won’t even talk to its own citizens is a joke, and worthless.”

David Mathieson, an expert on Myanmar at Human Rights Watch, added that expectations regarding the Commission were low and that there was no way ASEAN could maintain any credibility while kowtowing to the political leaders.

“Asean is incapable of making any positive political change in the country,” said Nyan Win, spokesperson for Aung San Suu Kyi’s League for Democracy party. “I don’t have any high hopes,” he added.

The Asian Center for Human Rights (ACHR) emphasized that there is sufficient evidence to suggest that even cautious optimism over these “first steps” (pertaining to the creation of the AICHR) may be misplaced in such a way that the new body may actually pose a serious threat to human rights in the ASEAN region.

There are many questions on the commitment of ASEAN to uphold, protect and fulfill human rights and fundamental freedoms, and whether ASEAN will be able to address human rights violations throughout the region. On the whole, however, AICHR has been met with cautious optimism even on the part of those who have expressed disappointment over the perceived weakness of its terms of reference (ToR).

As Jakarta Post’s Ary Hermawan recently wrote, “The commission’s ToR is nowhere near perfect, but it provides an opportunity for rights groups to raise human rights awareness in the region and smooth the way for the creation of a full-fledged regional human rights mechanism that will include the establishment of a human rights tribunal. It is perhaps unreasonable to be optimistic that the AICHR will bring a major change to Southeast Asia in the near future, but it is also unwise to let the regional rights body go astray due to our sheer cynicism.”

APF pushes for fourth pillar, effective ACWC and AICHR; calls for dialogue with ASEAN Summit

MORE THAN 500 participants representing various civil society organizations and movements in ASEAN gathered in Cha-am, Thailand on 18-20 October 2009 for the 2nd ASEAN Peoples’ Forum (APF)/5th ASEAN Civil Society Conference (ACSC). The participants discussed the main issues confronting the peoples of ASEAN and came up with proposals for the 15th ASEAN Summit.

Among the issues tackled were those which involved the economic, socio-cultural and political pillars of an ASEAN Community. The APF proposed that ASEAN consider a fourth pillar – the environment – to place environmental sustainability as well as economic, gender, social and climate justice at the center of decision-making, considering the numerous large-scale development projects in ASEAN.

Anticipating the eventual establishment of the ASEAN Commission on the Promotion and Protection of the Rights of Women and Children (ACWC), the APF emphasized that the ACWC “must be an independent specialized body”, referring to its possible relationship with the recently-launched ASEAN Intergovernmental Commission on Human Rights (AICHR).

The APF also applauded the establishment of the AICHR but challenged it to “to develop strategies for the promotion and protection of human rights and [to] establish strong mechanisms to protect human rights, including country visits, complaint-handling of human rights violations, periodic reviews of the human rights situation in ASEAN member states, and a recourse mechanism against violations.”

The APF also expressed its disappointment regarding the absence of ASEAN government officials in the forum. They saw it as “a step backward in ASEAN’s commitment to promote a people-oriented ASEAN” and pointed out that it “runs contrary to the principles in the ASEAN Charter that encourage people’s participation”.

Finally, the APF committed to continue to mobilize the participation of more grassroots and marginalized communities, peoples’ organizations and civil society organizations to work together and promote dialogue among the peoples of ASEAN. Furthermore, the participants pledged to continue people-to-people solidarity and dialogue until a people-oriented ASEAN is realized, and to continue to engage with ASEAN governments in 2010 during the 16th ASEAN Summit in Vietnam despite the challenges it faced in obtaining a true dialogue with the ASEAN governments during the forum.
ON JULY 19, 2009, at the sidelines of the 42nd ASEAN Ministerial Meeting (AMM) in Phuket, Thailand, the Working Group for an ASEAN Human Rights Mechanism met with the ASEAN Senior Officials to discuss developments on human rights in the region, especially the imminent launching of the ASEAN Intergovernmental Commission on Human Rights (AICHR). They also explored possible venues for future collaborative work related to human rights.

