

# ASIA IN THE COUNCIL

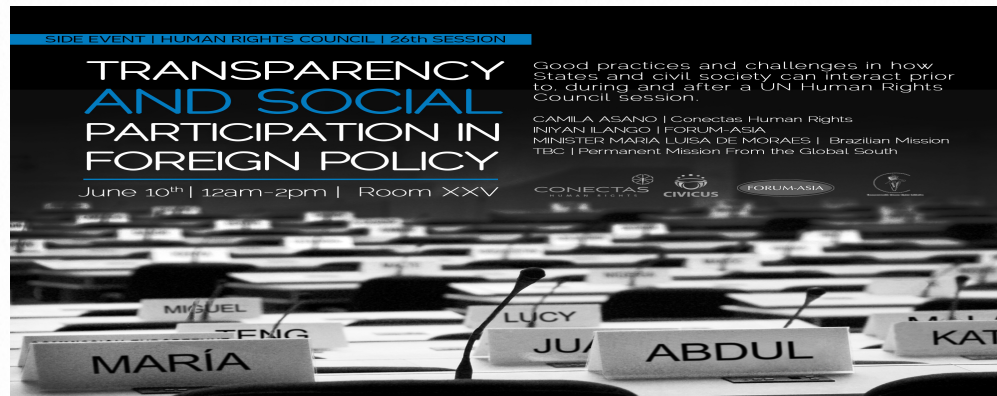
Asian views and perspectives on the UN Human Rights Council

Volume I, Issue II, July 2014 A news bulletin of the Asian Forum for Human Rights and Development



## Public Participation in Foreign Policy

### POLITICAL WILL TO END IMPUNITY IN MEDIA KILLING



Is there an increasing need to make foreign policy open to public participation? This was one of the key questions that were asked at a side event co-sponsored by Conectas Direitos Humanos, CIVICUS World Alliance for Citizen Participation, Asian Forum for Human Rights and Development and Commonwealth Human Rights Initiative on 10 June 2014 on the sidelines of the UN Human Rights Council.

The panel of speakers at this event consisted of Ms. Camila Asano from Conectas, Mr. R. Iniyan Ilango from FORUM-ASIA and Ms. Maria Luisa De Moraes, Minister-Counsellor at the Permanent Mission of Brazil to the UN in Geneva.

Presenting civil society views, Mr. R. Iniyan Ilango described the challenges of enabling public participation in foreign policy and Ms. Asano spoke on the efforts of her organisation in monitoring and advocating on foreign policy. It was stressed that foreign ministries in many developing countries remained insular and away from the public. While it was acknowledged that compulsions of diplomacy may require Foreign Ministries to adopt unique working methods, it was also argued that there is an important need for Foreign Ministries, especially in countries of the global South, to embrace transparency and engage with civil society groups. It was also further emphasised that foreign policy is also public policy and that the public should be consulted in foreign policy making in the same way they ought to be consulted in any government policy making. Such inclusion it was felt would only strengthen the Ministries and their abilities.

Ms. De Moraes highlighted several steps Brazil's Ministry of External Relations has taken over the years to engage with civil society. Several diplomats from Southern countries who were present amongst the audience enriched the ensuing discussions by describing different steps taken by their governments to move towards inclusive foreign ministries that are open to public engagement.

There was agreement in the room that meaningful engagement with the public is important for foreign ministries and that new measures and innovative working methods towards such engagement would be beneficial.

*Advocating for public participation in diplomacy on human right continues to be one of the core areas of FORUM-ASIA's UN Advocacy Programme. FORUM-ASIA will continue to seek out important opportunities for valuable discussions to further this advocacy.*

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We invite your feedback and suggestions on the format and contents of this bulletin. Your inputs are very valuable to us.

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UN Human Rights Council



How did Asia vote?





# UN- Political will the key to end impunity in media killing

Gayathry Venkiteswaran (Southeast Asian Press Alliance, Executive Director)



Relatives of the of the Maguindanao victims in the Philippines (photo via cpj.org )

The world’s human rights body in June heard that the lack of political will among states is one of the main impediments towards ending impunity killing of journalists. The OSCE (Organization for Security and Cooperation in Europe) Representative on Freedom of the Media Dunja Mijatovic went so far to say that states have employed delay tactics or cited considerations for local cultures, as stumbling blocks to resolving the cases.

