

ABOUT the Asian NGOs Network on National Human Rights Institutions

The Asian NGOs Network on National Human Rights Institutions (ANNI) is a network of Asian human rights non-governmental organizations (NGOs) and human rights defenders engaging with national human rights institutions (NHRIs) in Asia. This network was established in December 2006 at the 1st Regional Consultation on Cooperation between NHRIs and NGOs in Asia, held in Bangkok, Thailand, which was organized by the Asian Forum for Human Rights and Development (FORUM-ASIA).

The goal of the ANNI is to help establish and develop accountable, independent, effective, and transparent national human rights institutions in Asia. The network pursues its advocacy at the national, regional, and international levels, on issues regarding NHRIs.

FORUM-ASIA is the designated convener of ANNI.

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ANNI Holds 3rd Annual Regional Consultation in Japan

From 4 to 5 March 2010, the Asian NGOs Network for National Human Rights Institution (ANNI) held its 3rd Regional Consultation in Tokyo, Japan, which was co-organised with its member in Japan, the Citizens' Council for Human Rights Japan (CCHRJ). ANNI members from several Asian countries attended the two-day consultation. Representatives from the Japanese government and from civil society organisations also attended the consultation.

The consultation was opened with a speech by Mr. Nobuo Matsuno, a Member of Parliament from the Democratic Party of Japan (DPJ) who noted that although Japanese civil society is very actively engaged with various human rights issues in Japan, there is still no governmental body established in the country mandated to look into human rights issues. Thus, he viewed the establishment of an NHRI in Japan as an important task for the Japanese government.

During the consultation, there was also a panel discussion wherein Mr. Ryoichi Hattori, a Member of Parliament from the Social Democratic Party (SDP) of Japan, talked about the importance of human rights education. This includes education not only at school but also the education for those who deal with human rights in the field, such as judges and public prosecutors. Prof. Nohyun Kwak, co-chair of the Korean House for International Solidarity (KHIS) also gave a substantial discussion on the significant role of NHRIs in the country, as well as the various models of NHRIs in different parts of the world.

At the end of the consultation, the ANNI acknowledged that an NHRI in Japan is important for the region as it has the possibility of being a leader in fostering a culture of human rights in Asia. The establishment of an NHRI in Japan will send a positive message to neighbouring countries and the international community that Japan is determined to strengthen its commitment to human rights.

The ANNI also resolved that it would stand together with civil society in Japan so that the proposed NHRI would be effective, transparent, independent and accountable.

In April 2010, the MP's union within the DPJ was established to specifically discuss the establishment of an NHRI in Japan. Also, Prof. Yozo Yokota, who has advocated human rights issues for many years in Japan, was appointed as the special advisor to the Ministry of Justice.



Panel discussion on the role of NHRIs in promoting and protecting human rights in the country: (L-R) Prof. Nohyun Kwak of Korean House for International Solidarity (KHIS), Member of Parliament Mr. Ryoichi Hattori (Social Democratic Party of Japan), and Ms. Maiko Tagusari of the Japan Federation of Bar Associations (JFBA).

Nepal: OHCHR Powers Curbed

The government of Nepal and the Office of the High Commissioner for Human Rights (OHCHR) signed an agreement in Geneva on Thursday, 10 June 2010, renewing the mandate of OHCHR's Nepal office for another one year. The OHCHR in Nepal has been the central body monitoring the peace process in the country, as well as promoting and protecting Nepal's democracy.

Under agreement, however, the OHCHR must close its four regional offices and can only visit sites with prior notice to the government. Moreover, it cannot make any recommendations to the parliament and courts on any issues. The agreement also states that the OHCHR can have access to all government documents 'except for those containing privileged information, and stipulated by the Interim Constitution of Nepal.'

The National Human Rights Commission (NHRC) of Nepal, in the past few months, has been quite critical about the presence of the OHCHR in the country. On 19 May 2010, Mr. Gauri Pradhan, an NHRC member told the media that the NHRC requested a curb on OHCHR's mandate in the changed political context. He argued that the OHCHR "cannot exercise sole authority and has to work as a supporting agency to the NHRC."

