

OUR STRUGGLE FOR HUMAN RIGHTS 25 YEARS OF FORUM-ASIA



Asian Forum for Human Rights and Development

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HUMAN RIGHTS
25 YEARS OF FORUM-ASIA**



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FOREWORD

On the occasion of FORUM-ASIA's 25th Anniversary, we are launching this publication as part of our 25th Anniversary campaign.

As we celebrate 25 years of FORUM-ASIA's struggle for human rights, we look back at our beginnings and reflect on the vision and the mission we have committed ourselves to accomplish. We look back and assess what we have done and what we have failed to do. We look back and appreciate our milestones through the situations we have dealt with, like our very first mission to Burma, the cases we have campaigned on, like the cases of Aung San Suu Kyi, Xanana Gusmao and other political prisoners, and the victims, their families and communities we have helped, like the people of Aceh and Timor-Leste.

We recall the many trainings, conferences, protest mobilisations and solidarity actions we have organised, the lobby with Governments through all possible avenues we could use, including the United Nations (UN) and the International Criminal Court (ICC) – all in our search for justice and protection of human rights for all, especially for

those victimised, marginalised and discriminated against during those difficult years in the past characterised by repressive regimes, conflicts and transitions to democracy.

I have been privileged to be part of FORUM-ASIA from its beginning till now, in different stages of its development, in different capacities. I have been witness to some of its ups and downs, its triumphs and victories, as well as its often difficult internal transitions. As a membership-based organisation, it has endured the challenges that go with its nature as a membership network and survived the test of time. Indeed, the organisation has grown – from its 19 founding members to around 50 we have now, from a two-staff room-office to 25 staff with three more offices in Geneva, Jakarta and Kathmandu. And with these changes and developments, FORUM-ASIA has become a key player and contributor to the promotion and protection of human rights in Asia.

The publication **Our Struggle for Human Rights – 25 Years of FORUM-ASIA** features many, if not all of these narratives of the past two decades and a half of FORUM-ASIA's existence. It also includes, based on these narratives, lessons learnt and other reflections. It tries to present the future of human rights and democracy in the region. This vision is based on a collective process of projecting and envisioning the future of human rights and democracy through a series of workshops, interviews and written submissions, as part of the preparation for the 2016 General Assembly and 25th Anniversary celebration of FORUM-ASIA. With the emerging trends in human rights and democracy, we foresee an even more challenging future ahead.

The struggle goes on as we look forward to another 25 years of commitment towards the promotion and protection of human rights and democracy in the region, and elsewhere in the world.

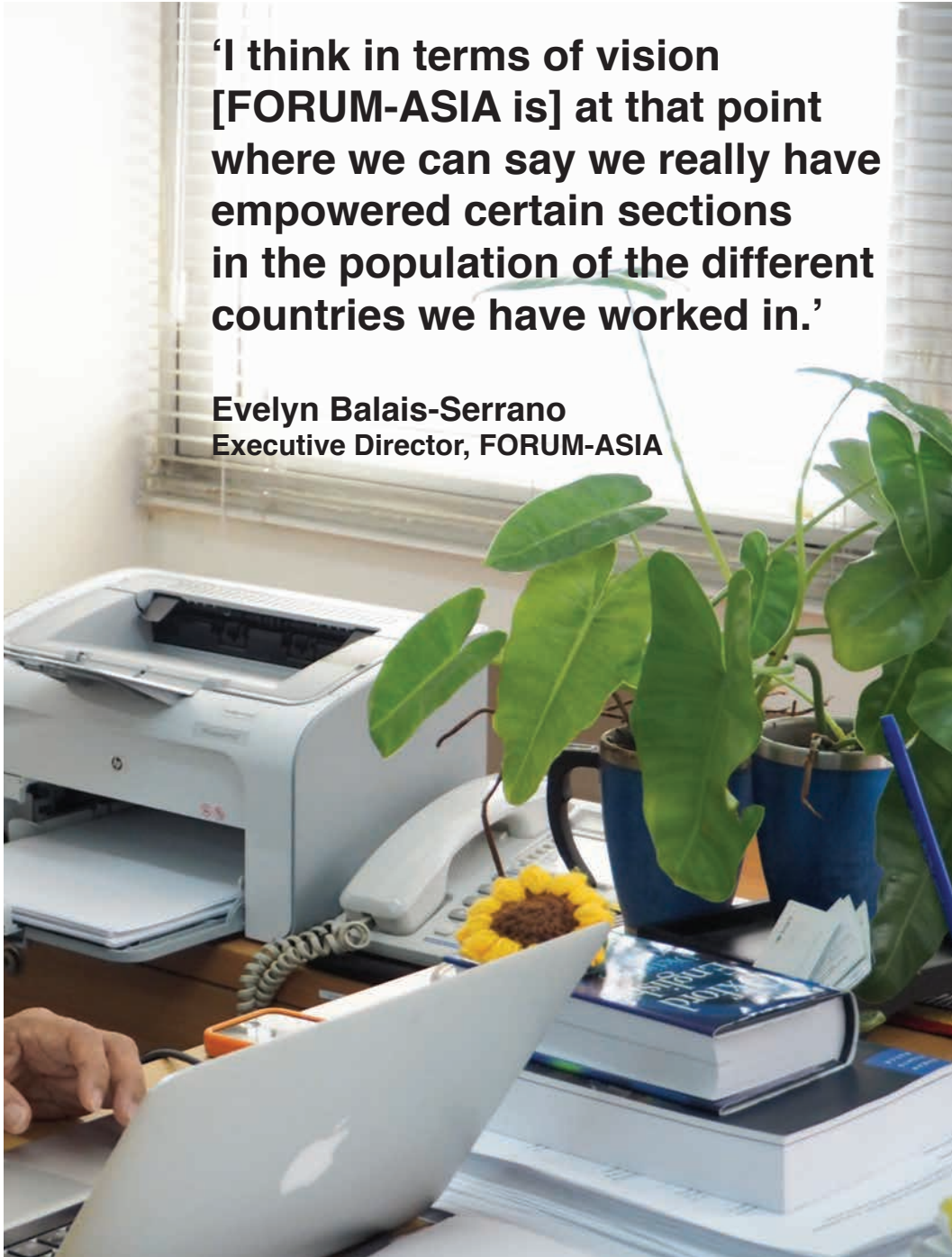
MABUHAY!

Evelyn Balais-Serrano
Executive Director of FORUM-ASIA



‘I think in terms of vision [FORUM-ASIA is] at that point where we can say we really have empowered certain sections in the population of the different countries we have worked in.’

**Evelyn Balais-Serrano
Executive Director, FORUM-ASIA**



INTRODUCTION

In 2016 the Asian Forum for Human Rights and Development (FORUM-ASIA) celebrates its 25 year anniversary. 25 years of promoting and protecting human rights. 25 years of trainings, campaigns, advocacy efforts, and much more. This is both a reason for celebration and reflection. To reflect on what we have done, what lessons we have learnt, and what we see as priorities for the future. The following publication aspires to do just that.

FORUM-ASIA is a network of human rights organisations from all over Asia. FORUM-ASIA's mission is to strengthen the human rights movement in Asia through advocacy, capacity building and solidarity action. It was established in 1991, and currently has members in over 20 countries across the region.

The publication you hold in your hand, is part of a campaign to celebrate 25 years of FORUM-ASIA. An online version, which will include a lot of additional videos, articles and other content, is available at <https://25.forum-asia.org>. 'Our Struggle for Human Rights – 25 years of FORUM-ASIA', hopes to reflect on and learn from the past, showcase accomplishments, and look towards the future. While it is being published as part of the anniversary of FORUM-ASIA, it hopes to be of value for all that are or who desire to become involved with the human rights movement in Asia.

The publication features four types of content, being:

- *Thematic/reflective chapters* – which were written based on inputs from a range of people, and reflect on: the history of FORUM-ASIA; the history of the human rights movement in Asia; lessons learnt from 25 years of human rights work; and the future of human rights in Asia,
- *Case-studies* – stories from across the region that highlight different specific experiences of human rights defenders (HRDS) from the last 25 years,
- *Spotlights on people* – photos and quotes from different people that contributed to this publication, as well as short commemorations of important people that have been lost along the way, and
- *Organisational profiles* – organisational information of the current FORUM-ASIA members.


The content for this publication was collected in different ways. 36 people were interviewed, some 80 participated in different meetings and consultations, and some 35 submitted written inputs. Documents from the FORUM-ASIA archive, as well as online sources were used to finalise different parts of the text.

Obviously any misrepresentation or factual errors are the sole responsibility of the editors. We apologise in advance if this is the case. We also want to emphasise that this publication by no means pretends to be exhaustive. The chapters are written based on reflections as we gathered them, the cases were selected based on experiences that were shared, and choices in individuals that are highlighted in different manners throughout the publication were made upon the discretion of the editors. We know we have left out many important moments, projects, developments, organisations and individuals, and apologise for this.

Finally, we would like to thank everyone that has contributed to this publication, in particular our donors. We hope that it will give people hope, make people remember, and inspire all that are or want to be involved in the human rights movement in the region.

**Marte Hellema, Lorenzo Urbinati
and Bettina Stuffer,
the Information, Communication and
Publication Team of FORUM-ASIA**





ation on
nd Association

**‘All that we tell young people is never,
never see a violation and keep quiet.’**

Henri Tiphagne
Chairperson of FORUM-ASIA (2012-2016)
and Executive Director, People’s Watch, India

chapter 1 THE HISTORY OF THE ASIAN FORUM FOR HUMAN RIGHTS AND DEVELOPMENT (FORUM-ASIA)

In 2016 FORUM-ASIA celebrates its 25 anniversary. 25 years of working, struggling, striving for the realisation, promotion and protection of human rights across Asia. 25 years of trainings, campaigns, missions and many other activities.

The road has not always been easy for FORUM-ASIA. As with any organisation it has had its highs and lows, growing pains and moments where we needed to re-evaluate and re-strategise. While completely natural to the growth of an organisation, such moments have not always been easy for those involved. It is the belief in human rights that brought us and continues to bring us together.

The following chapter tells the history of FORUM-ASIA. Obviously it is a subjective selection of moments that we – the editors – believe have been significant for the history and development of the organisation and network. We have not included everything, and apologise in advance to all that have played an important role in FORUM-ASIA over the years who we did not manage to include.

The founding years 1991–1994

In December 1991, a regional consultation, *'On Collaboration between Human Rights Organisations in South and South-East Asia'*, was held in Manila, the Philippines. During the meeting a new network was established, the Asian Forum for Human Rights and Development (Forum-Asia).

The idea for the consultation came from D.J. Ravindran, former Legal Officer for Asia for the International Commission of Jurists (ICJ). Prior to the consultation he had visited several countries in the region to gain input for a working paper to be used during the event.

This first consultation had participants from nine countries representing 19 organisations,¹ who became the founding members of Forum-Asia. These organisations were:

¹ Asian Forum for Human Rights and Development (Forum-Asia), (1991), *A compilation of Documents of the Founding Consultation held in Manila, the Philippines*, December 1991, Forum-Asia: Bangkok, Thailand.

- Ain O Salish Kendra (ASK) from Bangladesh,
- Legal Resource for Social Action (LRSA) from India,
- Indonesia Legal Aid Foundation (YLBHI) from Indonesia,
- Suara Rakyat Malaysia (SUARAM) from Malaysia,
- Informal Sector Service Centre (INSEC) from Nepal,
- Human Rights Commission of Pakistan (HRCP) from Pakistan,
- Task Force Detainees of the Philippines (TFDP) from the Philippines,
- Philippine Alliance of Human Rights Advocates (PAHRA) from the Philippines,
- Protestant Lawyers League of the Philippines (PLL) from the Philippines,
- Pilipina Legal Resources Center (PLRC) from the Philippines,
- Paglilingkod Batas Pangkapapatiran Foundation (PBPF) from the Philippines,
- Tanggol-Kalikasan (TK) from the Philippines,
- Paralegal Training and Service Center (PTSC) from the Philippines,
- Movement for Inter-Racial Justice and Equality (MIRJE) from Sri Lanka,
- Law and Society Trust (LST) from Sri Lanka,
- Information Human Rights Documentation Centre (INFORM) from Sri Lanka,
- Union for Civil Liberty (UCL) from Thailand,
- Coordination Group for Religion in Society (CGRS) from Thailand, and
- Friends of Women Foundation (FWF) from Thailand.

The initial objectives of Forum-Asia were to: *'conduct programmes to further strengthen the effectiveness of human rights organisations in the region and to facilitate collaboration between them.'*¹² The idea was that while there was an increase in organisations working in Asia on human rights, these organisations were mostly set up or run by groups in Europe or North America. The notion was that the region needed a regional network that was set up by Asians for Asians. Forum-Asia would provide a voice for victims of human rights abuses, their families and those that were attempting to defend them, the human right defenders (HRDs) themselves.

'(..) The idea was really, during that time, to capacitate, with that vision, to have an Asian voice, to capacitate activists to be able to express that voice.'

Evelyn Balais-Serrano, Executive Director of FORUM-ASIA

There was a conscious choice to include both human rights and development in the name. While most, if not all, organisations initially involved were human rights organisations, there was a recognition of the interconnectedness of the human rights concerns that many of the founding members worked on with socio-economic development, including developmental and economic inequality, and market globalisation. Throughout Forum-Asia's history so far though – that is till 2016 – the development part of its name has been overshadowed by the work on human rights.

The first months after the founding meeting were spent drafting proposals and raising funds. D.J. Ravindran was asked to help develop and establish the organisation as a consultant, and was joined in this task by Chalida Tajaroenusuk. During the 1991 meeting it had been suggested that Forum-Asia should be hosted by one of the founding organisations. The UCL, based in Bangkok, Thailand became the host to the regional secretariat of the network. Ms. Songphorn Tajaroenusuk became the first Secretary General of Forum-Asia.

The first activity that Forum-Asia undertook was organised jointly with TFDP and PTSC. It was a 'Regional Training Programme on Fact-Finding and Documentation of Human Rights Violations', which took place on 27 September-12 October 1992 in Manila. It was an indication of the initial focus of the network. During the first years the activities and campaigns of Forum-Asia largely centred on capacity building with the vision of strengthening the member organisations in the region. Building on the experience of some of the members, these skills were shared and spread throughout the network.