Speaking on behalf of the delegation, Mr. Wigberto E. Tañada, Chairperson of the Philippine Working Group for an ASEAN Human Rights Mechanism (PWG), thanked the Senior Officials for convening the meeting and informed them of the Working Group’s activities since the last AMM. Among other things, he enumerated and highlighted the Working Group’s recommendations for the AICHR. They observed that the Commission should not be perceived as the only venue that deals with human rights concerns; that a discretionary review of the ToR should be made when adjustments are useful even before the required review in five years; and that the evolutionary approach, as envisioned by the Working Group, should be within the context of continually enhancing the existing framework and adding value to the whole.

For their part, the Senior Officials expressed their gratitude to the Working Group for its contributions and comprehensive efforts in promoting human rights in the region. Representatives of the ASEAN Troika, i.e. Singapore, Thailand and Viet Nam, congratulated the Working Group and encouraged it to continue its advocacies and its efforts in undertaking awareness-raising campaigns, conducting capacity-building activities, and providing a venue for dialogue between the governments and civil society.

Pham Quang Vinh, the Senior Official of Viet Nam concluded the meeting by emphasizing that in light of Viet Nam’s imminent chairmanship of ASEAN, the contributions made by the Working Group in past years will serve as an indicator of good collaboration in 2010. He said he expects more involvement from the Working Group and looks forward to meeting with it to discuss updates on human rights developments in ASEAN.

Prof Vitit... from page 2

5. ASEAN’s preoccupation with a non-confrontational and evolutionary approach based on consensus, should not lead to the condoning of egregious human rights violations such as genocide and crimes against humanity.

6. While the ToR has substantively more to do with promotion than protection of human rights, this should not close the door to creative ways of covering human rights protection more proactively. “What is not prohibited in the ToR is not forbidden.”

7. The AICHR must take care to prevent retrogression and ensure forward-looking action that is internationally credible.

8. The AICHR is empowered to undertake dialogues with civil society, national and other institutions on human rights; obtain information from ASEAN states regarding human rights; undertake thematic studies on human rights; and prepare annual and other reports on such matters. This provides room for a broad discourse on human rights matters by AICHR, which needs to be increasingly open to engagement with civil society and other actors.

9. The AICHR reports to the ASEAN Foreign Ministers and is assisted by the ASEAN Secretary-General and Secretariat. It is thus important to ensure that key human rights situations are not only conveyed to the AICHR but also to the Foreign Ministers, the Secretary-General and more importantly, at the summits of Heads of Governments. The AICHR should not be seen as self-contained but as one of many components in the ASEAN framework to be used in setting checks and balances to prevent human rights transgressions and to respond to human rights promotion and protection effectively.

10. The AICHR powers under the ToR have to be taken together with the ASEAN Charter which integrates human rights, democracy and the rule of law substantively into the total ASEAN structure.

These 10 suggestions should help tip the balance in favor of the preferred raison d’etre of ASEAN – to be an ASEAN “with a human face.”

This list of considerations was presented by Prof Muntarbhorn at the 5th RTD on Human Rights in ASEAN (Bangkok, 15 December 2009). It was also part of the article, “Ten Tips for ‘Humanizing ASEAN”, published in the Bangkok Post on 10 November 2009.
Establishing an ASEAN Human Rights Mechanism

1993

ASEAN articulates the need for an intergovernmental human rights body when its foreign ministers “agree[d] that ASEAN should also consider the establishment of an appropriate regional mechanism on human rights”. (Singapore)

1995

The Working Group for an ASEAN Human Rights Mechanism (Working Group) is created by the Human Rights Committee of LAWASIA to push for the creation of an intergovernmental human rights body. (Manila)

1998

ASEAN Foreign Ministers acknowledge the Working Group and note the importance of continuing dialogues between the two parties on the issue of setting up a human rights mechanism. (Manila)