Many human rights groups in Nepal, however, are of the view that the OHCHR office in Nepal still plays a significant role in promoting and protecting human rights in the country. These groups stress that the NHRC of Nepal has been unable to adequately play such a role, considering several factors constraining its capacity. Moreover, the Nepal government is currently pushing for legislation to further clip the powers of the NHRC.

Human rights groups in the country argue that the Nepal government has an obligation to provide its citizens with functioning mechanisms to uphold justice and provide redress for human rights violations. If national mechanisms are manifestly failing at a time of crisis and declining human rights situation, the OHCHR should be allowed to continue to play an important role in the promotion and protection of human rights in Nepal. On the other hand, the NHRC must continue its cooperation with the OHCHR so that it can strengthen its own capacity by receiving technical assistance from the OHCHR. It should also strive to be more independent, transparent and accountable in its work to ensure that Nepal fulfils its international human rights obligations. ◦



Participants at the 1st National Training Workshop of the ANNI held in Taipei, Taiwan, pose for a group photo. The workshop was attended by Taiwanese civil society organizations and representatives from the government's Control Yuan. Experts such as former NHRCK Chair, Prof. Ahn Kyong-Whan, former NHRCK Director, Mr. Anselmo Lee, Mr. Ciaran O'Maolain from Northern Ireland, and People's Watch Executive Director Mr. Henri Tiphagne, were at the event to share their knowledge on NHRI issues.

ANNI Organizes 1st National Training Workshop in Taiwan

The Asian NGOs Network on National Human Rights Institutions (ANNI), together with the Taiwan Association for Human Rights (TAHR), organized the 1st National Workshop on NHRIs from 26 – 27 March 2010 in Taipei, Taiwan. The workshop was intended mainly to support key stakeholders from the government and civil society organizations in the country to enhance their understanding of the important role played by national human rights institutions (NHRIs) in the promotion and protection of human rights at the national level. The workshop was also aimed to build strong relationships with members and partners and various networks in Taiwan on the issue regarding NHRIs.

Many groups in Taiwan had expressed concerns that the establishment of an NHRI might not lead to a substantial change in the promotion and protection of human rights. They attribute this to the fact that Taiwan seems to be isolated from international human rights processes, especially those at the United Nations. Thus, this might prevent an NHRI of Taiwan to cooperate regionally and internationally with other NHRIs. Another concern is that there are already bodies at the national level, such as the Control Yuan, that are taking on some of the functions traditionally done by NHRIs. Hence, there may be no need any more for the establishment of an NHRI.

The workshop was attended by 30 participants from Taiwan NGOs, scholars, and representatives from the Control Yuan. In the workshop, Mr. Ciaran O'Maolain, a human rights consultant, shared his experiences in helping establish NHRIs in several territories, such as Scotland and Northern Ireland. Prof. Ahn Kyong – Whan, former chairperson of the National Human rights Commission of Korea (NHRCK), talked about the possible challenges that Taiwan will face in establishing an NHRI and the way the NHRI may engage with the legislative, judiciary and executive branches. Mr. Anselmo Lee, former Director General of the Policy and Education Bureau of the National Human Rights Commission of Korea (NHRCK), spoke about regional and international cooperation of NHRIs. Mr. Henri Tiphagne, Executive Director of People's Watch-India, talked about the various national human rights mechanisms, as well as how building a people's movement working for the establishment of an NHRI in the country.

At the end of the workshop, there was a plenary discussion wherein civil society groups from Taiwan discussed the concrete steps that they can take to further work for the establishment of an NHRI in Taiwan. ◦

Malaysia: HR Groups Criticize Flawed Selection Process

On 7 June 2010, the Prime Minister of Malaysia finally announced the appointment of seven (7) new members of the Human Rights Commission of Malaysia (SUHAKAM). These appointments came after more than 1 month of vacancies and an extremely flawed selection process heavily criticised by human rights groups in the country and in Asia.