“We need bold steps to end impunity, not diplomacy,” said Ms. Mijatovic, who has been vocal against the continued threats against journalists and media in Europe.

Speaking at the panel on Safety of Journalists at the 26th Session of the Human Rights Council on 11 June 2014, Mijatovic said she was rather pessimistic about seeing improvements in the protection of individuals and free speech.

*“We need bold steps to end impunity, not diplomacy”*

The panel was the first since the UN General Assembly adopted a resolution (A/RES/68/163) on the safety of journalists and the issue of impunity in December 2013. It was scheduled on the second day of the 26th session, with an opening reminder by the outgoing Human Rights Commissioner Navi Pillay that the safety of journalists “is quite simply essential”.

Panelists also included Mr. Gatechew Engida, Deputy Director-General of UNESCO, Mr. Frank La Rue, Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Ms. Abeer Saady, Journalist and Vice-President of the Syndicate of Journalists of Egypt, and Mr. Frank Smyth, Journalist and Senior Adviser to the Committee to Protect Journalists.

Mr. La Rue said ultimately it's with internal mechanisms at the national and local levels, to address the problem of impunity, stressing similarly on the absence of political will in countries with worrying trends of threats against journalists.

For media freedom activists in Southeast Asia, where Philippines has the unfortunate label of being one of most dangerous countries for the media, the attitude of governments towards freedom of expression and media freedom can be best described as lukewarm or outright adversarial.

Despite the adoption of the ASEAN (Association of Southeast Asian Nations) Human Rights Declaration in 2012, there is little in the way of a regional mechanism to act as alternative remedies to the dearth of national commitment and actions to bring perpetrators to justice and provide a safe environment for the media and individual expression.

“There should be ombudsmen or special Rapporteurs on freedom of expression in every country and region, like the ASEAN,” La Rue recommended. Crimes and violence against journalists must be fully investigated, he said, because we have to assume that these happen because of the nature of their work.

It remains to be seen if the UN resolution will compel states to be more proactive in reversing the trends in impunity killings. The record has not been encouraging as previous resolutions on protection of journalists have largely been ignored. Nevertheless, the latest resolution can provide a focus for civil society and media to hold states accountable.

As the panelist, Mr. Smyth rightly pointed out in the panel discussion, the concrete steps from this point onwards is for states to be transparent about attacks on journalists and to what extent cases are brought to court.

Media NGOs globally, including the Southeast Asian Press Alliance (SEAPA) and its members, had begun to commemorate a global campaign to end impunity in 2011 on November 23, following the brutal killing of 32 media workers in the south of Philippines in 2009. President Benigno Aquino III has yet to honour his pledge in combating the problem of impunity, instead, his administration has seen an escalation in the number of journalist killings.

The campaign will continue this year to encourage different stakeholders to move the agenda to end impunity forward. As a start, SEAPA recommended that the ASEAN human rights commissioners conduct a thematic study on impunity and allow for cases to be submitted to them. The regional network will also focus its annual journalism fellowship program this year to the problem of impunity in the Philippines.

FORUM-Asia together with SEAPA made an oral statement during the session on safety of journalists

[FORUM-ASIA oral statement: Item 3: Interactive Dialogue with the Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression and the Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association](#)

# CIVICUS 2014 State of Civil Society Report: Mass protests and ‘reimagining global governance’

Mandeep Tiwana (Head of Policy and Research, CIVICUS)



Police crackdown in Phnom Penh, Cambodia (photo via Omar Havana/Getty Images)

Globally, there is a crisis in governance. This is playing out on the streets. Increasing numbers of people are protesting to express their frustration at the failure of power holders to act in the best interests of citizens.

CIVICUS’ State of Civil Society Report provides a snapshot of protest hotspots around the world, including in several countries in South and South-east Asia such as Bangladesh, Cambodia, Malaysia and Thailand where a deep discontent with corruption and authoritarian government drove people onto the streets in 2013-2014. While the mobilisations of dissent have different local inspirations, and varying trajectories of success, they share striking commonalities to broader issues of dissatisfaction with people’s lack of voice, the behaviour of political and economic elites, corruption and inequality. Moreover, the protests have inadvertently been encouraged by a heavy-handed state response to mass mobilisations.

Another commonality in many of the on-going global protests is in tactics, with substantial use of mobile technology and social media; creative, attention-grabbing techniques; the nonviolent occupation of public space; and loose organisational structures with an absence of hierarchy and a commitment to participatory democracy.