2000

The Working Group submits a Draft Agreement for the Establishment of the ASEAN Human Rights Commission to ASEAN senior officials. Working Group meetings with senior officials begin and are "noted with appreciation" by the Foreign Ministers in joint communiqués. (Bangkok)

2001

The Working Group organizes its first Workshop on an ASEAN Human Rights Mechanism attended by representatives of governments, NHRI s, and CSOs. (Jakarta)

[Subsequent workshops are held in Manila (2002, 2007), Bangkok (2003, 2009), Jakarta (2004), Kuala Lumpur (2006), and Singapore (2008). The workshops are jointly organized by the Working Group, a host ASEAN state (through its foreign ministry) and its NHRI (if any).]

2004

ASEAN adopts the Vientiane Action Program (VAP) which lists human rights action points with a 2010 deadline. (Vientiane)

2005

ASEAN asks the assistance of the Working Group in implementing the VAP’s human rights provisions. The Working Group starts convening workshops, RTDs and meetings on the issues of migrant workers’ rights, women and children’s rights, human rights education and networking among NHRI s. (Vientiane)

The Kuala Lumpur Declaration on the Establishment of the ASEAN Charter establishes an Eminent Persons Group (EPG) to give “bold and visionary” recommendations for the Charter. (Kuala Lumpur)

The Working Group organizes its first Roundtable Discussion (RTD) on Human Rights in ASEAN which provided an opportunity for representatives and Working Group members to discuss developments. (Bali)

[Subsequent RTDs are held in Jakarta (2006), Manila (2007), and Bangkok (2008, 2009). The RTDs are jointly organized by the Working Group and a host ASEAN state].

2006

The EPG submits its report to the ASEAN Summit. (Manila)

[Throughout the year, the EPG consulted parliamentarians, ministers, the academe, and civil society to get ideas on the Charter. The EPG Report includes a provision that the ASEAN human rights mechanism is “[a] worthy idea [that] should be pursued further.”]

2007

ASEAN adopts the Cebu Declaration on the Blueprint of the ASEAN Charter; ASEAN Leaders endorse the EPG Report to the High Level Task Force (HLTF) created to draft the Charter. (Cebu)
ASEAN NHRIs (Indonesia, Malaysia, Philippines and Thailand) formalize support for a regional mechanism by signing a Declaration of Cooperation which includes a provision on recommending steps that could be taken in establishing an ASEAN human rights mechanism to their respective governments. (Bali)

Article 14 of the proposed ASEAN Charter mandates the establishment of an ASEAN human rights body “in conformity with the purposes and principles of the ASEAN Charter relating to the promotion and protection of human rights and fundamental freedoms”. (Singapore)

2008

ASEAN Foreign Ministers create a High Level Panel (HLP) to draft the Terms of Reference (ToR) for the ASEAN human rights body. (Singapore)

The ASEAN Charter is ratified by all 10 ASEAN Member-States. (Jakarta)

2009

The ToR of the ASEAN Intergovernmental Commission on Human Rights (AICHR) is adopted and approved by the Foreign Ministers. (Phuket)

The AICHR is launched during the ASEAN Summit. ASEAN Member-States appoint their representatives to the AICHR. (Cha-am Hua Hin)
8th workshop tackles AICHR ToR

THE 8TH ANNUAL Workshop on the ASEAN Regional Mechanism on Human Rights was held in Bangkok, Thailand on July 14 to 15, 2009 as a forum for participants to engage in constructive and progressive dialogue on the development of an ASEAN regime for the promotion and protection of human rights in the region.

The Workshop was attended by participants representing all ASEAN governments, the Chair of the ASEAN Committee on Women, the Chair of the Senior Officials Meeting on Social Welfare and Development, the national human rights institutions of Indonesia, Malaysia, the Philippines and Thailand, and civil society organizations from around the region.