The ANNI members in Malaysia, together with other human rights groups in the country, criticized the long delay in appointing the new commissioners and noted that this obviously shows the government's lack of commitment on human rights. They noted that this lack of commitment runs counter to the unambiguous pledge of the government to strengthen the SUHAKAM prior to being elected recently into the UN Human Rights Council.

Human rights groups in the country also criticized the selection process of the SUHAKAM commissioners, which they described as flawed since the very beginning, with little or no consideration of the principles of inclusiveness, transparency and openness. The selection of the commissioners was made by the Prime Minister upon consultation with a five member committee, of which three members were expected to be representatives from civil society. However, the names of these alleged civil society representatives have not been made public until today.

Human rights groups called on the newly-appointed commissioners to immediately show their independence from the government, to dispel any contrary perceptions, by having a vocal and clear position on the large shortcomings of the state in relation to human rights, starting with the major flaws in the selection process of SUHAKAM members. SUHAKAM's battered image both outside and within the country may only be salvaged by the newly appointed commissioners proving their credibility and independence. ◦

Prof. Amara Pongsapich, NHRCT Chairperson, (right) answers questions from the floor on the NHRCT's work during the Thai launch of the 2009 ANNI Report organized by the Working Group for Justice and Peace (WGJP) and the ANNI last December 2009



Thailand: NHRCT Must Address Violations during State of Emergency

The ANNI issued a statement on 16 June 2010 expressing its grave concern over numerous reports of human rights violations in Thailand during the series of violent protests that prompted the Thai government to place Bangkok and neighboring provinces under a state of emergency on 7 April 2010. In this statement, the ANNI urged the National Human Rights Commission of Thailand (NHRCT) to be more proactive in its steps to address these allegations of human rights violations.

From 12 March 2010 to 19 May 2010, the United Front for Democracy against Dictatorship (UDD), also known as "Red Shirt Movement", held a series of large scale political protests against the Thailand government. Initially, the protests were peaceful but tension grew as the protesters occupied the Ratchaprasong area, one of Bangkok's main commercial districts. The government later declared a state of emergency in Bangkok and its surrounding provinces and ordered a series of military offensives against the protesters.

The protests ended on 19 May 2010, after key UDD leaders surrendered to government authorities. In the aftermath of the protests, at least 80 civilians and 6 soldiers were reported killed. Moreover, at least 2,100 people were reported injured and several landmark properties were destroyed.

As the protests died down, numerous allegations of human rights violations were reported, many of which reports concerned alleged violations on the right to freedom of opinion and expression, enforced disappearances, unlawful arrests, arbitrary detention, and extrajudicial killings. To date, the emergency decree is still in force in Bangkok, and in provinces considered to be Red Shirt strongholds.

The NHRCT had already taken the initial steps of looking into allegations of human rights violations committed in the context of the crisis. These steps include convening a fact-finding body and assigning one of its members, Dr. Niran Pitakwatchara, to look into complaints surrounding the orders by the Center for Restoration of Emergency Situation (CRES) to detain anti-government activists.

However, the ANNI cited the General Observations of the International Coordinating Committee (ICC) of NHRIs, wherein it stated that during states of emergency, an NHRI should "conduct itself with a heightened level of vigilance and independence in the exercise of its mandate." Hence, the ANNI strongly urged the NHRCT to do more than the steps it is currently taking. It urged the NHRCT to have more constant engagement and communication with civil society groups and individuals who may have information or evidence that could shed more light on these allegations. It also urged the NHRCT to actively and publicly recommend to the government of Thailand that international human rights experts or relevant Special Procedures mandate holders be invited into Thailand to look into the current human rights situation of the country.