Notably, the protests are taking place in countries - including in Asia - that have made substantial gains on economic indicators and are not necessarily being driven by the poorest and most marginalised people. This suggests that people want more than the formal right to participate in elections, and want to see more than a growth in Gross Domestic Product (GDP). And they are making new channels for their demands.

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Walk against the Sedition Act in Kuala Lumpur, Malaysia (photo FORUM-ASIA)

Protesters see established politics as not addressing the issues they care about. In doing so, they have identified a democratic deficit. Traditional party politics are therefore being rejected as being complicit in the status quo and inadequate in the opportunities they offer for voice, and new civic, political arenas are being formed.

One would hope that those being repressed, marginalised or excluded at the national level would be heard and protected by institutions at the international level – but global governance is not working either. Many of our international institutions and processes are out of date, unaccountable and unable to address present-day challenges effectively. International governance institutions with limited scope for people’s participation risk becoming irrelevant.

To make matters worse, the things that people are expressing their anger about – inequality, lack of voice, low wages, unemployment – are not being tackled by international institutions, and in some cases they are complicit in promoting the interests of global capital.

Millions of citizens are therefore facing what we call a ‘double democratic deficit’: at both the national and international level citizens are not heard and their voices not taken into account.

These are the findings of the CIVICUS State of Civil Society Report 2014 which draws on contributions from more than 30 of the world’s leading experts on civil society. The report also contains the results of a pilot project, based on research conducted by CIVICUS with more than 450 civil society representatives, which assesses how intergovernmental organisations (IGOs) engage civil society.



## UN Human Rights Council: How did Asia vote?

Adam Ahmed (UN Advocacy Programme Officer, FORUM-ASIA)

26th regular session of the Human Rights Council saw the adoption of 32 resolutions, 23 of which were adopted by consensus while 9 required voting. Figures below show how the Council voted on these resolutions and the positions of Asian states (number of Asian votes and how each Asian State voted) on each of these resolutions.

Deliberations and voting on resolutions once again exposed inconsistencies in Asian states' positions when it comes to human rights. During this session many Asian states betrayed an aversion to proposals that emphasise on state responsibility in promotion and protection of human rights. Many also displayed their proclivity to infuse human rights norms with vague innumerable propositions in order to dilute international human rights discourse.

For instance, during this session majority of Asian states rejected a resolution that demands an end to death penalty (A/HRC/RES/26/2) by arguing that it is important to maintain state prerogative to make and implement laws according to its cultural, religious or social particularities. At the same time most Asian states voted in favour of two resolutions that appear to overlook the very grounds on which they decided to reject the resolution on the death penalty: state responsibility to promote and protect human rights of citizens. Resolution on the human rights peasants and other people working in rural areas (A/HRC/RES/26/26) and resolution to extend the mandate of the independent expert on human rights and international solidarity (A/HRC/RES/26/6) have been criticised for failing to take in to account the state responsibility to protect human rights at the national level.

All Asian states except Japan and South Korea joined the African group in support of a regressive protection of the family resolution (A/HRC/RES/26/11) tabled by Egypt and number of other states. This resolution could dangerously narrow the definition of the family and roll-back the progress towards the protection of women's rights, children's rights and LGBTIQ rights. Before the vote on the resolution, most Asian states joined the African group and OIC states to reject an amendment proposed by Ireland, Uruguay, Chile and France to recognise in the resolution existence of various forms of the family.

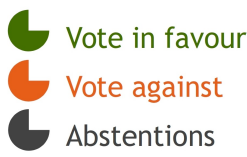
The 26th session of the Council laid bare regional inconsistencies and discriminatory behaviour of Asian states with regard to the country-specific resolutions.