In the keynote speech delivered by the Deputy Permanent Secretary, Chitrith Pinthong, for Thailand’s Foreign Minister, Kasit Piromya, it was observed that the workshop was especially crucial, taking into account the state of human rights in the region. He also cautioned everyone that “ASEAN is not people-oriented by its own history, hence people-oriented values in the ASEAN Charter like democracy, adherence to the rule of law, good governance and respect for human rights and fundamental freedoms, still have to be nurtured.”

Kapihan on Torture convened in Manila

ON JULY 10, 2009, the Philippine Working Group for an ASEAN Human Rights Mechanism organized a forum to assess the concluding observations made by the Committee Against Torture (CAT) on the second periodic report of the Philippines on its compliance with the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

Representatives from different government agencies and civil society organizations gave their comments on the report of the committee, and presented their own agenda on how to combat torture in the Philippines. Representatives from the Department of Interior and Local Government (DILG), the Supreme Court, the House Committee on Human Rights and the Commission on Human Rights (CHR) shared information regarding their projects and programs to address the issue of torture and human rights violations in the country.

CHR Chairperson Leila M. de Lima suggested that the concluding observations of the CAT should be disseminated among the different branches of government as part of the state’s responsibility to promote and protect the rights of its people.

From civil society, representatives of the Philippine Alliance of Human Rights Advocates (PAHRA) and KARAPATAN: Alliance for the Advancement of People’s Rights discussed the report and highlighted cases of torture recorded by their organizations, while advocates of women’s rights from WEddpro, Inc. and children’s rights from PREDA Foundation looked into the details of the CAT report in relation to women’s and children’s concerns.

At the end of the forum, the participants rued the fact that despite the ratification by the Philippines of the different human rights conventions and treaties, the country still faces the daunting reality of torture and ill-treatment by state actors. They agreed that government and civil society should continue to work together and use their collective voices to stand against all forms of oppression and human rights violations.
PWG conducts university road show on ASEAN and human rights

Mindful of the current human rights developments at the regional level, the Philippine Working Group for an ASEAN Human Rights Mechanism (PWG) launched its nationwide university road show entitled, “Human Rights: Asan na yan sa ASEAN?” to popularize ASEAN and its impact on human rights in the Philippines and in the region. The road show which started in September 2009 is expected to run until March 2010. Each forum is attended by individuals coming from the academe, government agencies, civil society and the media. Question and Answer sessions have drawn various reactions and comments on the topics discussed, especially on the ASEAN Intergovernmental Commission on Human Rights (AICHR). “Some of the participants were excited about the creation of the AICHR. However, there were still a number of disappointed people who raised questions on its mandates and functions,” said Mr. Danilo Balino of the Commission on Human Rights – Region 1, after the discussion at the Nueva Vizcaya State University in Bayombong, Nueva Vizcaya on 29 September 2009.

The PWG is conducting the road show in partnership with the Commission on Human Rights of the Philippines (as the implementing partner of the European Commission project “Enhancing the Role of National Human Rights Institutions in the Development of an ASEAN Human Rights Mechanism”). Additional financial support is provided by the British Embassy in Manila, the Friedrich Naumann Foundation and the Southeast Asia Regional Cooperation in Human Development (SEARCH). Out of the 60 schools targeted nationwide, more than half have already been visited with an estimated 6,000 individuals attending.

Perspectives on the PWG university road show

The PWG Secretariat asked some of the speakers about their insights and experiences during the different forums they have attended. These are what they had to say:

“The university road show is a good starting ground to instill ASEAN Consciousness in the Filipino. We have begun with the youth and their idealism to ensure that the consciousness of the ASEAN Community also bears the protection and promotion of human rights among and within member nations.”
— Ms. Karen Gomez-Dumpit
Director, Government Linkages Office, Commission on Human Rights of the Philippines

“The road show gives new realizations. One, it expands our network of friends journeying towards the same goal; two, it inspires us to go on; and three, young people have found a new civilization.”
— Sr. Nelda L. Balaba, OND, JP
SAC Marbel Coordinator (LP-Marbel); Member, Philippine Alliance of Human Rights Advocates (PAHRA)