In 1993, Forum-Asia became involved in the UN World Conference on Human Rights, including in the preparatory process that resulted in the 'Final Declaration of the Regional Meeting for Asia of the World Conference on Human Rights or Bangkok Declaration'¹³. This was the start of the advocacy component of Forum-Asia's work. Something which would become a central part of its strategies in the following years.

'(..) FORUM-ASIA is a kind of first, original inspiration, Asian inspiration for many of us who became closer, informed, educated about the local level Asian movements in various parts of Asia. So FORUM-ASIA is the centre for human rights education and for the inspiration for the struggle to take forward.'

Adilur Rahman Khan, Secretary of Odhikar

Given its status as being in an experimental phase, no full-fledged Secretariat had been set up in the first years. During the 1994 GA it was decided that such a full-fledged Secretariat should be established, yet remain an unregistered association that would not seek judicial status. As such, it was decided that UCL would continue to host the Secretariat.⁵

On 14-17 October 1994, the first General Assembly (GA) of Forum-Asia was held at the Wangree Resort in Nakorn Nayok, Thailand.⁴ The first three years had been labelled to be '*an experimental period*' from the start, so the GA focussed primarily on reviewing this period and making decisions for the future. During the meeting it was agreed that Forum-Asia had a distinct character and role to play and should therefore be continued and expanded.

'(..) FORUM-ASIA is unique, (..) it is an Asian solidarity human rights NGO for Asians and also by Asians.'

Anselmo Lee, former Executive Director of FORUM-ASIA

² Asian Forum for Human Rights and Development (Forum-Asia), (1994), *Report of Activities 1992-1994*, Forum-Asia: Bangkok, Thailand.

³ See faculty.washington.edu/sw/whiting/pols469/Bangkok_Declaration.doc.

⁴ Asian Forum for Human Rights and Development (Forum-Asia), (1994), *Report of Proceedings of the First General Assembly*, Forum-Asia: Bangkok, Thailand.

⁵ Ibid.

Consolidation and growth 1994–2004

With Forum-Asia no longer being in the experimental phase, the time to strengthen and expand the network started after the GA of 1994. New strategies and programmes were developed, including diplomacy, human rights education, advocacy and campaigning. The Secretariat also expanded its work on particular focus areas, including from 1995 on women's human rights.

'(..) We need a safe space and also an enabling [environment] for us to realise the dream that we have to implement our belief and commitment. (...) FORUM ASIA is the one who created and provided that safe space. (...) and that platform that we can come together and hold hands to each other.'

Khin Ohmar, Coordinator of Burma Partnership

In 1995 Forum-Asia undertook its first country mission. The regional mission to Burma focused on assessing the situation in the country. The group met with different stakeholders, including Aung San Suu Kyi, and based on these engagements assessed how Forum-Asia could assist the HRDs of the country to improve the human rights situation in Burma.

A year later, in 1996, the involvement of Forum-Asia in Burma became instrumental to the establishment of the Alternative ASEAN Network on Burma (ALTSEAN-Burma), a network comprised of organisations and individuals based

in Member States of the Association of Southeast Asian Nations (ASEAN) that support the movement for human rights and democracy in Burma. For the full story on ALTSEAN-Burma see page 29.

Forum-Asia's involvement in the developmental stage of new initiatives has been repeated multiple times during the network's existence. Forum-Asia would be part of identifying a key concern or issue related to human rights, it would (co-)organise a meeting on the topic, during which a new network or collective would be established. Often, Forum-Asia would initially fulfil the role of Secretariat or host the Secretariat for the new group before they became independent.

In this manner the Asian Network for Free Elections (ANFREL) was established in 1997. ANFREL works to promote and support democratisation at national and regional levels across Asia. They focus on elections and election monitoring. For more about ANFREL see page 37. Another example is Forum-Asia's involvement with the non-governmental organisations (NGO) Coalition for the International Criminal Court (CICC) in 2001, see page 47, and many would follow.

With time, the particular organisational priorities of Forum-Asia changed. In a report from 1999 the network describes itself by stating that *'(..) It strives to promote, on the basis of global perspective, a regional initiative towards the protection of human rights,*

*development and peace in the region through collaboration of human rights and development NGOs and people's organizations in Asia.*¹⁶

Testimony to this growing focus on global advocacy, was the granting of consultative status to Forum-Asia in 2004 to the United Nations Economic and Social Council (ECOSOC status) after a two year application process. ECOSOC status provided Forum-Asia with access to ECOSOC, its many subsidiary bodies, the various human rights mechanisms of the United Nations (UN), ad-hoc processes on small arms, and special events organised by the President of the General Assembly. To be able to obtain ECOSOC status, the Forum-Asia Foundation was officially registered in 2000.

'(..) In addition to support the national at a regional level, FORUM-ASIA also provides a platform in the context of global civil society movement. (...) a platform for Asian, southern NGOs, civil society to play a role at the global level.'
Rafendi Djamin, First Representative of Indonesia to the ASEAN Intergovernmental Commission on Human Rights (AICHR) and Executive Director of the Human Rights Working Group (HRWG)

However, developing, expanding and strengthening a network is not easy. Known challenges that civil society organisations (CSOs) face across the globe, are multi-layered by additional complications when working through a regional network.

Reflections from 2002 highlight *'the emergence of FORUM-ASIA [as] a regional entity recognized by governments, intergovernmental organizations and civil society groups in the region and elsewhere. It has emerged as a major partner in most leading human rights activities.'*¹⁷ However, at the same time it was also said that *'We are still faced with the challenge of linking human rights activism from local, national, regional and global level. (...) we have to acknowledge that not all members are equally engaged in all the campaigns and activities conducted by Forum-Asia.'*¹⁸

While by no means unique to a network organisation, Forum-Asia decided to address these issues and those raised in a previous evaluation. In 2003 it established a project on *'Transforming the Secretariat'*. An external consultant, Deep Rai, was tasked to address the challenges and needs identified by staff and the Executive Committee.⁹

⁶ Ramaseshan, Geeta, (1999), *Narrative Report of Regional Workshop on Civil Political Rights: Integrating Human Rights Standards - 26-28 June 1999, Phnom Penh, Cambodia*, Forum-Asia: Bangkok, Thailand.

⁷ Asian Forum for Human Rights and Development (Forum-Asia), (2002), *Report of Activities 2002*, Forum-Asia: Bangkok, Thailand.

⁸ Ibid.

⁹ Asian Forum for Human Rights and Development (Forum-Asia), (2003), *Report of Activities January-December 2003 Draft*, Forum-Asia: Bangkok, Thailand.

The path to independence 2005–2013

Initiated by the aforementioned evaluation and the project, '*Transforming the Secretariat*', a process was set in motion to change Forum-Asia. At the GA of 2004 it was decided that a new function would be established, being that of an Executive Director. In January 2005, Anselmo Lee was the first to take this position. The position of Executive Director of Forum-Asia would later be held by Yap Swee Seng, Giyouon Kim (Acting), and Evelyn Balais-Serrano.

The restructuring process also led to the decision to establish the network as an independent body. A change that was not to the agreement of all. Forum-Asia set up its own office, and went through the difficult process of re-establishing itself. With this came an adjustment in the name, from Forum-Asia to FORUM-ASIA. It was a difficult period in the history of the organisation and network, but one that was necessary in its evolution.

The changes prompted FORUM-ASIA to re-evaluate its strategies and programmes. By 2005 the network consisted of 36 members in 14 countries. The refocusing of its strategic priorities led to a stronger focus on international advocacy and coalition building.

A highlight of which was the establishment of the Geneva Office¹⁰ in 2006. The objective of the Geneva Office was and continues to be two-fold. First is to increase the impact and effectiveness of FORUM-ASIA and its

members' advocacy in UN fora. Second is to encourage accountability of Asian member states to UN Human Rights Mechanisms.

'(..) FORUM-ASIA did well to bring Asian human rights defenders at the Geneva level (..) bringing the Asian voice into the Geneva discourse (..), the voice of the civil society and human rights defenders.'
Sayeed Ahmad, Protection Coordinator for Asia at Front Line Defenders

In 2010 the Geneva example paved the way for the establishment of an office in Jakarta. The objective was and still is to monitor, engage with and inform FORUM-ASIA members about the developments of ASEAN, in particularly those related to the ASEAN Intergovernmental Commission on Human Rights (AICHR) and the ASEAN Commission on the Promotion and Protection of the Rights of Women and Children (ACWC). The office is hosted by the Komisi untuk Orang Hilang dan Korban Tindak Kekerasan (KontraS or Commission for the Disappeared and Victims of Violence), a prominent member organisation of FORUM-ASIA in Indonesia.

In 2006, FORUM-ASIA was involved in two notable other initiatives. The establishment of the Solidarity for Asian People's Advocacy (SAPA) – a network focussed on cross-sectoral partnerships build around shared advocacy targets – and the creation of the Asian NGO Network on National Human Rights Institutions (ANNI). For more information about ANNI see page 75.

An external evaluation from 2007 concluded that '*(..) the principal added value [of FORUM-ASIA] is a) protection (..) b) facilitating regional and international human rights advocacy, and c) providing a platform for learning and collective action (..)*'.¹¹ This observation indicated another shift in FORUM-ASIA's efforts away from the focus on capacity building from the initial years of FORUM-ASIA.

'(..) In one way or another, FORUM-ASIA or FORUM-ASIA members have been working on a daily basis to make every day a turning point in human rights'
Debbie Stothard, Secretary General of the International Federation for Human Rights (FIDH) and Coordinator of ALTSEAN-Burma

Furthering the tradition of involvement in the birth of new networks and coalitions, FORUM-ASIA was part of the establishment of the Asia Pacific Refugees Rights Network (APRRN) in 2008. FORUM-ASIA hosted APRRNs

first coordinator after his appointment in 2010, and hosted the network during its formative years to allow it to grow. APRRN became independent in 2012. See page 67 for the full-story.

One of FORUM-ASIA's latest initiatives, in this tradition, was the Regional Initiative for a South Asia Human Right Mechanism (RISAHRM). RISAHRM's aim is to establish a South Asian human rights mechanism that brings together national processes and regional aspirations. For the story about RISAHRM so far see page 91.

¹⁰ Officially called the International Office.

¹¹ Real, Mary Jane, and Ricardo Wilson-Grau, (2007), *Participatory Evaluation of FORUM-ASIA's Results July 2004-June 2007*, FORUM-ASIA: Bangkok, Thailand.

A new era 2013–till unknown

In 2013 a new management team was appointed, led by Evelyn Balais-Serrano as Executive Director, to guide FORUM-ASIA into a new period. With the 25 year anniversary in 2016 coming up the network and organisation once again needed to reflect and re-evaluate the role, the added value and the priorities of the movement.

'(..) FORUM-ASIA has been like a guiding light, we were a very small organisation and FORUM-ASIA helped us to grow a lot in the past 10 years or so', Shahindha Ismail, Executive Director of the Maldivian Democracy Network (MDN)

In recognition of the desire of many to make capacity building and training once again a central component of FORUM-ASIA's work, in 2013 it initiated the Glo-cal Advocacy Leadership in Asia Academy (GALA Academy) together with the Asian Development Alliance (ADA) and the Asian Democracy Network (ADN). The aim of the GALA Academy is to strengthen the international advocacy capacity of mid- and high-level staff in civil society organisations (CSOs). For the story about the GALA Academy see page 81.

Realising the need to enhance FORUM-ASIA's advocacy efforts in South Asia, the Kathmandu office, in Nepal was established in 2015. Hosted by founding member, INSEC, the Kathmandu office provides a permanent presence to strengthen and consolidate the human rights movement through effective collaboration with member and partner organisations in South Asia.

The next 25 years?

Some have commented over the last decades that the dream for FORUM-ASIA should be that someday its existence might not be necessary anymore. For the moment that dream still seems a long while away. And so FORUM-ASIA and its members prepare themselves for the next 25 years.

‘(..) It is very difficult to get people together, to agree on common plans and programmes (..) and the fact that all these organisations from so many different countries, so many different realities were able to get together, to put their priorities on human rights together and then have programmes together is a magnificent example for all the rest of us who do human rights around the world.’ Frank la Rue, former UN Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression

FORUM-ASIA has always placed the needs and interests of its members at the forefront of the strategies and thematic priorities it pursues. The coming years will not change this.

FORUM-ASIA will continue to bring HRDs from all over Asia together to learn from each other, to exchange experiences and to stand in solidarity. To speak out in local, national, regional and international platforms on behalf of those that cannot do so themselves. To bring its members to these political arenas for them to find their own voice. To monitor human rights violations, and offer emergency assistance to those in need.


To develop knowledge and issue reports on emerging trends, and to engage with stakeholders at all levels to ensure that human rights priorities are known and addressed appropriately.

It will continue to do all of this and more, but FORUM-ASIA is acutely aware that it can only do so upon the request of and in collaboration with its member organisations. So more than anything, it will continue to strengthen, expand and serve its network.

‘(..) You have to be yourself a human rights defender of a human rights movement to know the need of other human rights defenders. So I think FORUM-ASIA is not a human rights organisation, FORUM-ASIA itself is a human rights defender.’

Nimalka Fernando, President of the International Movement against All Forms of Discrimination and Racism (IMADR)



A photograph of lush green foliage, likely a tree or large shrub, with a person's shoulder in the bottom left corner. The text is overlaid on the image.

‘Never leave the grassroots, equip them, organise them, strengthen them to empower them (..) so that they can speak [with] their [own] voices.’

**Sister Crescencia Lucero
Co-Chairperson, Task Force Detainees of the
Philippines (TFDP), the Philippines**

How a Morning Coffee Changed the ASEAN Regional Infrastructure

The story of ALTSEAN–Burma

By Debbie Stothard, ALTSEAN-Burma and Marte Hellema, FORUM-ASIA

On a July morning in 1996, Somchai Homlaor, the then Secretary General of FORUM-ASIA, and Debbie Stothard, met in Bangkok. While they had heard of each other, it was the first time they met in person. Debbie pitched an idea to Somchai about setting up an alternative Association of Southeast Asian Nations (ASEAN) movement on Burma. Just a few months later the Alternative ASEAN Network on Burma (ALTSEAN-Burma) was born. A network that would not just play a role in Burma, but would indirectly play a role in changing the regional infrastructure for human rights in Southeast Asia.