It is notable that Asian states that rejected an OHCHR-led investigation into war crime allegations in Sri Lanka in March as undue interference in domestic affairs of a sovereign country changed their positions and joined the consensus on the resolution on human rights situation on Eritrea (A/HRC/RES/26/24). This resolution established a commission of inquiry on Eritrea without the consent of Eritrea as the country

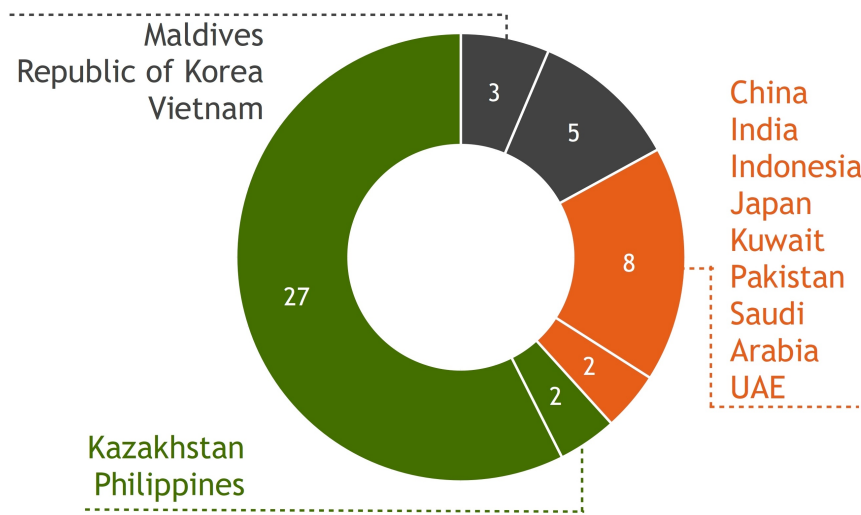
concerned. However, in contrast only seven out of thirteen Asian states in the Council felt that blatant violations of human rights in Syria (A/HRC/RES/26/23) warrant Human Rights Council's attention. And only Japan, Maldives and South Korea believed allegations of systematic repression and human rights abuse in Belarus (A/HRC/RES/26/25) deserve the Human Rights Council's attention.

Most Asian states are ardent supporters of the idea that the consent of the state concerned is necessary for the Council to pay attention to human rights situations in particular countries. However, majority of them did not see Ukraine's own sponsorship of the resolution urging cooperation and assistance to Ukraine in the field of human rights as consent to consider human rights situation in Ukraine by the Council.

Lastly it is commendable that despite tremendous opposition from WEOG countries, Asian states supported the Ecuador and South Africa-led initiative to elaborate an international legally binding instrument on transnational corporations and other business enterprises with respect to human rights (A/HRC/RES/26/9). With the adoption of the resolution, the Council decided to establish an open-ended intergovernmental working group to elaborate an international legally binding instrument as part of international human rights law to regulate activities of transnational corporations.