“The ASEAN university road show is a good national initiative for sub-regional and national understanding of the contexts of each ASEAN country’s human rights situation as well as their inter-relationships. This should continue and even draw in more people from the grassroot communities.”
— Mr. Max de Mesa
Chairperson, Philippine Alliance of Human Rights Advocates (PAHRA)

“The ASEAN road show serves to enlighten the public on regional efforts to promote and protect human rights in ASEAN. The host institutions coordinated by their centers for human rights education readily shared their resources and provided enabling environments for the event which served as a milestone in the continuing collaboration to build a culture of human rights.”
— Atty. Mygee Nieves
Attorney IV, Commission on Human Rights of the Philippines - Region 5

“For me, the university road show has been an effective tool to bring important information directly to the target audience. The presence of highly motivated and knowledgeable resource persons ensured that the objectives of the road show were achieved. It has successfully brought people from different backgrounds together to discuss and disseminate human rights.”
— Atty. Marylin Pintor
Regional Director, Commission on Human Rights of the Philippines - CARAGA Region

“Who says human rights is not sexy? From the enthusiasm, response and interest of the administrators, students, and other participants of the University Road show, it would seem otherwise. There are people out there who care and are willing to give their fair share to making a difference.”
— Atty. Myrfi Gonzalez
Human Rights Lawyer and Lecturer at the University of San Carlos, Cebu City
Notes from Singapore: Consultations, workshops and a filmfest

THE SINGAPORE WORKING Group for an ASEAN Human Rights Mechanism (SWG), also known locally as MARUAH, continued to hold regular dialogues with government officials and other stakeholders on matters related to establishing an institution that will deal with human rights at the regional level.

In August 2009, SWG also held a consultation workshop on the ASEAN Intergovernmental Commission on Human Rights (AICHR). The workshop raised awareness on the AICHR, discussed the implications of the formation of the body, and produced recommendations on issues such as the selection process of representatives, and how the AICHR can engage civil society.

A workshop for the youth entitled, “Whose Right is it Anyway?” was held in October as part of SWG’s emphasis on human rights education and engagement with the youth. The full-day program focused on everyday life aspects of human rights and understanding it from a rights-based perspective. The workshop specifically targeted the common misconception that confines human rights to a high-level discussion that has little practical value.

As part of its ongoing concern for issues in Myanmar, SWG also held a two-day documentary film festival in November to remind Singaporeans of human rights violations in Myanmar. Headlining the festival was Burma VJ, an internationally-acclaimed film about undercover video journalists in Burma who covered the Saffron revolution in 2007.

The SWG also marked the annual observance of International Human Rights Day by campaigning for the rights of persons with disabilities. Specifically, the group lobbied for disabled children to be covered under the Compulsory Education Act. December also marked the start of a year-long project on Art and Human Rights, a new initiative to advocate for human rights through art, which concurrently engages the arts community in Singapore.

Incidentally, Ms Braema Mathiaparanam, chairperson of the SWG, was appointed regional president of the International Council of Social Welfare (ICSW)-Southeast Asia and the Pacific region in March 2009. ICSW is a global non-governmental organization which represents a wide range of national and international member organizations that seek to advance social welfare, social development and social justice.

For more updates, please go to the SWG website at www.maruah.org.

CWG intensifies drafting of legislation creating NHRI

ON 3 SEPTEMBER 2009, the Cambodian Working Group for an ASEAN Human Rights Mechanism (CWG) met with the Cambodian government’s Human Rights Committee (CHRC) in Phnom Penh to discuss the draft bill on the establishment of a National Human Rights Institution (NHRI) in Cambodia. The meeting, which was seen as an important point for the CWG to continue its work for the establishment of the long-awaited NHRI, saw both sides going through the draft bill, making some changes and identifying sensitive issues for further discussion.

