Advocacy Opportunities for Civil Society Organizations

Evelyn Balais-Serrano
Executive Director
The Development of Human Rights Mechanisms in the ASEAN

- ASEAN Charter
- ASEAN Human Rights Declaration
- Review of AICHR’s TOR
  - TOR of AICHR (2009) – The establishment of AICHR
  - TOR of ACWC (2010) – The establishment of ACWC
- ASEAN Declaration on EVAW and VAC
  - 2007
  - 2009/2010
  - 2012
  - 2013
  - 2014
AICHR – Mandates & Functions

Article 4 of AICHR’s Terms of Reference lists 14 Mandates and Functions

- To develop strategies for the promotion and protection of human rights and fundamental freedoms to complement the building of the ASEAN community.

- To develop an ASEAN Human Rights Declaration with the view of establishing a framework for human rights cooperation through various ASEAN conventions and other instruments dealing with human rights.

- To enhance public awareness of human rights among peoples of ASEAN through education, research and dissemination of information.

- To promote capacity building for the effective implementation of international human rights treaty obligations undertaken by ASEAN member states.
AICHR Mandates & Functions

- To encourage ASEAN member states to consider acceding to and ratifying international human rights instruments.
- To promote the full implementation of ASEAN instruments related to human rights.
- To provide advisory services and technical assistance on human rights matters to ASEAN sectoral bodies upon request.
- To engage in dialogue and consultation with other ASEAN bodies and entities associated with ASEAN, including civil society organizations and other stakeholders, as provided for in Chapter V of the ASEAN Chapter.
- To consult, as may be appropriate, with other national, regional and international institutions and entities concerned with the promotion and protection of human rights.
AICHR Mandates & Functions

- To obtain information from ASEAN member states on the promotion and protection of human rights.
- To develop common approaches and positions on human rights matters of interest to ASEAN.
- To prepare studies on thematic issues of human rights in ASEAN.
- To submit an annual report of its activities, or other reports if deemed necessary, to the ASEAN Foreign Ministers meeting, and
- To perform any other tasks as may be assigned to it by the ASEAN Foreign Ministers Meeting.
AICHR – Composition & Term of Office

- Each member state appoints a representative, with a term of three (3) years, renewable for another term depending on the appointing state.

- Current AICHR Representatives include:

  Brunei – Mr. Pehin Dato Dr. Awang Hj. Ahmad bin Hj Jumat, former Minister of Culture, Youth & Sports

  Cambodia – Mr. Srun Thirith, former member of the Cambodian Human Rights Committee

  Indonesia – Mr. Rafendi Djamin, director of Human Rights Working Group
AICHR - Composition

- Laos - Mr. Phoukhong Sisoulath - formerly with the Ministry of Justice
- Malaysia - Mr. Dato Sri Muhammad Shafee Abdullah, University of Malaya
- Myanmar - Mr. U Kyaw Yint Swe, former vice-chair, National Human Rights Commission
- Philippines - Amb. Rosario Manalo, retired ambassador
- Singapore - Amb. Chan Heng Chee, former ambassador to the USA
- Thailand - Dr. Seree Nonthasoot, senior executive vice president, Institute for Public Enterprises
- Vietnam - Ms. Le Thi Thu, assistant to the former representative
What We Do – Network building

Working with FORUM-ASIA members in ASEAN countries, so far:
- Cambodia
- Indonesia
- Malaysia
- Myanmar
- Singapore
- Thailand
- Philippines
- Timor-Leste

Develop a regional network – 
Solidarity for Asian People’s Advocacy – Task Force on ASEAN and Human Rights (SAPA TFAHR) – consists of:
- FORUM-ASIA members/national focal points
- Regional networks
What We Do – Engaging AICHR

National Advocacy

- FA members/ national focal points develop communication with AICHR and Ministry of Foreign Affairs in-charge of ASEAN affairs
- Some governments are more accessible than others

Regional Advocacy

- Engaging AICHR, ACWC, ASEAN Secretariat, and other ASEAN key actors like the Permanent Representatives to the ASEAN
- Advocate for an institutionalized and inclusive venue for engagement with AICHR
What We Do – Advocacy

National Advocacy

- Engage AICHR and the Ministry of Foreign Affairs to advocate for universal human rights, *i.e.*, in the drafting process of the ASEAN Human Rights Declaration (AHRD)
- Consultation at the national level (only possible in some countries)

Regional Advocacy

- Submission of CSOs draft on the AHRD
- Request for consultations at the regional level
- Limited space for engagement with AICHR
Creating the Human Rights in ASEAN Online Platform (HRAOP)

A one-stop online resource platform of various materials related to ASEAN and human rights for lawyers and civil society leaders for widespread access and proactive engagement with the ASEAN human rights mechanisms.
For four years now, FORUM-ASIA has published an annual report on the performance of the AICHR, and since last year, ACWC was included in the assessment report.

The report has been used as one of the advocacy tools in engaging the AICHR and ACWC.

- 2010-2011 Report – A Commission Shrouded in Secrecy
- 2011-2012 Report – Still Window Dressing
- 2013 Report – Four Years On and Still Treading Water
What we do – Facilitating Submission of Cases

FORUM-ASIA submits petitions on cases, statements and open letters to the ASEAN, through its member states and/or its Secretariat in Jakarta.

It also facilitates possible meetings of victims and their families with AICHR/or any of its members.
What we do – Undertake trainings on Engaging the ASEAN Human Rights Mechanisms

Both at the regional and national levels, FORUM-ASIA undertakes trainings on engaging the ASEAN and establish focal points in each country/organization on ASEAN work.

FOCAL POINTS
- Organizational
- Country
- Regional
Key Challenges on Human Rights Advocacy in the ASEAN

- Particularity of Human Rights
- Limited Space for CSOs
- Non Interference Principle & Consensus
Advocacy Opportunities on Migration

Migration being a major aspect of the realities in the ASEAN region, it should be in the agenda of the ASEAN governments, on the level of policies and laws, rules and regulations and their implementation.

Points for advocacy:

- Creation of new laws that will benefit the migrants
- Repeal/amendment of existing laws that are detrimental to the migrants
- Responding to human rights violations of migrants
- Acceding to regional/international instruments on migrants and others relevant to migrants
- Appointment of AICHR/ACWC representative

Possible Targets

National
- Ministry of Foreign Affairs
- Ministry of Labor & Social Welfare
- Agencies dealing with Women
- HR Commission

Regional
- ASEAN++, ASEM, ILO, OIC
Salamat and MABUHAY!

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