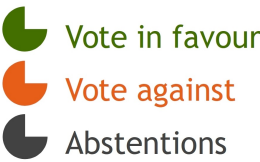


A/HRC/RES/26/2 The question of the death penalty

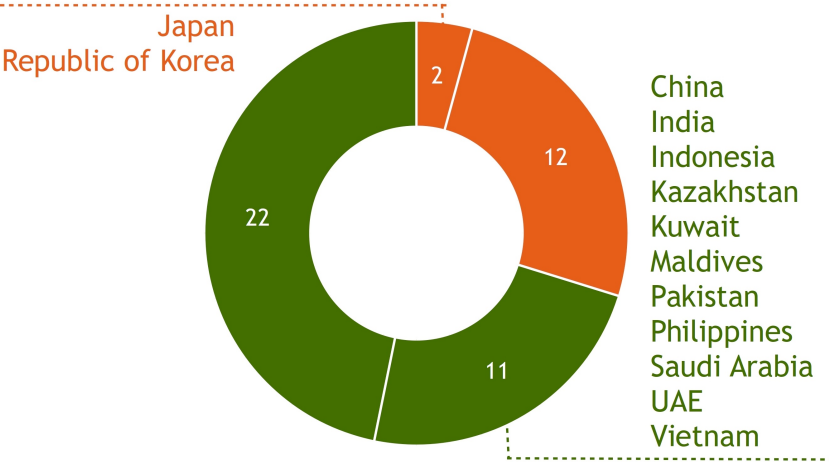




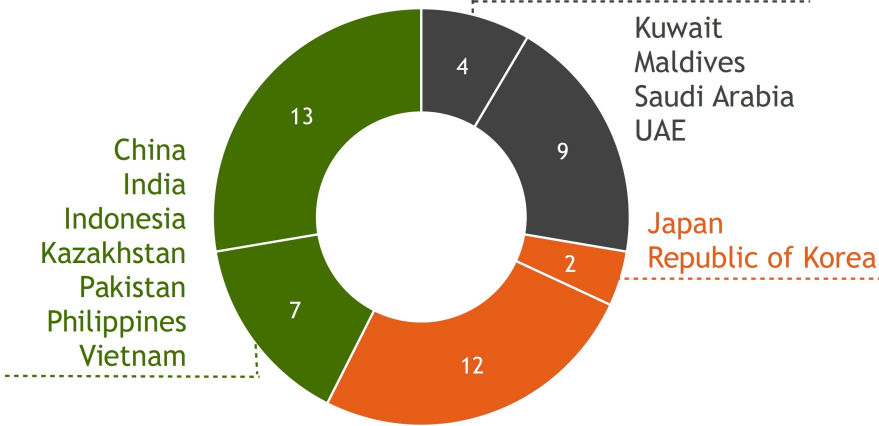
UN Human Rights Council: How did Asia vote?



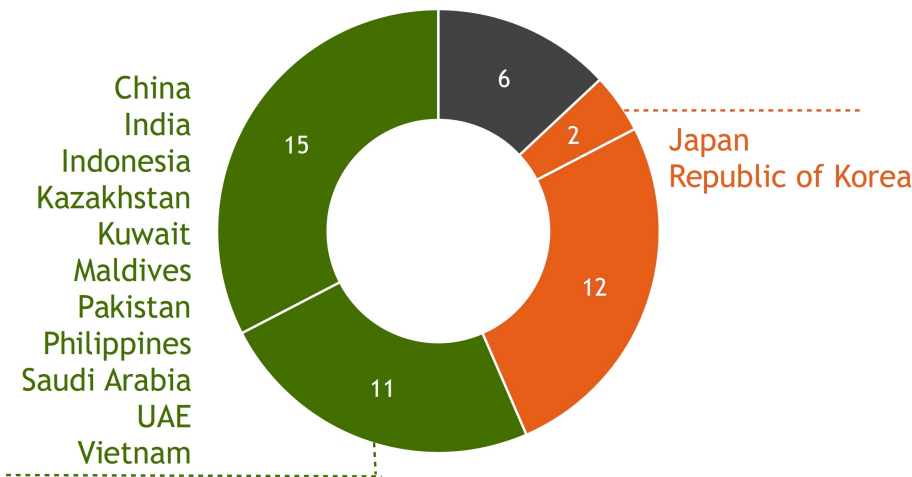
A/HRC/RES/26/6 Mandate of the independent expert on human rights and international solidarity



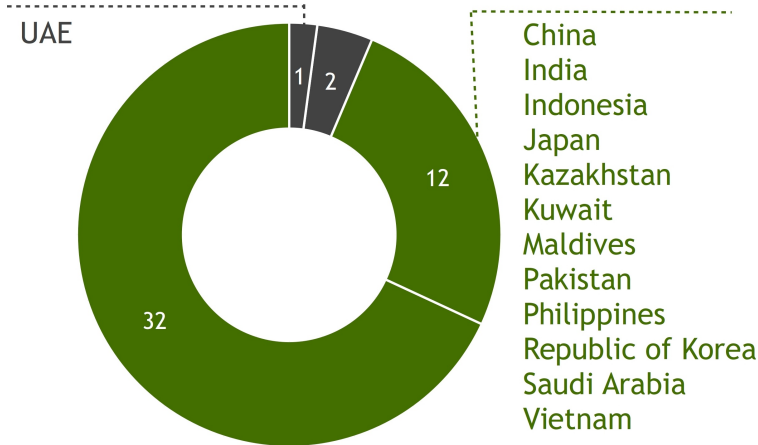
A/HRC/RES/26/9 Elaboration of international legally binding instrument on Transnational Corporations and Other Business Enterprises with respect to human rights



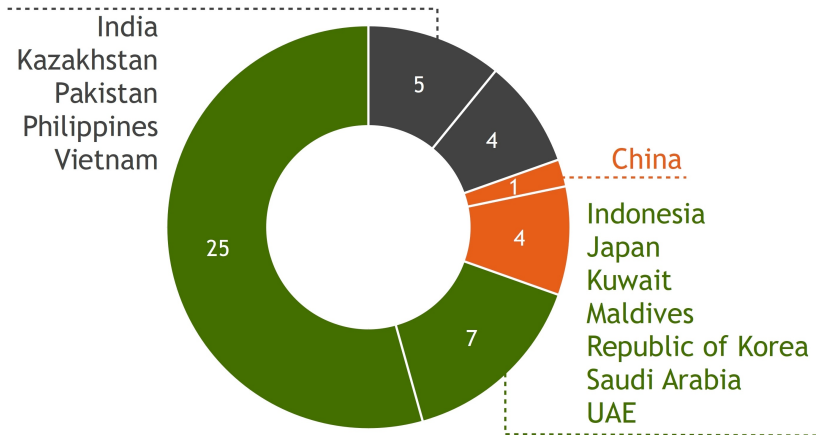
A/HRC/RES/26/11 Protection of the family