Subsequently, the CWG conducted two other meetings with its NGO partners and the CHRC. These meetings served as venues for brainstorming and for further discussion on some revisions to the draft law. To get more input and perspectives on the creation of a Cambodian NHRI which is compliant with the Paris Principles, the CWG plans to conduct a consultative workshop to discuss specific issues such as the formation of the selection committee, the independence and effectiveness required of an NHRI, and other specific functions and mandates. As soon as these pressing issues are resolved, the group will undertake awareness-raising activities and publicize the draft bill as widely as possible.

(Left) Speakers at the consultation on the AICHR. (L-R): Mr. Arpee Santiago (Working Group); Ms. Shanthi Dairiam (IWRAW); Ms Braema Mathiaparanam (SWG); Dr. Sriprapha Petcharamesree (AICHR); Ambassador Ong Keng Yong (Former Sec-Gen of ASEAN).

(Right) Burma VJ Film Screening Poster

Members of the Cambodian Working Group with members of the Cambodian Human Rights Committee.
Ou Virak: Advocating for the rights of the oppressed in Cambodia

ACTIVELY INVOLVED IN the human rights discourse in Cambodia since 1993, Mr. Ou Virak has been a significant figure because of his effectiveness in advocating for the rights of the oppressed and in voicing the concerns of the marginalized.

In 2005, Mr. Ou pioneered an organization advocating for one of the most important yet most constrained rights of Cambodians at the time – freedom of expression. The Alliance for Freedom of Expression (AFEC) was a response to the increasing number of Cambodians arrested and charged with oral defamation, including two of his senior colleagues at the Cambodian Center for Human Rights (CCHR).

In 2007, for his significant work as a human rights advocate, notably his campaign for the release of Kem Sokha and the decriminalization of defamation in Cambodia, Mr. Ou won the Reebok Human Rights Award.

At present, he is the President of CCHR and the Vice-Chairperson of the Cambodian Working Group for an ASEAN Human Rights Mechanism (CWG). As an active member of the CWG since 2007 and assessing the activities of the organization in the country, Mr. Ou observes that over the course of time, there have been a lot of developments domestically and regionally. “With CWG, we joined the government in drafting a law on the establishment of the National Human Rights Commission (NHRC). The momentum is picking up and the time is ripe for Cambodia to be the fifth ASEAN country to have a truly independent NHRC.”

He added that on regional developments, the recently created AICHR is a step forward in a region marred by human rights violations and conflict. “While the creation of AICHR is giving hope, there is a lot of work ahead. Eyes are now on the AICHR and what it will become in the next five years,” he said.

Secretariat has a new administrative assistant

A NEW FACE has been added to the Working Group Secretariat. Mr. Nathaniel Oducado is the group’s new administrative assistant. A Bachelor of Arts graduate with a major in Consular and Diplomatic Affairs from De La Salle College of St. Benilde in Manila, Mr. Oducado was actively involved in the school debating team and had the opportunity to compete internationally. Open-minded and keen to learn, Mr. Oducado finds his initial engagement with the Working Group both fulfilling and challenging. "I am amazed at how much impact the organization has had in the ASEAN community, and I am looking forward to being more involved in the activities of the Working Group," he said.

ASEAN Representatives to AICHR

Pehin Dato Hamid Bakal (Brunei)
- A former Syar’ia Chief Judge at the State Judiciary Department of the Prime Minister’s Office; member of the Privy Council and Brunei Religious Council

Mr. Om Yentieng (Cambodia)
- President of the Cambodia Human Rights Committee; senior advisor to Prime Minister Hun Sen; a member of the High Level Panel for an ASEAN human rights body

Mr. Rafendi Djamin (Indonesia)
- Coordinator of the Coalition of Indonesian NGOs for International Human Rights Advocacy; convener of the Solidarity for Asian Peoples’ Advocacy Task Force on ASEAN and Human Rights (SAPA TF-AHR)