Context

In 1948 the Union of Burma became independent from the United Kingdom (UK). The first decades after independence saw a lot of socio-economic unrest, as well as the beginning of several of the ethnic and political conflicts that still terrorise the country today. It can be said though that the country had and has never been as democratic as in those first years.¹²

This all came to an end with the military coup, led by General Ne Win, on 2 March 1962. All of the Governments that have ruled the country since have been either directly or indirectly controlled by

the Military. From the beginning, this military take-over resulted in the serious repression of dissent. Protests were responded to with force and violence. The economic policies of the Junta caused decline in development, and particularly in the 1980s the country became so impoverished that the United Nations (UN) added it to its list of Least Developed Countries.

In 1988 the economic mismanagement and political repression resulted in the most widespread pro-democracy protests that Burma had ever seen. The 8888 Uprising – named after 8 August 1988 – started with a group of students in Rangoon and spread across the country in the form of marches, demonstrations and riots. However, the Uprising, which also saw the rise of Aung San Suu Kyi as a symbol of the resistance, was ended brutally after the Military retook power by staging another coup on 18 September 1988. Martial law was installed and implemented unremorsefully. By the end of the year an estimated 10,000 people had been killed, among them both protesters and soldiers, while many more were missing.

In May 1990 the first free elections in

¹² At the time of writing, the elections of 8 November 2015 had not taken place yet.

over 30 years were held. The National League for Democracy (NLD), the party of Aung San Suu Kyi, won around 80 percent of the votes. However, the military regime refused to concede power and stayed firmly in place till 2011. This period saw an almost complete repression of any form of dissent, and was known for widespread violations of human rights.

The crackdown on the protesters in 1988 was strongly condemned internationally, particularly in the West. In the years to follow this resulted in a series of sanctions from the United States of America (USA) and the European Union (EU), as well as in the relative global isolation of the regime. The awarding of the Nobel Peace Prize to Aung San Suu Kyi in 1991 was a further recognition of the injustice taking place in her home country.

The countries surrounding Burma were largely quiet though. Under the guise of non-interference and respect for sovereignty the Southeast Asian neighbours stayed silent. Many people believe that if the neighbouring countries would have condemned and refused to recognise the coup of 1988, the regime would have not lasted so long and would have collapsed much sooner. Contrary to that, the Southeast Asian countries refused to intervene and in 1997 Burma was even accepted as a member of ASEAN.

ALTSEAN–Burma

During that early morning meeting between Debbie and Somchai in 1996, Debbie raised the paradoxical concern that the Burmese human rights movement had better contacts in the West than in its neighbouring countries. She suggested it was high time to organise a regional network of human rights organisations to counter the lacklustre stance of the ASEAN Member States. The proposal was motivated by the understanding that to be able to truly pressure the Burmese regime, it was needed to convince the Southeast Asian neighbours to get on board.

Not only did Somchai immediately recognise the value of the proposal, he suggested to go right ahead and start planning the meeting. Where new plans and ideas are normally slowed down by long-winded fundraising processes, this turned out not to be necessary this time. Incidentally the year before, FORUM-ASIA had conducted its first ever mission to Burma. 1996 was declared the Burma campaign year for FORUM-ASIA and a regional consultation was already in the plans. Debbie's proposal was a perfect fit with what was already in the pipelines.

So just a few months after their initial meeting, in October 1996, the Alternative ASEAN Meeting on Burma was held in Bangkok, Thailand. While originally intended to have some 35 participants, eventually around 70 civil society representatives, Parliamentarians and other interested individuals showed up. The enthusiasm and interest in the

meeting was so great that quite a few of the participants covered their own costs. It was during that meeting that the Alternative ASEAN Network on Burma (ALTSEAN-Burma) was established.

ALTSEAN-Burma was set up to become a network of organisations and individuals based in ASEAN Member State countries that would work to support the movement for human rights and democracy in Burma. The network comprised human rights and social justice non-governmental organisations (NGOs), political parties, think tanks, academics, journalists and student activists.

ALTSEAN-Burma started an aggressive media campaign blaming ASEAN countries for the deteriorating human rights situation in Burma. Every time something happened – whether it was the arrest or harassment of Aung San Suu Kyi, an attack on ethnic minorities or mass-displacement of people – ALTSEAN-Burma would highlight this in the regional press to remind ASEAN Member States of what the Burmese regime had done since it had been allowed to join ASEAN in 1997.

The Rangoon 18

One of the more known examples of the kinds of projects that ALTSEAN-Burma has undertaken is that of the Rangoon 18. On 19 August 1998 a group of 18 people from the USA, Thailand, Malaysia, Indonesia, the Philippines and Australia took to the streets of Rangoon to hand out leaflets to commemorate ten years after the 8888 Uprising. They

were arrested, detained for five days, sentenced to five years of hard labour and subsequently deported to Thailand. Upon their arrival in Bangkok they were welcomed by many as heroes.

Responses by the Governments whose citizens were among the 18 varied greatly. The USA and the Philippines condemned the actions of the Burmese regime as an example of the severe restrictions on the Freedom of Expression (FoE) in place, while Thailand and Indonesia only reluctantly spoke out to support their people. The Malaysian Government on the other hand criticised the action of the Rangoon 18, but grudgingly collaborated in the attempts to free the Malaysians involved.

Media coverage of the action was significant in all six countries where the 18 came from. It undoubtedly raised Burma on the political agenda in most of them. While opinions differ on what the direct effects were of the action beyond the media attention, in the long-term it contributed to change the way the region dealt with the regime in Burma. It forced at least four ASEAN countries to negotiate directly with the military regime in Burma, making it harder for them to deny the reality of what was going on in this country that had been so warmly welcomed among their midst just a year before.

Lessons Learnt

Over the years ALTSEAN-Burma undertook many other activities and projects that pushed ASEAN, Governments in the region, as well as

media and civil society organisations (CSOs) to change the way they perceived and dealt with the regime in Burma. It gained insights and lessons based on their experience which include the following:

- *Be creative in the use of different and unconventional strategies*

ALTSEAN-Burma always tried to push the limits of what it could do and accomplish. In doing so, at times it was criticised by people that did not agree with their strategies or doubted their results. However, by keeping on doing the same thing, you will always get the same results. Particularly when it came to the Burmese regime, which for such a long time was completely closed off and seemed utterly unwilling to change, only by trying different and unconventional strategies was ALTSEAN-Burma able to contribute to change.

This does not mean that other human rights organisations or movements should just blindly copy the activities ALTSEAN-Burma did in the past. Times have changed and people have changed. Instead in every situation human rights activists need to think critically and creatively what options they have at their disposal and what opportunities there are to push forward.

'People's concept of human rights changes according to their situation, and instead of restricting what is our understanding of human rights, we must be more broad and inclusive so that more people start to understand that human rights is the norm for them.'
Debbie Stothard

- *Importance of media*

Another lesson that can be learnt from ALTSEAN-Burma, something which the network embraced from the beginning, is the need to realise the importance of the media. Many of its activities contributed to changing the way ASEAN media reported on Burma. The activities helped to make human rights and democracy 'sexy' topics, at least within the context of Burma. This involvement of media contributed to pushing the human rights and democracy agenda forward, and eventually aided in making it part of the ASEAN agenda.

- *For every step forward there will be some steps back*

Yet, ALTSEAN-Burma also learnt that for every step forward there will be some steps back. While much has changed in Burma over the last years, at times these changes have been more impressive in words than in reality. There is no time to celebrate when it comes to working on human rights. They are not a final stage or station that can be reached, but require constant and persistent monitoring and vigilance.

'[as young human rights activists] keep on understanding that your existence is in itself a victory. Keep on understanding that every victory must be fought for. And remember that the empire always strikes back. So whenever we win something we already have to plan for what the backlash is going to be.'

Debbie Stothard

Long-term changes

ALTSEAN-Burma undoubtedly contributed to the changes in Burma itself. Many of its activities forced ASEAN Governments to change the way they engaged with the Burmese regime and pushed them to become more critical and involved in addressing the repression and human rights violations.

However, some of the outcomes of its work were unexpected and altogether of a completely different nature. As the activities of ALTSEAN-Burma started to have an effect on ASEAN, other CSOs and human rights activists took notice. For a long time, ASEAN's disinterest in human rights and its insistence on non-interference had resulted in disillusionment with the institution from the regional human rights movement and a belief that it was futile to engage with ASEAN. Slowly this perception started to change.

In 2004 a group of CSOs met with ALTSEAN-Burma to discuss its strategies and progress. Inspired by this engagement, as well as other developments in Asia, a regional consultation was organised, among others by FORUM-ASIA, just a few months later which eventually resulted in the establishment of the Solidarity for Asian People's Advocacy (SAPA) in 2006.

One of the most active groups of SAPA was the Task Force on ASEAN. Right from the beginning it set out to influence the development of the ASEAN Charter. In 2006 alone it made three different submissions with recommendations related to the Charter, which was eventually adopted in 2007.

While by no means to the satisfaction of many of the organisations involved, human rights were referred to in the ASEAN Charter. More importantly, the Charter paved the way for the establishment of an ASEAN Human Rights Mechanism, specifically of the ASEAN Intergovernmental Commission on Human Rights (AICHR) in 2009 and the ASEAN Commission on the Promotion and the Protection of the Rights of Women and Children (ACWC) in 2010.

The importance of strong and coordinated input coming from civil society in the region to ASEAN cannot be underestimated. This has been proven over the years, not just when it comes to changes in the institution itself, but also related to particular Member States. When only one organisation is speaking out on an issue or if the criticism is merely coming from one country, it is easy to be ignored, but if a network of CSOs speaks out collectively and consistently with time it becomes very hard to deny.

'Dealing with ASEAN leaders can sometimes be like trying to wake up a man that is pretending to be asleep. They do not want to know, they do not want to hear, they might just selectively listen. (..) but in doing this, in trying to push for these changes ASEAN civil society has become much more coordinated, we have strengthened our regional identity, we have become more cohesive.'
Debbie Stothard

Over the years in pushing for change, ASEAN CSOs have become much more coordinated and cohesive. ALTSEAN-Burma played and continues to play its part in these efforts. Its activities and projects, while at times controversial, have contributed to change in Burma and in the region. Who would have thought that an early morning coffee in 1996 would lead to that?

This story was written based on an interview with Debbie Stothard, Founder and Coordinator of ALTSEAN-Burma, by Marte Hellema, FORUM-ASIA Information, Communication and Publication Programme Manager

‘Become human rights defenders, (..) change the political discourse and take the leadership of the country.’

Adilur Rahman Khan
Secretary, Odhikar,
Bangladesh





Elections as Key for Democratisation across Asia

The story of the Asian Network for Free Elections (ANFREL)

By Ichal Supriadi, ANFREL and Bettina Stuffer, FORUM-ASIA

The establishment of the Asian Network for Free Elections (ANFREL) goes back to a time, when people were gathering ideas to start advocacy for human rights in Asia on different terms, and a period of rising consciousness about the high significance of elections as the key to democratisation.

New wave of democratisation in Asia

The establishment of ANFREL was in response to the emerging need for a broader advocacy movement on democratic elections in Asia at a time when many countries were still under the control of authoritarian regimes. The founding was inspired by the success story of the Philippines, after the snap presidential elections in the Philippines in 1986. The elections were observed by the National Citizens' Movement for Free Elections (NAMFREL), a pioneering effort. The observation process exposed electoral manipulation committed by the ruling party, which was one of the crucial factors for the formation of the People Power Movement that eventually caused the removal of Ferdinand Marcos from power.¹³ This was an outstanding example of the significance of electoral observation, as well as the possibilities of the influence of civil society on the

regime of a country. It inspired solidarity among civil society groups across the region.

Learning from the success of NAMFREL, the region saw a growing consciousness of the importance of demanding free and fair elections. Other election monitoring groups were established in neighbouring countries. In this context, the People Action for Free and Fair Elections (PAFFREL) was established in Sri Lanka in 1987 and the Committee for Free and Fair Elections (COMFREL) was founded in Cambodia in 1993. At the same time, in Indonesia in 1996 one of those networks developed into the Komite Independent Pemantau Pemilu (KIPP). These were just some of the examples of numerous election monitoring groups that were emerging across the region.

The Asian Network for Free Elections (ANFREL)

Part of these developments was the establishment of ANFREL in November in 1997. Initially it was coordinated and accommodated by the Asian Forum for Human Rights and Development (FORUM-ASIA). ANFREL was envisioned as a network of national civil society organisations (CSOs) from across Asia, who based on solidarity activism supported the upcoming election monitoring organisations in

the struggle for democratic elections. ANFREL further expanded its mission and scope of work, and eventually registered as an independent foundation in Thailand in 2007.

ANFREL has established itself as a prominent non-governmental organisation (NGO), a network in Asia that works on elections. It is currently supported by 22 member organisations, which are based in Afghanistan, Bangladesh, Cambodia, India, Indonesia, Japan, Mongolia, Nepal, Pakistan, the Philippines, South Korea, Sri Lanka, Singapore, Taiwan, Thailand and Timor-Leste.

ANFREL's main mission is to promote and support democratisation at the national and regional level in Asia through a focus on elections and election monitoring. Its work is focused on observing pre- and post-electoral processes to promote fair, free and democratic elections, as a significant part of the promotion of human rights.

The electoral process is considered one of the basic needs for citizens of a country to enjoy their freedom and be able to exercise their political rights in choosing representatives to organise and manage the country's democratic political system. Elections play a significant role in determining the future direction of a country since there are strong connections between politics, economics and social justice.

Since its formation up until the time of writing¹⁴, ANFREL has conducted 47 elections observation missions in 15 countries across Asia.

Additionally, ANFREL undertakes capacity building efforts, which it sees as a crucial contribution to democratisation efforts, and works on strengthening electoral stakeholders that are actively working on democratisation in their home countries. In this context, ANFREL provides trainings and workshops on issues related to election observation, voter and civic education, electoral reform and public awareness on good governance.

More so, ANFREL conducts research and advocacy on good governance in Asia. It creates platforms for dialogue between civil society and Governments. Through the observation of elections and the production of publications that assess the status of electoral procedures in various countries in Asia, ANFREL tries to highlight the challenges to and process of the electoral system.

¹³ Ferdinand Marcos was Philippine's President from 1965 to 1986 and his dictatorship was marked with a resolute campaign against communism inside and outside of the country, corruption and martial law, which he imposed on the country from 1972 to 1981. Ferdinand Marcos was removed from power in the developments of the People Power Revolution in 1986 and lived in exile in Hawaii after his departure from the Philippines where he died in 1989. (Overholt, William H. 1986; *The Rise and Fall of Ferdinand Marcos*. In *Asian Survey* Vol. 26, No. 11, Nov 1986, p. 1137-1163).