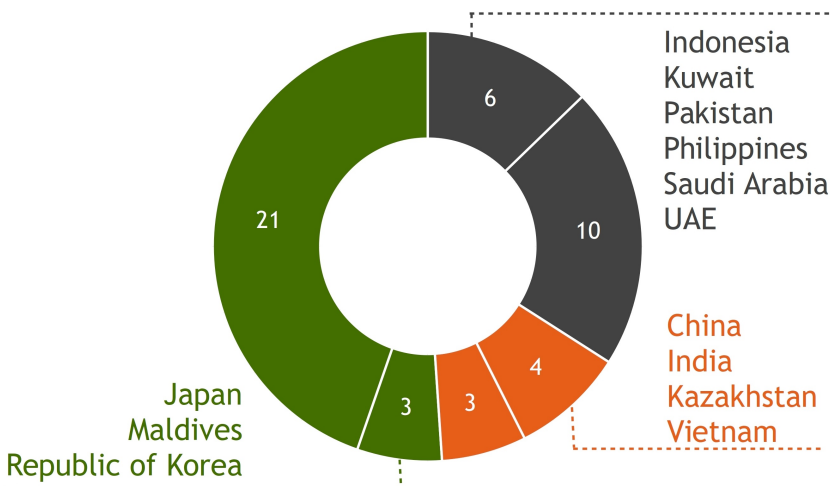
A/HRC/RES/26/16 Human rights and the regulation of civilian acquisition, possession and use of firearms



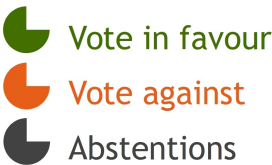
A/HRC/RES/26/23 The continuing grave deterioration in the human rights and humanitarian situation in the Syrian Arab Republic



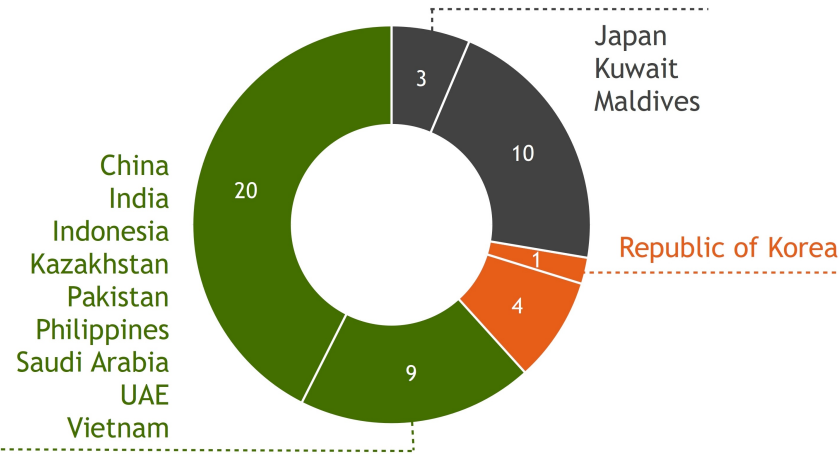
A/HRC/RES/26/25 Situation of human rights in Belarus



