

Regional Consultative Campaign Meeting on the Abolishment of Death Penalty in ASEAN

Jakarta, April 22-23, 2016

Background

All ASEAN Member States are members of the United Nations. Article 3 of the Universal Declaration of Human Rights states that 'everyone has the right to life, liberty and security of person'. Moreover, Article 5 of the Declaration states that 'no one shall be subject to torture or to cruel, inhuman or degrading treatment or punishment'. The death penalty is the ultimate denial of the right to life, a violation of fundamental human rights.

South-East Asia (SEA) is a region where capital punishment remains a general standard, with strong roots in local history, cultures and religions/beliefs. Among the ASEAN Member States, only two- namely the Philippines and Cambodia - abolished the death penalty for all crimes. Only the Philippines, however, have ratified the Second Optional Protocol to the International Covenant on the Civil and Political Rights (ICCPR). Cambodia still needs to ratify the second optional protocol of the International Covenant on Civil and Political Rights (ICCPR) aiming at the formal abolition of the death penalty. Brunei, Laos, and Myanmar have respectively had de facto moratorium on the death penalty. Malaysia, Singapore, Thailand, Indonesia, and Viet Nam actively apply the death penalty including for drug trafficking. In Malaysia and Singapore, the trend in the number of executions is decreasing, though Singapore has resumed executions in 2014 after none in 2013. Indonesia and Vietnam also resumed executions in 2013 after a recess of respectively 4 and 1 year. Indonesia has executed 14 Indonesian and foreign nationals for drug offenses since January 2015.

The scope of the death penalty in SEA retentionist countries remains often beyond the international standard (Art. 6 ICCPR) of limiting it to the most serious crimes (i.e. culpable homicide/murders), with the death penalty kept for drugs-related crimes and, in some cases, even for some economic offenses. Some countries (e.g. Malaysia) retain mandatory death penalty, notably for drugs-related offences, against international standards that require that the circumstances of each offense and offender must be individually considered (Art. 6 and Art. 7 of ICCPR). Yet, in spite of the fact that several States have not ratified ICCPR (Brunei, Malaysia, Myanmar and Singapore), steps have been taken to revise the scope of the death penalty in criminal codes, notably in Laos, Malaysia and Singapore. Laos and Singapore accepted recommendations for death penalty reforms in their latest Universal Periodic Review and Cambodia accepted recommendations to ratify the ICCPR second optional protocol. Thailand's third National Human Rights Plan of Action (2014-2018) outlines a new plan for abolition, which includes research on required legal and constitutional changes, plans for public opinion consultation in four regional meetings, and a subsequent debate in parliament on the death penalty.

The movement towards the abolition of death penalty is moving. Several governments such Laos, Malaysia, and Singapore have taken steps to start revising the scope of death penalty in their criminal law. Laos and Singapore accepted recommendations for death penalty reforms in their latest Universal Periodic Review and Cambodia accepted recommendations to ratify the ICCPR second optional protocol. Thailand's third National Human Rights Plan of Action (2014-2018)

outlines a new plan for abolition, which includes research on required legal and constitutional changes, plans for public opinion consultation in four regional meetings, and a subsequent debate in parliament on the death penalty. At the regional level, the initial discussion toward the abolition of death penalty had been initiated by three AICHR representatives (Indonesia, Thailand, and Malaysia) since 2014. Such discussion was formulated under the right to life program. Nevertheless, it is not really clear whether such initiative will be taken into one of the AICHR's research priorities for 2016 .

These developments provide a window of opportunity for the Civil Society to intensify its engagement on the abolition of death penalty in South East Asian region by supporting domestic process and actors, promoting regional dialogue, putting pressure to all relevant actors as well as highlighting best practices exchange among ASEAN countries. Such advocacy strategies should also be backed up by an integrated campaign at national and regional levels to end capital punishment in the regional. For that reason, the Indonesia Coalition on the Abolition of Death Penalty (ICADP) was launched to gather all civil society in the region to support the regional and national campaigns on the abolition of death penalty. Together we can achieve our goal to end capital punishment.