¹⁴ September-October 2015.

Election observation missions in Afghanistan

Among the most successful and consistent missions ANFREL has undertaken in the past years have been the electoral observation missions to Afghanistan. ANFREL was the largest international observer in the presidential elections in Afghanistan in 2004 for which it was accredited by the Joint Electoral Management Body (JEMB) of Afghanistan.¹⁵ ANFREL continued its work on promoting democratic elections in Afghanistan through the observation of all parliamentary, provincial council and presidential elections in 2009, 2010 and 2014.

The observation mission of the first parliamentary elections in 2014 was the first time an international elections observation mission was conducted in the provinces outside of Kabul, after the fall of the Taliban regime.

Besides electoral observation ANFREL provided a series of training and capacity building activities for national Elections Monitoring Organisations (EMOs). It facilitated electoral study visits for the Afghan elections stakeholders to Indonesia, Thailand and South Korea to study various aspects of elections related to interfaith and democratic institutionalisation.

ANFREL's work is a significant contribution to the development of Afghanistan, and is supported by civil society within the country for that. At the same time, the involvement in the process in Afghanistan has provided

new insights and learning for ANFREL, particularly when it comes to cultural and political processes.

Afghanistan remains a volatile place to conduct international observation missions in due to security concerns, particularly in the most rural areas that are under control of Anti Government Entities (AGEs). ANFREL and national partners faced restrictions and limitations in their attempt to support the democratisation process in this fragile democracy. Still, the presence of international observers does help to deter fraud and encourages the electoral stakeholders to conduct all democratic procedures freely and fairly. It motivates the national EMOs to take up their responsibility of guarding the sanctity of elections.

More needs to be done to defend the democratic progress in Afghanistan as the security situation is getting more intense. Respect for democracy and the protection of human rights are at risk. In that sense, ANFREL's contribution to the democratisation process through support for electoral integrity is of great importance.

Lessons Learnt

Since its establishment ANFREL has learnt some important lessons which have to be considered in future electoral observation missions. They relate to

¹⁵ Later the JEMB was transformed into the Independent Elections Commission (IEC) of Afghanistan.

the context of the work, the support for democratisation and good governance, and more, including:

- *The importance of electoral observation missions for national monitoring groups*

ANFREL sees as one of its important roles to not just compile reports, but to speak out and engage in a dialogue with Governments and other stakeholders as international observers. In many countries where ANFREL has worked national monitoring groups are facing a very difficult situation in which they cannot publically express their findings out of fear for the safety of their families. Therefore ANFREL sees its own role as giving moral support to these domestic monitoring groups whereby the focuses is on sustainability of support to create long-term impact. The work of ANFREL thus not only includes conducting independent observations, but simultaneously the empowerment of national civil society.

'The most important thing is, what many people forget, to give an impact. It is not only about writing a report and leaving after, you have to bring it back to the society.'

Ichal Supriadi, Executive Director of ANFREL

- *Importance of building networks*

Even though international electoral observation missions are very important for national monitoring groups, it has to be considered that they in fact have very limited mandates. After the assessment of the electoral process and compiling

the final report, the mission in the concerned country is over. This indicates the significance of building networks to connect national electoral monitoring groups to continue to convey the value of fair, free and democratic elections. The long-term effect and sustainability of international electoral observation missions can only be realised through networking and are based on effective cooperation and coordination between national and international electoral monitoring groups.

- *Being creative in developing strategies to reach the younger generation*

The current situation of political and economic change indicates that the new generation of human rights activists once in charge will have more options for participation than in the past. At the same time the implementation of more creative ways of advocacy for human rights in an attempt to reach the Asian leaders is one of the most important challenges for the future of human rights in Asia. Therefore it is imported to increase the consciousness of young people of the high importance of democratic elections as a tool for political successions to ensure stability. The key for progress in the promotion of human rights is the creation of effective strategies to reach the young generation, to encourage young people to use the options that are available to them and become part of political change in the region.

Long-term changes

Currently Asia is seeing a change towards greater democratisation in various countries across the region. Elections in some countries, such as Indonesia, are becoming more democratic in terms of the participation of parties of multiple political affiliations. In 2015¹⁶ Burma is holding the freest elections in 30 years and civil society is more involved in the process than ever before. A bigger platform for expression can be seen in many countries too. There is visible progress in terms of free expression of the press and media, and of the development of balanced political systems through the division of legislative, judicial and executive powers.

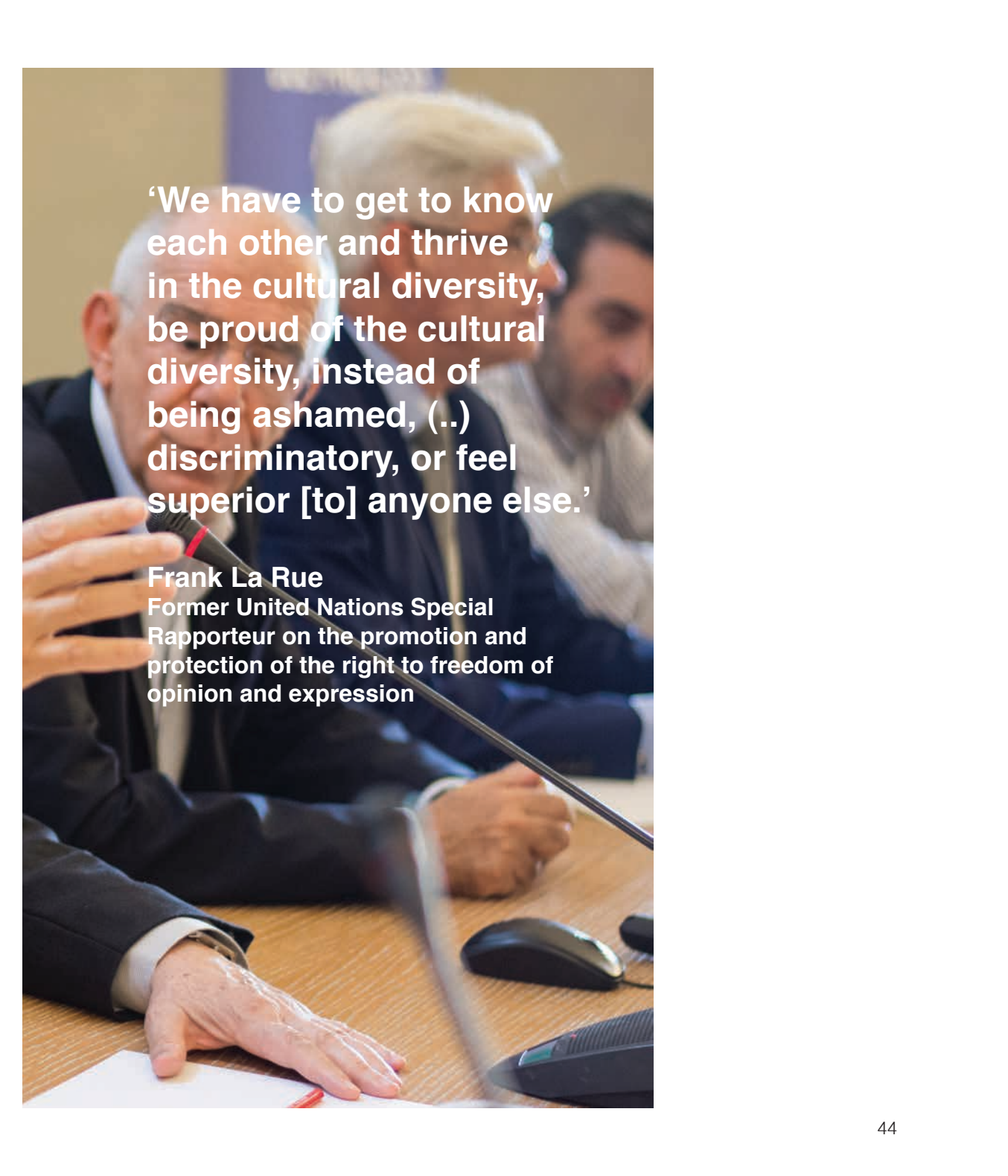
In spite of this progress and the improvements in the recognition of the significant role of civil society, there are still many challenges in the context of democratisation in Asia. In many places in Asia, elections are affected by corruption, which is detrimental for the democratic process. Choices of candidates in elections are often very limited. And even though there are, as mentioned above, positive developments in some countries, civil society continues to face restrictions and limitations in their participation in election in many other countries in Asia.

However, the current generation of human rights activists and CSOs do have more choices in shaping the regimes of their countries than in the past. This is important, and has to be used to proceed on the way to democratisation across the region. Elections can be a turningpoint and provide a critical possibility to participate in reshaping the political structure of a country. This highlights the significance of fair, free and democratic elections to which ANFREL makes a crucial contribution.

This story was written based on an interview with Ichal Supriadi, Executive Director of ANFREL, by Bettina Stuffer, FORUM-ASIA Information, Communication and Publication Programme Intern.


¹⁶ This chapter was written before the elections of 8 November 2015 took place in Burma.



A photograph of Frank La Rue, a man with white hair and glasses, wearing a dark suit and tie. He is seated at a conference table, gesturing with his right hand while speaking into a microphone. Other people are visible in the background, slightly out of focus. The text is overlaid on the image in white, bold font.

‘We have to get to know each other and thrive in the cultural diversity, be proud of the cultural diversity, instead of being ashamed, (..) discriminatory, or feel superior [to] anyone else.’

Frank La Rue
Former United Nations Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression



**‘That is what I would say
to the young people: If you
know what you want to
see in your life, just keep
walking on that path.’**

**Khin Ohmar
Coordinator, Burma Partnership (BP),
Burma**



Asia-Pacific Campaign on the Rome Statute of the International Criminal Court

The story of an ongoing campaign for international justice

**By Evelyn Balais-Serrano,
Executive Director, FORUM-ASIA**

The 20th century was the bloodiest period in human history. Yet few major perpetrators of the horrendous crimes committed during those times had ever been brought to justice. There were the International Court of Justice, established to deal with disputes involving states, the Tokyo and Nuremberg Tribunals and later the ad hoc tribunals for Rwanda, the Former Yugoslavia and Sierra Leone.¹⁷ Yet, the desire to have a permanent, independent and effective international criminal court persisted through the years, even beyond the Cold War period.

This kind of court would be the first of its kind, trying individual perpetrators of genocide, war crimes, aggression and other crimes against humanity. More than 50 years ago, at the time of writing,¹⁸ the idea of an International Criminal Court (ICC) started as a dream. It became a reality when the ICC was established in Rome in 1998.

In 1995 Trinidad and Tobago proposed to the United Nations General Assembly (UNGA) the establishment of an international criminal court. Consequently the United Nations (UN) convened a Plenipotentiary Conference in Rome in 1998 to draft the ICC treaty. On 17 July 1998, the Rome Statute of the ICC was adopted by 120 States, marking the day as a landmark in the

history of international law and justice.

Many international law experts consider the Rome Statute of the ICC as the greatest advance in international law since the founding of the UN. Since coming into force in July 2002, 17 July has been declared, by the international community, the World Day of International Justice.

Global Campaign for the ICC

In February 1995 in New York, 25 international organisations¹⁹ got together to form the non-governmental organisation (NGO) Coalition for the International Criminal Court (CICC), initiating a global campaign for the establishment of the ICC. When the Rome treaty was adopted in 1998, the CICC coordinated the global campaign to secure the 60 ratifications required for the entry into force of the treaty. In 1999, the CICC campaigned for 17 July to be declared World Day of International Justice. It also called for the worldwide

¹⁷ The International Criminal Tribunal for the former Yugoslavia, the International Criminal Tribunal Rwanda and the Special Court for Sierra Leone, were set up to try specific crimes committed in those respective territories and during a specific timeframe.

¹⁸ September-October 2015.

¹⁹ Among others, Amnesty International (AI), Human Rights Watch (HRW), World Federalist Movement, International Commission of Jurists (ICJ), International Federation of Human Rights (FIDH).

ratification of the ICC, after Senegal became the first State to ratify it. In 2000, during the Millennium Summit, then UN Secretary General Kofi Annan called on all Member States to promptly ratify the Rome Statute.

CICC members in the United States of America (USA) extensively campaigned for President Clinton's signature. On the final day of signature, the USA, along with Iran and Israel, signed the Rome Statute, bringing the total signatories to 139 – beyond the 120 that voted in favour of the ICC during the Rome Conference. In April 2002, with the simultaneous deposit of ten countries, including two from Asia – Cambodia and Mongolia – the Rome Statute entered into force. By this time, CICC members exceeded 2,000.

The CICC coordinated the global campaign to ensure the Court's independent and effective functioning, through engagement with Governments and the Assembly of States Parties (ASP), and later with the relevant officials of the Court. It helped establish regional focal points, including one in Asia Pacific, and worked with them in the campaign for universal ratification and implementation of the Rome Statute.

The CICC facilitated the participation of Asia Pacific civil society organisations (CSOs) at the Global NGO Strategy Meetings and the ASP. It organised, with its focal points, regular regional strategy meetings and assisted the regional networks and national members in the campaigns on target countries for ratification. One or two countries were designated targets for

a specific month during the year, with the Coalition's global network being mobilised to write letters and lobby target Governments. The CICC provided all information possible to ensure the active participation of CSOs in the global campaign.

In September 2003, the ASP, the governing body of the Rome Statute of the ICC, adopted a special resolution recognising the important contribution of the CICC in the establishment of the Court. In the same year, CICC was nominated for the Nobel Peace Prize for its remarkable role in the establishment of the ICC. To date, CICC stands as the largest partnership in the world advancing the cause of international justice with its more than 2,500 members in 150 countries, including some 400 organisations from Asia Pacific.

Campaigning for the ICC in Asia Pacific

In coordination with the CICC, a group of lawyers from Bangladesh formed the Asian Network for the ICC (ANICC) under the umbrella of Ain Salish Kendra (ASK), a member of FORUM-ASIA. It initiated activities in South Asia to create awareness about the ICC.