Mr. Bounkeut Sangsomsak (Lao PDR)
- Vice Minister of the Ministry of Foreign Affairs; a member of the High Level Panel for an ASEAN human rights body and the High Level Task Force which drafted the ASEAN Charter

Dato’ Muhammad Shafee Abdullah (Malaysia)
- Commissioner of the Human Rights Commission of Malaysia (SUHAKAM); member of the Human Rights Committee of the Bar Council of Malaysia

Mr. Kyaw Tint Swe (Myanmar)
- Ambassador and Permanent Representative of the Union of Myanmar to the United Nations

Mrs. Rosario G. Manalo (Philippines)
- Member of the High Level Panel for an ASEAN human rights body; former Chair of the High Level Task Force which drafted the ASEAN Charter

Mr. Richard Magnus (Singapore)
- Chairman of the Public Guardian Board; member of the Public Service Commission; a former Senior District Judge

Dr. Sriprapha Petchcharmesree (Thailand)
- Faculty of Graduate Studies and former Director of the Office of Human Rights Studies and Social Development at the Mahidol University in Thailand; member of the Working Group for an ASEAN Human Rights Mechanism

Mr. Do Ngoc Son (Viet Nam)
- Ambassador of Viet Nam to Spain; former Director-General of the ASEAN Department at the Ministry of Foreign Affairs
FROM THE CHAIRPERSON’S DESK

Excerpts from the Welcome Remarks of Dr. Marzuki Darusman
5th RTD on Human Rights in ASEAN, Bangkok, Thailand, on 15 December 2009

“The observance and upholding of human rights have so far been more of a ‘top down’ process... It is time to explore and to tap into complementary ‘bottom up’ processes that would contribute to the development of human rights norms and standards in ASEAN.”

— Marzuki Darusman

WE WELCOME THE establishment of the ASEAN Intergovernmental Commission on Human Rights, after 16 “short” years, from 1993 when ASEAN, in a Joint Communiqué in Singapore, called for the establishment of “an appropriate human rights mechanism”. We have come a long way and moved from a mechanism to an institution – with all that this means in terms of purpose and objectives, structures and functions of such a body – which would credibly be accepted by the peoples of ASEAN as it approximates international norms and standards.

It has been quite an engaged past four – almost five – years that we have all steered and gone through together (when it all started with the EPG, HLTF, and HLP, with ASEAN taking the lead in the final stages towards the establishment of the rights body), that has brought us here today. The very act of initiating that political process has galvanized civil society and the NGO community, regional as well as national, into responding to those actions constructively and meeting ASEAN – more than halfway, I would say – in seeing it through. ASEAN has therefore, in a very real sense, shaped out a civil constituency and public.

It would only be natural that the engagement so far with civil society organizations continues to push the AICHR process, which is vitally a work in progress, further forward. NGOs may be exuberant, vital and, at times, compulsively spontaneous. On the other hand, ASEAN may be subdued, sober and oftentimes, exasperatingly self-controlled. It is a perfect combination as the encounter of personalities goes.

One does perhaps sense a lull at this time, a moment of uncertainty as to where things will be going following the birth of AICHR. This is the proverbial anti-climax that sets in, after reaching a high point. I venture to say that both AICHR and the NGO community, indeed the peoples of ASEAN, are in the middle of trying to get their bearings in the aftermath. It would be useful therefore to trace the tracks and look to a clear trajectory ahead.

The observance and upholding of human rights have so far been more of a “top down” process: identifying universal principles, legalizing human rights in law, and subsequently designing and instituting governance structures. There is, however, apparently only so much that philosophy and law are able to effect in enforcing human rights throughout the world and particular regions (including ASEAN) that continue to be in states that leave so much to be desired, even until today. It is now time to explore and – in an evolutionary and again step-by-step method – to tap into complementary “bottom up” processes through social practices and painstaking labor, that would contribute to the development of human rights norms and standards in ASEAN.