Objectives:

The consultative meeting is aimed to achieve several objectives:

1. To get an update on current development of death penalty issue in South East Asia region. Mapping is important considering the diversity of political and institutional context, local environment, stakeholders communication priorities and cultural sensitivities.
2. To establish a regional platform for further discussion on this issue.
3. To share perspective on how to create an effective material campaign on the abolishment of death penalty in ASEAN
4. To established communications plan and activities in support of regional action on the abolition of the death penalty

Output:

The regional consultative meeting is expected to provide:

1. Mapping CSO advocacy on the abolition of death penalty;
2. Regional and national message & campaign strategies including activities
3. Synergy between regional and national campaigns, including timeline and agenda

Participants:

The ICA DP will invite representatives from CSO coming from each ASEAN Member States (except from Indonesia). Two representatives of AICHR from Thailand and Indonesia are also invited. The total number of participants will be 55 (36 CSO representatives from 9 AMS, 2 representatives from Thailand and Indonesia, 17 representatives from Indonesia – Particip, CSO representatives). Some participants are self-funded.

Time and Venue

22 - 23 April 2016 in Swissbell Hotel Kalibata, Jakarta (*tentative*)

Proposed Agenda

Date	Time	Activites
Thursday, 21 April 2016	13.00 - ...	Check in to all participants
Friday, 22 April 2016	08.30 – 09.00	Registration of participants
	08.55 – 09.00	Opening by MC
	09.00 – 09.30	Opening Session Welcome Remarks and Introduction: <ol style="list-style-type: none"> 1. Rafendi Djamin, Steering Committee of ICADP 2. Dinna Wisnu, PhD, Indonesia Representative to AICHR
	09.30– 10.45	Session One: National Update Presented by: <ol style="list-style-type: none"> 1. Shamini Darsni, Amnesty International Malaysia 2. Sinapan Samydorai, Think Centre Singapore Moderator: Ricky Gunawan , Community Legal Aid Institute Indonesia
	10.45 – 11.00	Coffee Break
	11.00 – 12.45	Session Two: National Update Presented by: <ol style="list-style-type: none"> 1. Poengky Indarti, Imparsial 2. Piyanut Kotsan, Amnesty International Thailand 3. Aung Myo Min, Equality Myanmar Moderator: Sumitha , Malaysia Bar Council
	12.45 – 13.45	Lunch
	13.45 – 15.30	Session Three: Regional Update

		<p>Presented by:</p> <ol style="list-style-type: none"> 1. Dr. Seree Nonthasoot, Thailand Representative to AICHR 2. Charles Hector, Anti Death Penalty Asia Network (ADPAN) <p>Moderator: June Viterbo, FLAG Philippines</p>
	15.30 – 16.00	Coffee Break
	16.00 – 18.00	<p>Session Four: Proposed Regional Campaign Strategy</p> <ul style="list-style-type: none"> - Message - Ambassadors - Movies Screening - Website Materials - Activities and Timeline <p>Presented by: Patricia Waagstein, Regional Campaign Team Leader of ICADP</p> <p>Moderator: Ravi Madasamy, Anti Death Penalty Asia Network (ADPAN)</p>
Saturday, 23 April 2016	09.00 – 10.30	<p>Session Five: Working Group to discuss national campaign agenda and timeline (each working group will select the chair and rapporteur among themselves)</p>
	10.30 – 10.45	Coffee Break
	10.45 – 12.30	<p>Session Six: Plenary to discuss national and regional campaign, campaign agenda and timeline</p> <p>Facilitated by: Patricia Waagstein</p>
	12.30 – 13.30	Lunch
	13.30 – 15.00	Session Seven: Second session of Plenary
	15.00 – 15.15	Closing Remarks:

		Rafendi Djamin , Steering Committee of ICADP
Sunday, 24 April 2016	12.00 - ...	Check out to all participants