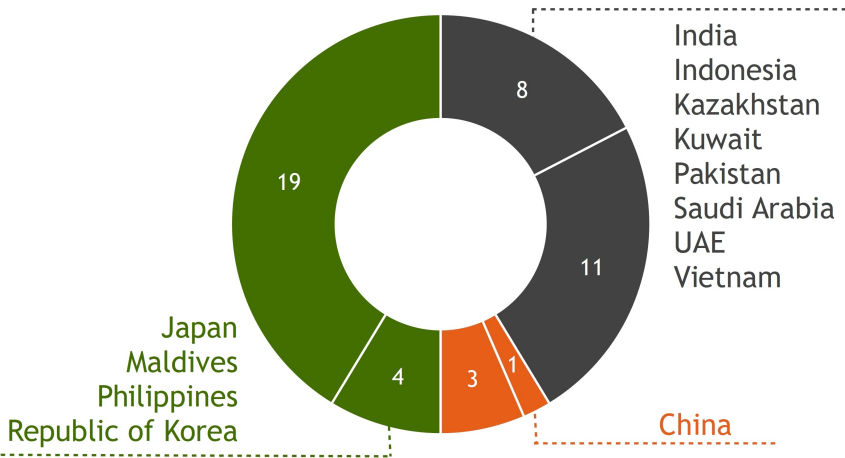
# UN Human Rights Council: How did Asia vote?



A/HRC/RES/26/26 Promotion and protection of the human rights of peasants and other people working in rural areas



A/HRC/RES/26/30 Cooperation and assistance to Ukraine in the field of human rights





# ALRC's Parallel Event at the UN HRC on Rule of Law in Bangladesh

Mohammad Ashrafuzzaman (Programme Coordinator, Asian Legal Resource Center)



Protestant immobilized by the Rapid Action Battalion (RAB) (photo via Odhikar)



Garment workers protesting in Dhaka (photo via Munir Uz Zaman / AFP / Getty Images)

Six international human rights organisations focussed on the Rule of Law in Bangladesh at a parallel event organised during the 26th Session of the UN Human Rights Council. The Asian Legal Resource Centre (ALRC) and CIVICUS: World Alliance for Citizen Participation along with the World Organisation Against Torture (OMCT), International Federation for Human Rights (FIDH) and Human Rights Watch (HRW) hosted the event on 19 June 2014 at Palais Des Nations. The International Commission of Jurists (ICJ) also participated in the event. Mr. Mandeep Tiwana, Head of Policy and Research of CIVICUS, chaired the event.

The speakers raised issues relating to the functionality and credibility of basic institutions that are required to uphold the rule of law in Bangladesh. Hong Kong based ALRC's Programme Coordinator Md. Ashrafuzzaman stated that Bangladesh's justice apparatus in particular is unable to protect rights and guarantees to the citizens.

*Bangladesh's justice apparatus in particular is unable to protect rights and guarantees to the citizens*

He explained that the basic institutions that are required to uphold the rule of law in Bangladesh, like the judiciary and the country's entire administrative framework lack moral, intellectual and infrastructural capacity to undertake their mandate.

Bangladeshi rights group, Odhikar's secretary Adilur Rahman Khan highlighted the abuse of Bangladesh's Information and Communication Technology (ICT) Act, 2006, and expressed apprehensions at moves to make new laws to control NGOs. Being a victim of 62 days' arbitrary detention in a fabricated case under the ICT Act Mr. Khan told the audience how he and his organisation have been persecuted by the government in Bangladesh.

OMCT's Secretary General Gerald Staberock underlined the existence of a culture of impunity that leaves perpetrators of human rights abuses unaffected. Military and paramilitary forces and the police in Bangladesh commit crimes like torture, extrajudicial executions and disappearances at home. They enjoy impunity and go unpunished. The same perpetrators get opportunity to participate in the UN Peacekeeping Missions.

ICJ's International Legal Advisor Reema Omer shared her research findings about the ICT Act. She explained how the abuse of this law stifles the freedom of expression in Bangladesh.

Ms. Renate D. Bloem, UN Representative of CIVICUS, stated that Bangladesh is following the government of Rwanda in adopting laws to control NGOs controlling.

The speakers also demanded the release of a detained newspaper editor and urged the international community to intervene in bringing changes to the rule of law situation in Bangladesh.



## About Us

**The Asian Forum for Human Rights and Development (FORUM-ASIA)** is a membership-based regional human rights organisation working to promote and protect all human rights, including the right to development, through collaboration and cooperation among human rights organisations and defenders in Asia.

**FORUM-ASIA** was founded in 1991 in Manila and its regional Secretariat has been located in Bangkok since 1994. It has Special Consultative Status with UNECOSOC and operates an international office in Geneva, Switzerland as well as an office in Jakarta for ASEAN advocacy work.

At present, **FORUM-ASIA** has 47 member organisations from 16 Asian countries across South Asia, Southeast Asia and Northeast Asia.



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