In December 1999, FORUM-ASIA was invited to a session of the Preparatory Commission of the ICC at the UN Headquarters in New York, USA and Somchai Homlaor, then Secretary General of FORUM-ASIA, attended representing the region. In 2001, FORUM-ASIA organised the first Asian regional consultation on the ICC, which

paved the way for the formation of a regional network on the ICC. FORUM-ASIA became the focal point for Southeast Asia within the CICC, while later, it also took on the role of focal point for the whole of Asia, integrating the work initiated by ANICC in South Asia.

In 2006, FORUM-ASIA became a member of the CICC Steering Committee, the decision-making body of the global coalition. Other sub-regional focal points designated were: the Asian Human Rights Commission (AHRC) in Hong Kong for Northeast Asia and Odhikar in Bangladesh for South Asia. Basil Fernando and Sanjeewa Liyanage of AHRC, Ahmed Ziauddin and Adilur Rahman Khan of Odhikar became champions of the ICC in their respective regions.

Within these sub-regions were national organisations and groups that were campaigning for the ICC ratification and implementation. Except for Bhutan and Brunei Darussalam, all countries had their own ICC focal points, either from Government, civil society or both. These local groups were involved in organising workshops, seminars and other awareness building activities. They also undertook lobbying activities towards their respective Governments, and organised and strengthened their networks. These initial projects were made possible through the support of the Open Society Institute, the Swedish International Development Cooperation Agency (Sida) and the Dutch Embassy in Thailand.

My own involvement with the CICC campaign

When FORUM-ASIA went through an organisational transition in 2004, the ICC project that I was coordinating became fully funded by the CICC, and I assumed the role of CICC's Regional Coordinator for Asia Pacific.

During the first six years, the project was able to build a network of national level coalitions and ICC working groups in 20 countries in the region involving more than 400 organisations. The ICC campaign was timely as it opened opportunities for various groups to reflect on their strategies in engaging with their respective Governments, and in educating the general public about the ICC and what it stood for: the rule of law, hope for justice and an end to impunity – long lost aspirations of the peoples of Asia that have suffered from long years of wars, conflicts and all forms of human rights violations.

As regional focal point of the CICC, the role of FORUM-ASIA focused on building the network in the region, assisting them in developing their capacities through study sessions, experts' meetings, regional strategy meetings, participation in the Global NGO Strategy meetings and ASP, and the dissemination of ICC information materials as part of capacity building. We organised a pool of experts that we could mobilise for trainings and lobby missions. We coordinated with the global campaign of the CICC on target countries for ratification.

Later, as a strategy, we used the UN Human Rights Council's Universal Periodic Review (UPR) process to add pressure to countries to consider ratification and implementation. We also jointly facilitated the visits of ICC officials to the region to concretely give a face of the new Court to the peoples of Asia. Judge Sang Hyun Song, President of the ICC, being himself from Asia – Republic of Korea – supported many CICC missions to countries like China, Vietnam, Indonesia, Malaysia, Laos, Thailand, Bangladesh, the Philippines and Brunei Darussalam. Other judges, like Judge Kourula, ICC Vice-Presidents, Judge Hans Peter Kaul and Judge Kueniya, and other Court officials, like the past and current Prosecutors, the head of the Victims' Unit and many more, all made their presence and contribution as resource persons in various workshops and fora across the region, organised by Governments and/or CSOs.

The visit to Thailand

One highlight I always remember was the visit to Thailand of Richard Goldstone, former Chief Prosecutor of the International Criminal Tribunal for the former Yugoslavia and for Rwanda, and CICC's member of its advisory board. He was invited as guest of honour by the Princess of Thailand, and as keynote speaker in the Princess' sponsored forum. It was the first time we were invited to such a high level meeting in Thailand, with all the key officials of the Kingdom present.

However, despite the insinuations made by Richard Goldstone through his keynote address and meetings with the officials, Thailand has remained a signatory but has not ratified till now. Later, the new Prosecutor also came to Thailand upon the invitation of Mr. Thaksin's Government to give a lecture and meet with the authorities.

Meeting many people

What was remarkable was the broad audience FORUM-ASIA and the ICC network reached during the campaign – from police and military, peace keeping missions, justice, law and foreign ministry officials, Supreme Court justices, prosecutors, parliamentarians, national human rights commissions and committees, to heads of states. We met with Presidents, Prime Ministers, Deputies and representatives of the Office of the President of Timor-Leste, Cambodia, the Philippines, Laos, the Maldives, Bangladesh, Afghanistan and Nepal. We gave trainings to female police officers in the Philippines on the ICC in general and its gender justice provisions in particular.

I also remember the rally the local advocates in Nepal did to campaign for ratification. A group of young artists performed a street play to depict the possible impact of the ICC on Nepal's human rights situation. It was so powerful, it caught the media's attention and featured the mobilisation in the media with the strong message to the Government: Stop Impunity! Accede to the ICC treaty!

In partnership with the Asian Legal Resource Center, we conducted seminars with judges and prosecutors, law scholars and academics in many parts of China. We also conducted a number of workshops in Vietnam co-organised with the Vietnam Lawyers Association and in Laos with the Treaties and Legal Department of the Ministry of Foreign Affairs.

ICC documents were translated from English to 15 major languages – from Dari in Afghanistan to Khmer in Cambodia, Tetun in Timor-Leste, to Urdu in Pakistan and Bangla in Bangladesh. Workshops and other awareness building exercises were undertaken in all countries possible, while lobbying resulted in the forging of partnerships with Governments – a tremendous leap from our human rights work where the relationships between NGOs and Governments were mostly antagonistic and in some cases, confrontational. Rightly so, as a number of countries in the region were still struggling after long periods of dictatorships and repressive rule, NGOs were often considered enemies rather than allies and partners, which some have now become.

What we achieved

After more than ten years of campaigning, we netted 17 ratifications – nine in Asia²⁰ and eight in the Pacific²¹; three APIC ratifications²² and 13 countries with ICC implementation laws – eight having incorporated the ICC crimes into their domestic law²³ and five have passed their cooperation laws.²⁴

A major outcome of the campaign was the formation of the China ICC Project within a state university and later, as an initiative to launch the China Network for the ICC, of a group of young lawyers and professionals from within and outside the country. A number of them had worked and interned with various tribunals and the ICC, so had been exposed to international justice mechanisms.

I met this young Chinese lawyer during one of my missions to Cambodia. He was working at the Khmer Rouge Tribunal and said he wanted to involve China in the ICC process. So we helped him organise an initial meeting of lawyers, academics and NGOs, with support of some members of the international community based in Beijing and other parts of the country. Later we launched the China ICC coalition and linked them to the regional and global network. This was a breakthrough in our work in this part of the region.

Other breakthroughs included: holding the First Victims' Forum on the ICC in Manila with a number of national and regional victims' organisations, including the Asian Federation Against Disappearances (AFAD) as co-organisers; the First Southeast Asia Journalists' Training on the ICC; the First Parliamentarians' Forum on the ICC and Rule of Law; and an ICC Regional Experts' Meeting hosted by the China ICC Project.

²⁰ Afghanistan, Bangladesh, Cambodia, Japan, the Maldives, Mongolia, the Philippines, Republic of Korea, Timor-Leste.

²¹ Australia, the Cook Islands, Fiji, the Marshall Islands, Nauru, New Zealand, Samoa, Vanuatu.

Reflections and lessons learnt

Despite the active campaign that resulted in some modest achievements related to ratifications and implementation laws being adopted, Asia Pacific remained the least represented region in the ICC, together with the Middle East. At the time of writing, of the 123 total number of countries that had ratified, only 17 were from Asia Pacific.

Though Thailand signed as early as 2002, at the time of writing, it still had not ratified. Malaysia, Indonesia and Nepal also made commitments to ratify at some points, but as of 2015 have not done so either. All those ratifications that did come to fruition were direct outcomes of the coordinated campaigns involving Governments, inter-governmental bodies and international, regional and national CSOs.

Campaigning in a challenging context

Campaigning for the Rome Statute of the ICC since 2001 was pioneering and ground-breaking work in a region where hardly anyone knew about the ICC, and where many Governments were allergic to the words ‘human rights’, ‘impunity’ and ‘accountability’. Instead, Governments insisted on using their ‘Asian values’, ‘national sovereignty’ and ‘cultural specificity’ to justify their non-acceptance and non-recognition of the universality, indivisibility and interdependence of human rights. The campaign for the ICC came at a time when civil society did not exist in

many areas or was still weak in some countries. In many places, the exercise of basic freedoms, such as the freedoms of expression, assembly and association, were restricted and in some cases considered a crime under national law.

The ICC campaign enabled us to gain entry and access to countries we were not allowed into before under the name of human rights, providing opportunities to engage with Governments in their Capitals, at the ASP and other ICC related events organised in the region and elsewhere.

At the ASP held in New York and annually in The Hague, we would organise an Asia Pacific delegation comprising of ICC advocates from the region. We would be given the chance to intervene on behalf of our constituency in the region, to organise regional meetings with Governments and CSOs from Asia Pacific and elsewhere to discuss issues of common concern. At the meetings of European Governments and CSOs, we, from Asia, would give our inputs from the region’s perspective. Similarly during other regional meetings, like for Africa and the Americas, we would attend to learn from their situations and experiences with campaigns and Governments responses to their calls.

²² APIC stands for Agreement on Privileges and Immunities of the ICC; Republic of Korea, New Zealand, Mongolia.

²³ Indonesia, the Philippines, Republic of Korea, New Zealand, Timor-Leste, Bangladesh, Cambodia, Vanuatu.

²⁴ Republic of Korea, Samoa, New Zealand, Japan, Australia.

A strong mass base is basic in campaigning work

A campaign is only strong if the mass base is strong enough to build momentum and to sustain the campaign till the goal is reached. And building a strong mass base requires developing a broad network of individuals and groups who have deep understanding of the issue and who commit themselves to the realisation of the campaign goals.

We succeeded in organising national events only because there were Governments and networks of individuals and organisations willing and supportive of the ICC and what it stood for. FORUM-ASIA members' work was complemented by other groups and networks, forming local coalitions which provided a stronger platform and base for the campaign.

Partnerships work!

From conceptualisation to campaigning for the actual establishment, universal ratification and implementation, the partnerships that were formed in the process were key to achieving the eventual outcomes. The former UN Secretary General Kofi Annan said during the Global Issues Forum on 29 April 1999: *'NGOs helped give life to the idea of an international community (..) It is clear that there is a new diplomacy, where NGOs, peoples from across nations, international organisations, the Red Cross, and Governments come together to pursue an objective. When we do (..) there is nothing we can take on that we cannot succeed in, and*

*this partnership of NGOs, the private sector, international organisations and Governments, in my judgment, is a powerful partnership for the future'*²⁵

We saw this clearly at the regional and national level. But while there were Governments that were willing to collaborate and were supportive, the challenge remained with those who were still struggling to go beyond politics and self-interests.

From a strategic point of view, one important lesson we learnt in engaging with Governments was to not only lobby parties in power, but also opposition parties. For example, we consistently lobbied the Philippine Government under the Arroyo administration, knowing its reservations on the Rome treaty. Yet, simultaneously we engaged with the opposition party. It took ten years and a change of regime before we got the Philippines to ratify. And we got a bonus at that. Miriam Defensor Santiago was elected as ICC judge, just a few months after the Government ratified. Unable to assume her role as judge for more than one year, Raul Pangalangan, our Philippine Coalition of the ICC Chairperson was nominated for the post by the Philippine Government and won the election at the 2014 ASP.

Similarly in Bangladesh, the Government that signed the treaty in 2003 lost in the next elections. The Government that took over refused to take on the issue as it was associated with the previous Government. It took almost a decade for the party to regain power to finally ratify in 2010.

Continuing concerns

After years of campaigning, we continued to grapple with increasing concerns as Asia Pacific remained the most underrepresented region at the ICC. Some of these concerns include:

- *Dealing with the big powers – India and China*

The USA position on the ICC bears impact on decisions being made by countries in the region, including the major powers – India and China. They have a ripple effect on other countries, like Pakistan, Sri Lanka, Vietnam and Laos.

We held dozens of workshops and other awareness building activities in both India and China. Given their geographic size and population, which rank as the two biggest in the world, not to mention the complexities of their political and economic situations, a comprehensive strategic plan to gain support from these Governments and their respective civil societies was very much called for. While we did not expect India and China to ratify soon and become members of the ICC, we did aim to, at some point, reach some level of cooperation in their status as non-state parties. This continued to be challenging.

- *Working on post-conflict situations in the region*

Over the last ten years, we followed how Governments and the international community, including the ICC dealt with post-conflict situations in the region.

For example, Afghanistan, which was already on the list of ICC's situations under analysis, when the ICC Prosecutor announced it would take up the case in 2007. However, years later, in 2015, no investigation has been done on the case.

It would be interesting to follow-up on how, if any, the ICC regime had impact on the prosecutions undertaken by the hybrid courts in Cambodia and Timor-Leste. As well as, how other mechanisms, like the creation of a Commission of Inquiry for Sri Lanka and the campaign to have one for Burma, with the possibility of eventual ICC referral, could work to address the long standing justice, impunity and accountability issues in these countries. It would also be worth contemplating the situation in Bangladesh, a state party to the ICC, and how the ICC could help in the prevention of the further deterioration of the human rights and democracy situation in the country.

In a similar manner, it would be relevant to reflect on how the ICC became part of national debates on how to make those responsible for atrocities committed in the past be held accountable for their crimes. Like in the case of Thailand, the question of how to prevent further conflicts, like those that happened in 2010, which claimed more than 90 lives and injured thousands of people, from recurring in the future by using the ICC as possible deterrent factor.

²⁵ United Nations, 'Secretary General Calls Partnership of NGOs, Private Sector, International Organizations and Governments Powerful Partnership for Future' (29 April 1999), SG/SM/6973.

- *Resistance to losing immunity*

In 2005, the Court officially opened its investigation on Darfur, Sudan, after the UN Security Council had referred the situation to the Court. A warrant of arrest was issued to four leaders, including Omar Hassan Ahmad Al-Bashir, the Head of State of Sudan, for war crimes and crimes against humanity. In July 2010, a second warrant of arrest was issued to Al Bashir for three counts of genocide. It triggered a setting for the campaign for the universal ratification of the ICC.

Not only in Africa, where the leaders of the African Union (AU), including those that had ratified the Rome treaty already, resisted the Court's decision to the point where some of them threatened to withdraw their membership to the ICC, but also in Asia. Asian Governments realised that there was no immunity provision in the Rome Statute for their Heads of States, meaning that they too could be prosecuted by the ICC.