Thailand is currently seeking the presidency of the United Nations (UN) Human Rights Council. Thus, the ANNI urged the NHRCT to ensure that the government of Thailand continues to comply with its obligations under international human rights law. ◦

Members of the ANNI

ADVAR – Iran
Ain o Salish Kendra (ASK) – Bangladesh
Asian Forum for Human Rights and Development (FORUM-ASIA)
Cambodian League for Promotion and Defence of Human Rights (LICADHO)-Cambodia
Cambodian Working Group on the Establishment of an NHRI (CWG) - Cambodia
Center for Human Rights and Development (CHRD) – Mongolia
Citizens' Council for Human Rights Japan (CCHRJ) – Japan
Commission for Disappearances and Victims of Violence (KONTRAS) – Indonesia
Defenders of Human Rights Center – Iran
Education and Research Association for Consumer Education (ERA Consumer) – Malaysia
Hong Kong Human Rights Monitor (HKHRM) – Hong Kong
Human Rights Organisation of Kurdistan
Indonesian Human Rights Monitor (IMPARSIAL) – Indonesia
Human Rights Working Group (HRWG) – Indonesia
Informal Service Sector Center (INSEC) – Nepal
Institute for Policy Research and Advocacy (ELSAM) – Indonesia
International Campaign for Human Rights in Iran – Iran
Judicial System Monitoring Program (JSMP) – Timor Leste
Korea House for International Solidarity (KHIS) – Korea
Law and Society Trust (LST) – Sri Lanka
Lawyers' League for Liberty (LIBERTAS) – Philippines
Maldivian Democracy Network (MDN) – Maldives
People's Watch – India
Philippine Alliance of Human Rights Advocates (PAHRA) – Philippines
Suara Rakyat Malaysia (SUARAM) – Malaysia
Taiwan Association for Human Rights (TAHR) – Taiwan
Working Group for Justice and Peace (WGJP) - Thailand

ANNI Statement on the Failure of Governments to Appoint Members of NHRIs

10 June 2010

The Asian NGOs Network on National Human Rights Institutions (ANNI) expresses grave concern over the failure of certain governments in Asia to appoint members of their national human rights institutions (NHRIs) in accordance with the Paris Principles. The ANNI believes that this illustrates the lack of political will by these governments to strengthen their NHRIs so that these institutions can effectively discharge their mandates of promoting and protecting human rights in their countries.

To date, there are at least two (2) NHRIs in Asia that still do not have commissioners: the Human Rights Commission of Sri Lanka (HRCSL) and the Bangladesh National Human Rights Commission. While these NHRIs carry on without commissioners at the helm, human rights violations continue to take place in these countries. Meanwhile, the Human Rights Commission of Malaysia (SUHAKAM) was without commissioners for more than one month.

In Sri Lanka, 4 commissioners of Human Rights Commission (HRC) ended their terms in May 2009, while the commission's chairman also ended his term in December 2009. Since then, no commissioners and chairperson have been appointed. Meanwhile, more and more journalists, activists, and trade union leaders face tremendous challenges as undue restrictions are placed on their right to freedom of expression, in the context of an ongoing state of emergency and the draconian Prevention of Terrorism Act. Criticism of the state's human rights record by journalists, activists and trade unionists continue to be interpreted as supporting terrorist activities. As a result, violations of freedom of expression especially by imprisonment and threats to media have continued till today.

In Bangladesh, the chairperson and two commissioners of the National Human Rights Commission (NHRC) were appointed in December 2008. However, on 9 July 2009 the parliament passed a new law entitled the 'National Human Rights Commission Act 2009', which was approved by the President on 13 July 2009. Under the new law, the commission should have 1 full time and 6 part-time commissioners. However, before the new law came into force, the two commissioners that had already been appointed, resigned and the chairperson is now left alone sitting in the commission. New commissioners have yet to be appointed by the government. Like in Sri Lanka, media freedom is also unduly limited in Bangladesh. In 2 June 2010, for instance, Mr. Mahmudur Rahman, the acting editor of the Bengali Daily Amardesh, was arrested and the publication of his newspaper has been stopped. Before this, on 28 May 2010, the government shut down Channel 1, a private television channel, on grounds of alleged breach of terms. The Bangladesh government also blocked the social networking site, Facebook, on 30 May 2010, after it was discovered that satiric images of some politicians, including the Prime Minister and the leader of the opposition, have been uploaded on the website.