The campaign slowed down and no ratification since then took place in the region. However, on one occasion, when Al Bashir had to attend a meeting in Malaysia, CSOs decried the Government's position of allowing him to enter the country. While Malaysia was not a state party, and thus was not obligated to arrest him and turn him over to the Court, it had initially expressed its support to the Court, and in fact, its Cabinet had already endorsed ratification. In the end, Al-Bashir did not show up.

- *The need to continue to work on implementation issues*

There are very few countries, among those that have ratified, that have completed their implementation laws. This is an important challenge for all of us for the next decade. We ought to make it a priority to adopt legislation that will enable Governments to respond and take jurisdiction when serious crimes occur in their territories. State parties that have completed their processes can very well assist those that are struggling to have their implementation laws in place. In most countries in Asia, it is more a question of lack of understanding, capacity and resources than a lack of willingness to do this.

I remember visiting a few countries, where the treaties departments tasked to work on ratification and implementation requirements only had two or three personnel. The task requires building consensus and takes time, energy and resources to achieve this. Where there is the absence of political will, it will really be difficult, almost impossible for countries to join this new international regime for justice.

I have been personally involved in the Philippine campaign to ratify and draft the implementation law. When finally the political will was there, after a decade of campaigning, with no other than the new President himself giving his commitment to join the ICC, the efforts required to get to the final act of getting the vote from the Senate was still nerve wrecking.

We owe it to the painstaking, consistent groundwork of the Philippine Coalition for the ICC, with its expert lobbyists and activists, that we gained the majority vote, with only one vote against and one abstaining. We also found a champion in one of the Senators, who pushed the ratification forward, despite strong reservations from the Military and key legal personalities in the country.

We learned from this experience that we need champions to push our cause to the end. This also applies to the process of implementation, and the challenges of how to integrate the Rome Statute provisions into domestic legislation. So as not to lose momentum, the campaign for implementation should be a continuation of the campaign for ratification. Although in some countries, they had to work on the laws first before ratification to ensure their compatibility and consistency with the Rome treaty.

We have done substantial work in the last ten years, and it is precisely these initial achievements that we ought to continue to work on to sustain our gains and build our momentum for the next decades.

The way forward

We need to multiply the people in the Governments and in the Parliaments that champion, understand, appreciate, and eventually support the ICC. We need to continue to build their capacities to implement the Rome Statute within their national jurisdictions, and to continue to mobilise civil society to work towards the goals of the ICC, in partnership with their

respective Governments. And we need to continue to mobilise the international community to support national and regional initiatives towards the goals of the ICC.

The challenges in working for the establishment of the Court were daunting, but we somehow succeeded in having Asia Pacific become part of the over-all effort to make it happen. The possibility to make the Court function the way we had envisioned it – independent and effective – depends on how we continue to strengthen our network of ICC advocates from the grassroots and peoples' movements, CSOs and Governments at the national, regional and global level.

In the beginning of the century, it was a dream to have Asia Pacific represented at the ICC. Ten years later 17 countries are there, and more will come. The Court is actively working on cases, investigations and analysis. Getting justice and putting an end to impunity may still be far from being a reality in our region. However, the ICC is definitely here and Governments in the Asia Pacific region have started to recognise it. Some have accepted it, while others are still in the process of studying it, with the prospect of, hopefully, joining it in the near future.


The campaign for the ICC should go on as long as injustice, impunity and human rights violations continue to persist in our region. FORUM-ASIA, in partnership with those it has mobilised in the past should continue its role in making Asia Pacific count in the global sphere and

to make the ICC relevant in the lives of the peoples in the region, especially the victims of mass atrocities. The ICC campaign should go hand in hand with our campaign for justice. Because justice matters and justice for one is justice for all. This is the true spirit of solidarity and work for human rights for all. And this is what FORUM-ASIA aspires and works for.

Evelyn Balais-Serrano, Executive Director, FORUM-ASIA

Evelyn Balais Serrano is the Executive Director of FORUM-ASIA. She started FORUM-ASIA's campaign for the International Criminal Court (ICC) in 2000. From 2004 till 2013 she served as Asia-Pacific Regional Coordinator for the Coalition for the International Criminal Court (CICC), after which she took up her current position.





**‘FORUM-ASIA is
unique (..), it’s an
Asian solidarity
human rights NGO
for Asians and also
by Asians.’**

**Anselmo Lee
Co-Convenor, Asia Democracy
Network (ADN)**

in MEMORIAM

Over the last 25 years too many human rights defenders (HRDs) in Asia have passed away. They are gone, but not forgotten. In the following pages we will commemorate some of these people, who gave so much for the promotion and protection of human rights in the region.

These are merely some of the many that should be honoured. And so this in memoriam, while focussing on a few particular people who played key roles in the history of FORUM-ASIA, should be seen as a means to commemorate all that have been part of the journey for human rights, but who were lost along the way.

Consolacion Soriano–Sardinia

Consolacion Soriano-Sardinia, or Connie as she was known to her friends, was a Filipino human rights defender who established and headed the Paglilingkod Batas Pangkapatiran Foundation (PBPF), one of the founding members of FORUM-ASIA.

In October 1997, Connie suffered a heart attack and passed away, while attending a FORUM-ASIA meeting in Bangkok. Before her involvement with PBPF, Connie worked with the Pilipina Legal Resources Center (PLRC), also a FORUM-ASIA member organisation, advocating for women and disadvantaged sectors' rights.

Charles Abeysekera

Charles Abeysekera was a Sri Lankan human rights defender, academic researcher, and, without a doubt, one of the most important figures from the civil society in Sri Lanka. He was born in 1928 and passed away in 1998.

He established the Movement for Inter Racial Justice and Equality (MIRJE) in the aftermath of the 1977 racial violence in Sri Lanka with the purpose of promoting harmony between the ethnic groups. In his work he focused on ethnic conflicts and the promotion of reconciliation in Sri Lanka. In 1990 Charles founded the Human Rights Documentation Centre (INFORM), which was later led by his daughter Sunila. Charles was the Chairman of the Official Languages Commission, and one of the founders of FORUM-ASIA.

Munir Said Thalib

Munir was a well-known Indonesian human rights defender, who was poisoned with arsenic while travelling from Jakarta to Amsterdam on a flight operated by state-owned airline Garuda Indonesia on 7 September 2004. Prior to his assassination, Munir had been repeatedly targeted because of his courageous criticism of human rights abuses and exposure of corruption.

Although there was one person found guilty of Munir's murder in December 2005, there is strong evidence for the involvement of former state intelligence officials in the planning of Munir's killing. Until today, the case of Munir has not been resolved. No concrete actions have been taken to identify, prosecute and bring to justice those who actually planned and ordered his assassination.

Munir was an outstanding human rights activist and greatly contributed to the growth and strengthening of the human rights movement in Indonesia. He worked at the Legal Aid Foundation (YLBHI) and was later among the founders of the Commission for Disappearance and Victims of Violence (KontraS). He has been widely recognised for his work on the disappearance of human rights activists. Later on he served as director of Imparsial – the Indonesian Human Rights Monitor. YLBHI, KontraS, and Imparsial are all FORUM-ASIA member organisations.

Sister Mariani Dimaran

Sister Mariani Dimaran was a prominent Filipino human rights defender, who headed the Task Force for Detainees of the Philippines (TFDP), one of the founding members of FORUM-ASIA, for 20 years. Sister Mariani passed away in December 2005, after a life dedicated to the protection and promotion of human rights. In recognition of her work, Sister Mariani was nominated twice for the Nobel Peace Prize, in 1986 and 2005.

In October 1973, during Marcos' dictatorship, Sister Mariani was arrested on accusations of being a communist and of financing an underground movement. She denied all the charges, but instead of being released, she was sent to a detention camp for 47 days. During this difficult time, Sister Mariani experienced and witnessed the struggle of political prisoners and their families.

Upon her release, in December 1973, Sister Mariani joined the newly established TFDP, and served as its Chairperson for 20 years, from 1976 to 1996. Sister Mariani visited more than 100 detention camps all over the country, becoming a symbol of the commitment to the cause of the victims of human rights violations.

Pattani Razeek

Pattani Razeek was a human rights defender from Sri Lanka. He was abducted on 11 February 2010 in Polonuwara, a town in the North-Central Province of Sri Lanka, on his way home from a mission. His remains were later discovered and exhumed on 28 July 2011 in Valachchenai, Sri Lanka.

In July 2011 the main suspect was arrested for his alleged involvement in the abduction of Pattani, but was released later in 2011. The case has still not been resolved, since the key suspects have been released and court trials have been delayed.

Pattani Razeek was a known human rights advocate. At the time of his

disappearance, he was the Managing Trustee of the Community Trust Fund (CTF) and Executive Committee Member of FORUM-ASIA. Pattani Razeek supported the resettlement of the Muslim population, who were internally displaced from Jaffna, Manna and Mulltivu during the civil war in the 1990s. He was also well-known for his support of citizens affected by the tsunami in Sri Lanka in 2004, especially in Trincomalee and Amparai.

Sunila Abeysekera

Sunila Abeyseksekera, was a Sri Lankan human rights defender, who was internationally known for her outstanding advocacy work on women's rights. Sunila succumbed to cancer in Colombo, Sri Lanka, on 9 September 2013 at the age of 61.

Sunila worked on women's rights, gender issues, human rights and peacebuilding in Sri Lanka and the rest of the Asian region for over 20 years.

Sunila was the founder of the Women and Media Collective in Colombo in 1984, and supported various organisations focused on women's rights in Sri Lanka. In the 1990s she became the leader of the Human Rights Documentation Centre (INFORM), took on the role of President of the Movement for Interracial Justice and Equality in Sri Lanka, and was elected as member of the Executive Committee of the Movement for Free and Fair Elections.

Besides her national involvement, Sunila

worked regionally and internationally. She was a well-known figure within FORUM-ASIA, as well as other Asian human rights networks, such as the International Women's Rights Action Watch Asia Pacific.

Sunila received numerous international awards for her work on human rights, such as the United Nations Prize in the field of Human Rights in 1998, and was honoured by Human Rights Watch with its Human Rights Defender Award in 2007. Sunila was selected as one of the human rights campaigners to address the United Nations Human Rights Council (UNHRC) during its opening session in 2006.

Irene Fernandez

Irene Fernandez was a Malaysian human rights defender who campaigned relentlessly for the rights of migrant workers, farmers, domestic workers, prostitutes and people suffering from AIDS. She passed away on 31 March 2014 at the age of 67.

She began her career as a high school teacher, but in 1970 she gave up her teaching career to become a full-time activist. She was involved in many campaigns, including the first textile workers union and trade unions, women leaders in the labour movement, and campaigns to stop violence against women. She was a founding member of the Asia Pacific Forum on Women, Law and Development (APWLD), a long-time partner of FORUM-ASIA, where she was Director for more than 10 years.

In 1995, Fernandez published a report on the abuse of migrant workers. The Government admitted that 46 people had died of various medical conditions in their detention centres, but, in March 1996, Fernandez was arrested at home and charged with “maliciously publishing false news”. Her trial became the longest in Malaysian history and many of the witnesses she was relying on were deported before she could make her defence. In 2003 she was found guilty and sentenced to a year in prison. Finally, in 2008, after 13 years of battle in court, she was acquitted.

Mohammad Farid

Mohammad Farid was an Indonesian child rights advocate, who passed away in February 2015.

Farid was the founder of the FORUM-ASIA member organisation, Yayasan Sekretariat Anak Merdeka Indonesia (SAMIN), which promotes and protects the rights of children.

Farid served as member of the Executive Committee of FORUM-ASIA from 2005-2007, and also as Chairperson of Asia Against Child Trafficking (Asia ACTs), a regional campaign to fight child trafficking in Southeast Asia.

‘As a human rights defender who was facing threats and risks (..) sometimes you are able to be really strong knowing that you have (..) protection (..) and in that sense [FORUM-ASIA] has always been there for us, there for me.’

**Nimalka Fernando
President, International
Movement Against all Forms
of Discrimination and Racism
(IMADR)**





When the Challenges Are So Big that Regional Collaboration Is a Must

The story of the Asia Pacific Refugees Rights Network (APRRN)

By Julia Mayerhofer, Interim Executive Director, APRRN

The Asia Pacific region hosts a large number of the world's refugees. It is also the site of some of the most acute and protracted refugee situations in the world. In addition, there are several million more asylum-seekers, stateless persons, and internally displaced persons (IDPs) in the region. Prolonged armed conflicts, as well as the absence of robust state-based human rights protection and democratic institutions, have contributed to increased refugee flows from countries of origin.

Gaps in legislation

Only 20 out of the 45 countries located in the region are party to the 1951 Convention Relating to the Status of Refugees (Refugee Convention) and/or its 1967 Protocol. The majority of these countries do not have any national refugee protection laws in place; nor is there a regional protection framework. This undermines the ability of refugees to obtain effective protection in host, transit, and destination countries. In the absence of effective regional protection frameworks and safe migration channels, refugees often fall prey to human traffickers and people smugglers.

Due to these legal gaps, refugees in hosting countries mostly remain unregistered, invisible, living in legal limbo and unable to access their most basic rights. In Thailand and Malaysia, refugees are considered 'illegal aliens/immigrants' and therefore subject to arrest, arbitrary detention and deportation. Refugees may find themselves in host countries for many years. During that time they struggle to access adequate housing, education and health services. Most importantly, they lack the right to work, forcing them to work in the informal sector and increasing their vulnerability to human trafficking and exploitation. Finally, refugee communities also face xenophobia and discrimination from host communities and experience difficulties adjusting to life in a foreign place.

In an environment where Governments are reluctant to take on their responsibilities and international agencies operate in very constrained spaces, the role of national civil society is increasingly important. National civil society groups and community-based organisations often fill crucial gaps – they provide essential services such as health, education, legal aid, psychosocial support, and cultural orientation. National civil society groups also play a critical role in advocating for the rights of refugees given their local legitimacy and access to stakeholders.

The Asia Pacific Refugee Rights Network (APRRN)

In light of the protection issues faced by refugees and the difficulties faced by national civil society groups in advocating for their rights, FORUM-ASIA hosted the first Asia Pacific Consultation on Refugee Rights (APCRR1) in Kuala Lumpur on 20-21 November 2008. At this meeting civil society groups recognised that they worked in isolation in their own local contexts. This limited their access to specialist training, technical resources, and key stakeholders related to refugee protection. They recognised the interconnections in their work, and the importance of supporting one another. They resolved to stay connected and to work together to advance refugee protection. Thus, during the meeting, they established the Asia Pacific Refugee Rights Network (APRRN).