Finally, in Malaysia, it was only after more than one month that the Malaysian government sought to resolve the issue of absence of commissioners in SUHAKAM with the belated appointment of new commissioners on 7 June 2010. The previous batch of commissioners of SUHAKAM had ended their terms on 23 April 2010 and since then, the commission has received more than 136 complaints of allegations of human rights violations. There has been no investigation or further action thus far because of the absence of commissioners. Not only have the appointments been long delayed, Malaysian civil society organisations have also pointed out that the selection process has been flawed since the beginning, with little or no regard paid to the principles of openness, transparency and inclusiveness.

Sri Lanka, Bangladesh and Malaysia have been reviewed by the UN Human Rights Council under the Universal Periodic Review (UPR) and all three states have been recommended to strengthen their NHRIs and ensure that their NHRIs are able to operate independently and effectively for the promotion and protection of human rights in accordance with the Paris Principles.

It is clear therefore that the governments of Sri Lanka and Bangladesh have the obligation to strengthen their NHRIs by appointing commissioners at the soonest possible time through constitutional or statutory procedure that is respectful of the independence and pluralism of the NHRI. It is the responsibility of these states to continue their efforts in developing the work of NHRIs as an effective national human rights institution.

Moreover, that the Malaysian government left SUHAKAM without any commissioners for more than a month demonstrates its lack of commitment towards human rights despite being recently elected into the UN Human Rights Council and having unambiguously pledged commitment towards strengthening SUHAKAM during its candidature to the Council.

The ANNI strongly urges the governments of Sri Lanka and Bangladesh to fulfil their responsibilities in supporting the work of their NHRIs by appointing commissioners at the soonest possible time. The newly-appointed SUHAKAM commissioners, on the other hand, must immediately look into all pending complaints of human rights violations which were filed with SUHAKAM when commissioners were absent and respond proactively to all current human rights issues in the country. The NHRIs in these countries should be able to immediately start to function fully to deal with the human rights issues in these countries and promote and protect human rights effectively. ○



Participants at the Lucknow training (above) organized by People's Watch discuss HRD issues and the task of monitoring NHRIs

India: HRDs Prepare to Monitor NHRIs

People's Watch, ANNI member in India, organized a training of trainers, entitled "Capacity Building of Human Rights Defenders" from 12-14 April 2010, at Lucknow, India. The training in Lucknow is the second of two trainings funded by the Royal Netherlands Embassy and was attended by 97 human rights defenders from the northern states of India -- Maharashtra, Madhya Pradesh, Chhattisgarh, Uttar Pradesh, Uttarakhand, Himachal Pradesh, Bihar, Jharkhand, Delhi, Punjab, and Haryana. The first training was held from 22-24 February 2010 in Bangalore for human rights defenders from the southern states of India.

The Lucknow training was facilitated by Dr. R.J. Rajkumar, Ms. Emerlynn Gil of FORUM-ASIA, and Mr. Henri Tiphagne, the Executive Director of People's Watch. At the end of the workshop, the participants drew up plans for regional training programmes for HRDs in their respective states. At least 16 programmes will be conducted by these participants all over the northern states of India.

The facilitators also introduced national mechanisms for the protection of human rights defenders, such as India's national human rights institutions (NHRIs), and explained the importance of monitoring the performance of these NHRIs. There was unanimous agreement among the participants to become part of the All India Network of NGOs Working with National and State Human Rights Institutions (AINNI). Other groups that are members of this newly-constituted network are those that participated in the 10 state level meetings convened by People's Watch from November 2001 to April 2010. During these state level meetings, activists and various civil society groups shared their general observations and experiences from working with national and state human rights institutions. The information gathered from these state level meetings and inputs from the newly-constituted AINNI will be published in August 2010 as the country report from India in the annual report of the ANNI.

Another important outcome from the Lucknow training is the consensus by the participants to develop a National Platform of Human Rights Defenders and to adopt the decision taken by the participants in the Bangalore training to name this platform the Human Rights Defenders Alert. ○