FORUM-ASIA hosted APRRN in its formative years, playing a crucial role in 'giving birth' to this regional network. FORUM-ASIA accommodated APRRN's first coordinator, appointed in 2010, and provided the necessary organisational infrastructure for the APRRN Secretariat to grow. As a result of its growth and expansion, APRRN became independent in 2012. Today the Secretariat has its own office and has further expanded the team to include three programme staff; one Administrative Officer, one Finance Manager, as well as interns and consultants.

Expansion and growth

Today APRRN has grown to 136 organisational and 114 individual members. Most of our members are national civil society organisations, but membership also include academics, legal aid providers, lawyers, students, international non-governmental organisations (INGOs), refugee representatives and others.

APRRN is led and governed by its members, which work with each other through four geographic working groups – South Asia; Southeast Asia; East Asia; and Australia, New Zealand and the Pacific. There are five thematic working groups: Immigration Detention; Legal Aid and Advocacy; Right to Health; Statelessness; and Women and Girls at Risk. Due to APRRN, national civil society groups and individuals have a platform to connect to each other at the regional level and to share their experiences, resources and good practices. APRRN also helps to fill a 'missing link' between national groups and key stakeholders on the regional and international level. This helps civil society groups to develop a common and unified voice in the Asian region on refugee rights.

Capacity development and exchange

In 2011, APRRN launched an annual APRRN's Short Course, which has been held three times since. It remains the only initiative in Southeast Asia of its kind. APRRN also organised several Working Groups Consultations across

the regions, launched three sub-regional Refugee Mental Health Trainings and facilitated a number of thematic trainings. All of this face-to-face interaction has allowed APRRN members to build connections across countries and regions.

In 2014, when refugees were deported from Sri Lanka back to Pakistan, our Sri Lankan members reached out to our Pakistani members, who immediately jumped in and provided assistance to those who had been deported. APRRN has made regional collaboration and cooperation between local and national civil society a reality. As a result of APRRN's work we have also seen national networks developing in countries across the region, strengthening cooperation at the national level.

Over the years our work with civil society responses to refugee protection has gradually strengthened. At the core of our work lies the need to strengthen civil society in what they are already doing – providing skills, knowledge, tools and strategies that places them in a better position to respond to the human rights challenges of refugees. The network has also functioned as a platform for the exchange of experiences and resources, as well as good practices.

Our members have found that learning from each other, especially in such a constrained context, is crucial. It helps to understand what works in advocating for the rights of refugees in other regions, because it allows members to explore if similar strategies can be used in their own national and local context.

The development of the refugee law in Korea has been used by our members in other countries as a model that has the potential to be replicated. Experienced lawyers have exchanged lessons learnt with our legal aid providers in India, which helped them draft a Memorandum of Understanding (MoU) with the United Nations High Commissioner for Refugees (UNHCR).

Magnifying local voices

APRRN also serves as a platform that magnifies local and national voices at the regional and international level with key stakeholders. On many occasions we have facilitated this. For example, not only have we enabled national and local members to attend UNHCR events in Geneva and relevant regional fora, but we have also ensured that our advocacy efforts reflect the actual situation on the ground. APRRN has raised awareness on the importance of refugee protection in fora that previously ignored or apportioned limited attention to refugees.

Over many years, members have advocated at the national, regional and international level for positive policy changes. While there have been several small successes on the national level – the region has fallen short in addressing refugee flows in a collaborative manner and with a human rights based approach.

Globally we are also witnessing a new and sad record number of people being displaced. We are seeing worrying trends of border control and national security. We are seeing more and more protracted

conflicts that force people to leave their homelands. In this context, civil society has an absolutely crucial role to play in tackling some of the challenges. In an environment where protection spaces are shrinking, networks such as APRRN become even more important. As civil society we can be stronger, by coming together. As a network with one strong voice, we can make change happen.

The future of APRRN

Looking into the future there is much more potential for APRRN to further consolidate its work. APRRN is already a key stakeholder in the region, but our voice needs to be even stronger, so that Governments start engaging with APRRN more closely.

APRRN also needs to strengthen membership engagement and see how it can bring in more refugee communities, so that they can advocate for their own rights. APRRN does not claim to be the voice of the voiceless. We are aiming to support refugees and civil society groups in strengthening that voice, so they can speak for themselves. APRRN has much more to do in further building a strong refugee rights movement, taking inspiration from some of the other movements we have seen in this region.


I have been with APRRN for over four years now. I have seen APRRN grow and I have seen first-hand the many challenges civil society is dealing with in this region. I have witnessed growing solidarity among civil society and how the work our members are doing directly benefits refugees across the region.

I have had the privilege of watching APRRN develop as a network to the point where it has become a family and a collective voice that stands together strongly and united. APRRN is deeply appreciative and incredibly thankful to FORUM-ASIA, recognising the need for us to come together and to establish such a network. Without their support, the network would not be where it is now.

Julia Mayerhofer, Interim Executive Director, Asia Pacific Refugee Rights Network (APRRN)

Julia Mayerhofer has been with the Asia Pacific Refugee Rights Network (APRRN) Secretariat since April 2011. She was the second paid staff and first joined the Secretariat as a Programme Officer. Julia is an Austrian national and prior to APRRN, she worked with refugee communities in Hong Kong with a focus on resource mobilisation, programme development and community outreach. Previously she was also the Director of Help without Frontiers, an Austrian based charity supporting refugee children on the Thai-Myanmar border. Julia has a BA in educational sciences and a MA degree in Development Studies. In addition she has participated in various training related to human rights and refugees. Julia also has a strong interest in social enterprises and won the Hong Kong Social Enterprise Challenge in 2011.





‘The biggest religion is humanity, after that (..) comes your faith and religion (..) your identity is as human being [first].’

Cecil Shane Chaudhry
Executive Director, National
Commission for Justice and Peace
(NCJP), Pakistan



‘If [Governments] want to do something that will change our life, influence our life, we have to participate, everything has to be transparent.’

Yibee Huang

Member Executive Board, Covenants and Conventions Watch, Taiwan



National Human Rights Institutions Advocacy

The story of the Asian NGOs Network on National Human Rights Institutions (ANNI)

By Joses Kuan, Research and Advocacy Officer, Burma Partnership

The Asian NGOs Network on National Human Rights Institutions (ANNI) was established in December 2006. It is a network of Asian non-governmental organisations (NGOs) and human rights defenders (HRDs) that advocate for the strengthening of Asian National Human Rights Institutions (NHRIs) such that they are able to better promote and protect human rights. ANNI also advocates for the improved compliance of Asian NHRIs both in law and practice with international standards, including the Paris Principles and General Observations of the Sub-Committee on Accreditation (SCA) of the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC). ANNI, at the time of writing,²⁶ has 30 member organisations from 17 countries or territories. The Asian Forum for Human Rights and Development (FORUM-ASIA) functions as the Secretariat of ANNI.

National Human Rights Institutions (NHRIs) in Asia

As Asian NHRIs were still relatively new inventions that mostly emerged in the late 1990s to 2000s, ANNI was established to advocate for their independence as well as higher levels of accountability and effectiveness of

NHRIs. This was particularly important as many Asian countries were just embarking on their democratic transitions, and HRDs welcomed an ally that had the potential to contribute significantly to human rights protection and governance on the ground.

Today, the network continues to equip and reinvigorate itself in response to the varied challenges that impede the work and functioning of Asian NHRIs. Through the formulation of advocacy strategies and action points, NHRIs are consistently monitored and assessed by Asian civil society groups with regular and sustained calls for improvement by Asian Governments and NHRIs.

The annual ANNI report

A major advocacy strategy is the publication of the annual ANNI Report on the Performance and Establishment of NHRIs in Asia. It is an assessment of Paris Principles compliance of Asian NHRIs both in law and practice, as well as an inquiry into their effectiveness and impact.

Some of the notable achievements as a result of ANNI's NHRI advocacy include the Human Rights Commission

²⁶ Time of writing is September-October 2015.

(HRC) of the Maldives' instrumental role in the passage of the Anti-Torture Act (2014) and Suruhanjaya Hak Asasi Manusia's (SUHAKAM's – the National Human Rights Commission of Malaysia's) landmark national inquiries into rights abuses and violations relating to freedom of peaceful assembly and indigenous peoples' land rights, and even joint campaigns with civil society organisations (CSOs) for the Government's accession to the Convention Against Torture. In Mongolia, the NHRC has established the practice of having ex-officio civil society representatives on the body to inform and steer the commission's priority areas, as well as assist in planning, designing and implementing its activities.

Challenges for NHRIs

Increasingly, it has become apparent that many NHRIs operate in hostile environments that impede their ability to fulfil their mandate. This is reflected in the recent intensification of reprisals, attacks and harassment against NHRIs, and range from trumped up charges filed against NHRI members for duly discharging their roles and mandates, to physical summons and harassment before authorities.

The work of the ANNI network has evolved to also reflect contemporary challenges confronting NHRIs. These include advocating for legislative oversight of NHRIs to ensure public accountability and to prevent attacks, as well as promoting an enabling environment for them to operate in.

Establishing independent and effective NHRIs

Another main thrust of ANNI's work is advocating for the establishment of independent and effective NHRIs. This is particularly significant when other domestic protection and accountability mechanisms remain weak or inadequate. Such campaigns are nationally-driven and member-led, with ANNI members facilitating the formation of coalitions and networks to develop a systematic and long-term plan of action to advocate for the establishment of NHRIs.

However, the reality is that NHRIs in non-democratic or transitional States are often used as smokescreens to deflect attention and scrutiny of the country's human rights record. Hence, the establishment of an NHRI should not be conflated with greater respect for human rights by the State. So, while their creation may arguably open up an official space for a human rights discourse, the institutional legitimacy of NHRIs is ultimately tested through their performance, and in particular, their impact or ability to render justice to victims of violations and abuses.

Even repressive States like Cambodia have recently accepted the recommendation to establish an NHRI with no reservations. This makes the work of ANNI more critical and significant as it involves heightened vigilance, scrutiny and advocacy to prevent the creation of 'alibi institutions' to legitimise the State and deflect criticism of it.

Regional and international advocacy

ANNI's engagement with the Asia Pacific Forum on National Human Rights Institutions (APF) started with the intention to advocate for fully Paris Principles-compliant NHRIs in the region. As relatively new creations, it was critical to ensure that these institutions remained independent, effective and accountable so that they could meaningfully contribute to human rights protection and governance at the national level.

Furthermore, in those regions in Asia where there were no (sub) regional mechanisms, such as the ASEAN Intergovernmental Commission on Human Rights (AICHR), the development of regional standards and jurisprudence through the APF's Advisory Council of Jurists (ACJ) References, on a variety of prevalent and critical human rights issues, was particularly valuable for civil society and NHRIs alike.

Since the early days in 2006, when civil society representatives were restricted to observer status at APF meetings, the relationship between ANNI and APF has evolved to a more robust, collaborative and sustainable partnership. In recent years, an ANNI-APF dialogue mechanism has been institutionalised in the context of the APF's annual business meetings, providing an opportunity for frank and constructive discussions on issues of mutual concern as well as to strategise plans and actions. These include NHRI-civil society relationships and forms of cooperation, NHRIs' role for HRDs, and even making substantial

inputs to the APF's Strategic Plans through written and oral submissions.

In recent times, ANNI and the APF have also collaborated on critical, urgent issues such as NHRIs 'in crisis' or 'at risk'. Examples such as the judicial harassment of HRC Maldives members and potential dissolution of the National Human Rights Commission (NHRC) of Thailand readily come to mind. Such joint advocacy actions ensure that the unique strengths of each network are mobilised efficiently and advocacy efforts are amplified.

ANNI's visibility and credibility has also been firmly established in other international human rights bodies, such as the accreditation review of NHRIs administered by the ICC. The submission of timely and quality stakeholder reports, as well as frequent updates and information-sharing, is largely enabled by sustained scrutiny on the ground by ANNI members and the close working relationship with the Secretariat.

Towards the future

Public expectations of NHRIs exist because their creation suggests an institutional approach to addressing and tackling violations domestically. After all, they are the only state-formed organ tasked exclusively to promote and protect human rights. ANNI will continue to do all it can to make NHRIs fully realise those expectations.

Joses Kuan, Research and Advocacy Officer, Burma Partnership

Joses Kuan works for the Burma Partnership (BP) based in Mae Sot, Thailand. Before joining BP, he was the National Human Rights Institutions Programme Officer at FORUM-ASIA.





**‘If we work together
to strengthen
ourselves, the future
is in our hands.’**

Chalida Tajaroensuk
Executive Director, People’s
Empowerment Foundation
(PEF), Thailand

Capacitating a New Generation of Human Rights Defenders in Asia

The story of the Glo-cal Advocacy Leadership in Asia (GALA) Academy

By Sejin Kim, Human Rights Defenders Programme Officer, FORUM-ASIA

The world of human rights and development is constantly changing. Different concepts are introduced, and new tools, processes and instruments are set up. Particularly on a global level these developments can come and go very fast, making it hard to both follow what is going on and translating them to local realities. This makes it important to train and capacitate young activists to be able to understand, monitor and engage with these processes, and be a bridge between the global and local level.

Given how significant it is to be able to develop a comprehensive approach that includes both development and human rights, FORUM ASIA together with the Asian Development Alliance (ADA) and the Asia Democracy Network (ADN) initiated the Glo-cal Advocacy Leadership in Asia (GALA) Academy in 2013.

The GALA Academy focuses on capacity building and providing a platform for interaction and collaboration for second-tier leaders of civil society organisations (CSOs) from across the region. The GALA Academy is the first regional training programme which links

the human rights and development communities, and despite its relatively short-time of existence, has already made significant contributions to strengthening the synergy between these two movements.

Background

2013 marked the 20th anniversary of the Vienna World Conference on Human Rights, which resulted in the 1993 Vienna Declaration and Programme of Action (VDPA).²⁷ Traditionally, civil and political rights (CPRs) have been accorded priority over economic, social and cultural rights (ESCRs). The conventional focus on CPRs is partly due to the progressive and long-term nature of ESCRs. However, the VDPA affirmed that all human rights – CPRs and ESCRs – are universal, indivisible, interrelated and interdependent. There is no hierarchical distinction between these rights.

This concept has since been embedded in the human rights discourse. It became widely accepted that CPRs and ESCRs complement each other and are best realised when implemented simultaneously.

Development in particular is considered a human right for all individuals and

peoples. The formulation of development as a right is based on the idea that development is more than just economic growth. For instance, the declaration on the Right to Development describes it as ‘a comprehensive economic, social, cultural and political process, which aims at the constant improvement of the wellbeing of the entire population and of all individuals on the basis of their active, free and meaningful participation in development and in the fair distribution of benefits resulting therefrom’.²⁸

Even though the notion of the interdependence and indivisibility of human rights has become well accepted at the international level, FORUM-ASIA has witnessed a lack of understanding and willingness to implement this on all levels. While human rights activists and movements have for a long time focussed on violations and infringements related to both civil and political rights (CPRs) on the one hand, and economic, social and cultural rights (ESCRs), as well as the right to development on the other, it is now time for the development paradigm to be integrated fully in the entire human rights movement.

The GALA Academy

The GALA Academy was developed to address this need for a comprehensive approach on both development and human rights, and so far it has meaningfully activated intrinsic linkages between the agendas of the two communities.

The GALA Academy builds on the experiences and lessons from a variety

of capacity building activities that FORUM-ASIA has conducted over the last 20 years, including the Annual Training and Study Sessions for Asian Human Rights Defenders (ATSS). It intends to empower Asian CSOs and human rights defenders (HRDs) to develop knowledge and key skills for their human rights and development work.

Additionally, the GALA Academy is a concrete follow-up to the Bangkok Declaration and Statement on the Post 2015 Development Agenda, which was adopted during the first regional meeting of the Asian Development Alliance (ADA) which took place in Bangkok on 21 January-2 February 2013.

²⁷ Paragraph 5 of the VDPA stipulates that: ‘All human rights are universal, indivisible and interdependent and interrelated. The international community must treat human rights globally in a fair and equal manner, on the same footing, and with the same emphasis. While the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind, it is the duty of States, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms’.

²⁸ OHCHR, ‘The Right to Development Approach to a New Global Partnership for Development for the Least Developed Countries’, 2011.

Objectives and set-up

The general objective of the GALA Academy is to enhance the capacity of the next generation of CSO leaders in Asia and to allow them the opportunity to share their ideas and understanding of human rights and development. The GALA Academy aspires for its alumni to play a crucial and constructive role in national, regional and international advocacy on human rights, development and democracy.

The specific objectives of the GALA Academy are to:

1. Develop an understanding, among the participants, of the international policy-agenda and processes related to human rights and development in the context of the Post-2015 Development Agenda or Sustainable Development Goals (SDGs);
2. Improve strategic and critical thinking of the participants by linking global discourses to local contexts; and
3. Enhance collaboration among CSOs in the region in developing cross-sectoral advocacy action plans based on collective analysis.

The weeklong training provides a platform to develop strategic glocal (global and local) actions on key human rights and development issues, as well as related regional and international processes for second-tier leaders. The trending paradigm of globalisation is a key issue covered during the GALA Academy.

When looking at the evolution of globalisation, we can see the transition from international, to trans- or supranational, to global, and finally to glocalisation. A development inspired by the realisation that the general concept of globalisation was not sufficient when applied to the different characteristics of local communities. The term glocalisation was developed to mainstream globalisation with a focus on and customisation of local characteristics. It truly is the development of synergy from the bottom up.

The following chart shows the programme of the most recent GALA Academy of August 2015, and is reflective of a typical GALA Academy week.

Day 1	Day 2	Day 3	Day 4	Day 5	Day 6	Day 7
Introduction to Objectives, Programme Agenda, etc.	Overview of Post-2015 Development Agenda and Related Processes/SDGs	Overview of International Human Rights and Democracy Agenda and Mechanisms	Visit to UNESCAP OHCHR, UNDP, etc.	Workshop --- Media Communications Strategy, Coalition-building	Presentation of Advocacy Strategies and Action Plans	Presentation of Advocacy Strategies and Action Plans
Glocal Advocacy – Concepts, Principles & Strategies				Role play simulation: SDG 17		Evaluation Closing Session
Workshop --- Skill Learning, Analysis and Advocacy Planning						

Prior to every GALA Academy, homework is given to all participants to prepare them for the discussions on the different issues: human rights; development; and democracy.

The first day gives participants the opportunity to share their opinions on the main issues in each domain, and identify the differences that exist between their own perceptions and the more generally recognised perceptions on human rights and development. Answers usually vary, but often there is also consensus on certain topics.

The GALA Academy 2013–2015

For example, during the last GALA Academy, regarding human rights issues, participants identified: the plight of HRDs; Freedom of Expression (FoE) and Freedom of Assembly and Association (FoAA); ESCRs; impunity; minority rights; and business and human rights as the main issues. Poverty; natural resources; Corporate Social Responsibility; education; the environment; housing; gender equality; democracy; and the SDGs were put forward as pressing development issues. Throughout this exercise, participants were able to compartmentalise and conceptualise issues related to development and human rights, as all these issues are directly or indirectly related.

The next topic on the agenda of the training was a module which gave an overview of different human rights mechanisms and processes at the national, regional and international

levels. It provided knowledge on how to engage with these mechanisms from a development and democracy perspective.

Reflecting on the outcomes of the most recent GALA Academy, participants were thus able to understand and gain basic knowledge of the fundamental functions of UN Human Rights Mechanisms, such as the charter-based bodies, treaty bodies, the Universal Periodic Review (UPR) and so on.

Looking at the national level, the session tried to breakdown the traditional understanding of human rights being the sole responsibility of the State. The trend has shifted, and now, through globalisation, the responsibility of the State is in the hands of local actors.

The session on the overview of development mechanisms and processes at the international level also provided participants with knowledge on how to engage with development mechanisms from a human rights and democracy perspective. It did so through a concrete case study of engagement with international institutions, such as the Asian Development Bank (ADB) and other international financial institutions.

The training also provided skill-learning workshops to capacitate participants with necessary skills for their advocacy work at national, regional and international levels. During the workshops, key concepts and components of advocacy were shared. In the context of the GALA Academy advocacy is understood as a set of communicative actions aimed

at producing societal change through enabling and empowering people to speak for themselves.

The module then moved on to present various components of communication, such as public, inter-cultural, and inter-personal aspects, as well as the importance of reading between the lines and understanding the jargon that is used in the UN system. It was emphasised that it is not about how well a language is spoken, rather it is about how effective the message is delivered, specifically when it comes to the role of CSOs and their different communication strategies.

It is important that both human rights and development movements explore other means of communication, like social networking services, than those they normally use. Communication techniques can be learned to improve advocacy efforts, and to gain a wider public audience. With the rapid increase in technology, tools for advocacy have also become multiple.

During the training, participants also got the opportunity to learn more about the SDGs, and compare the Millennium Development Goals (MDGs) with the SDGs. Participants deepened their understanding of the targets and indicators of MDGs and SDGs as well.

They also developed and identified their own priority SDGs, indicators and targets. During the particular session in which they looked into this, human rights mechanisms were further explored and the importance of the SDGs was

explained. Participants also critically analysed the SDGs, focussing on how balanced they were and to what extent they acknowledged the interdependence between human rights and development.

One of the most popular parts of the training was the role-play simulation on the SDG negotiations. Through the exercise, participants gained a sense of the dynamics and processes in the UN system. Moreover, they were able to put negotiation and communication skills into practice, and strengthen them further.

Finally, the training contributed to identify priority goals from national and sub-regional perspectives, and the formulation of strategic advocacy actions. While doing so, participants, once again, got to practice their negotiation and communication skills.

Outcomes and changes

Although the GALA Academy is only three years old, it has produced significant impacts in the human rights and development movement in Asia. In three years, FORUM-ASIA trained around 78 second-tier leaders from 16 countries in Asia. After the trainings, they conducted and supported effective campaign and advocacy activities at the national, regional and international level. Throughout the training, participants were equipped with knowledge and skills, among other related to communication and negotiation strategies.

One interesting outcome has been the creation of a space to share best practices for effective coalition-building

and communication. Participants gained knowledge and skills to engage with the UN and other international mechanisms. Alumni of the GALA Academy have become important national, regional and global actors undertaking glo-cal advocacy.

For instance, Indonesian participants of the GALA Academy held a discussion among 30 Indonesian organisations working on human rights and development in October 2013 related to human rights in the Post-2015 Development Agenda. GALA Academy materials were used for the preparations of the discussion.

In another instance, during the World Social Forum in 2015, three alumni of the GALA Academy, from Cambodia, the Philippines and Taiwan, attended the meeting and organised a regional workshop to exchange ideas.

Another significant outcome has been the increase in mutual understanding between the human rights and development movements. An informal and loose network of former participants was set up on social media, through a Facebook page of the GALA Academy and a mailing list. This platform has been a key tool to share up-to-date information on development and human rights. It has also further strengthened the solidarity between the two camps.

For example, an alumna of the first GALA Academy from China was arrested in March 2015 ahead of an anti-harassment campaign that was launched

to coincide with International Women's Day. Both human rights and development activists worked together to have her, and four other colleagues who were arrested along with her, released. A joint statement from both human rights and development organisations was issued. And an online petition was launched and circulated by GALA Academy alumni to the human rights and development communities. After a month of pressure, the alumna of the GALA Academy was released on bail in April 2015.

Lessons learnt

It has been only three years since the GALA Academy was introduced, but there are both practical and conceptual lessons learnt.

- On a very practical level, in spite of the fact that homework was given to all participants to enhance their familiarity with the different issues to be addressed during the GALA Academy prior to the training, there was still a gap of knowledge between different participants, particularly those coming from the human rights movement. For instance, during some of the sessions on the SDGs and the post-MDGs campaign, participants from a human rights and democracy background had difficulties to engage, since they were not familiar with the particular campaigns and subject. In order to tackle this issue, FORUM-ASIA identified that there is a need for a national-level GALA Academy.

- Similarly, alumni of the previous GALA Academies from the same countries were not formally introduced to new graduates. It was suggested to connect them so that they could engage with each other before and after the training.
- Furthermore, a sub-regional GALA Academy for the training of trainers was also suggested, as it would provide great opportunities to expand the pool of trainers to conduct national GALA Academies.

Towards the future

As the very first regional training to link the human rights and development communities, FORUM-ASIA has contributed to strengthen both movements, and has created synergy between them. Our work will continue to provide a bridge. As one of the GALA Academy alumni said:

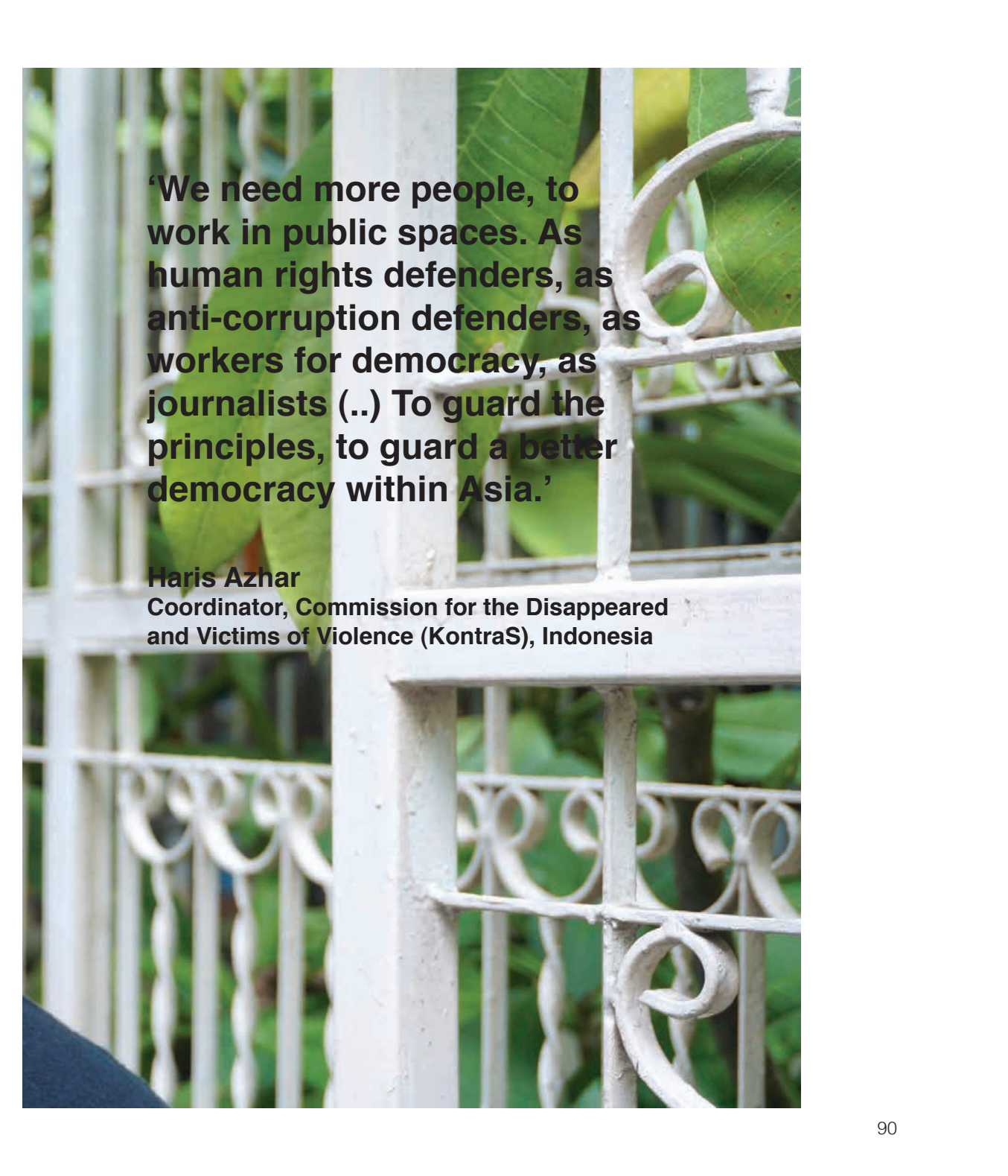
‘I am very lucky to be part of the GALA Academy. I feel more responsible because we are amongst the few people in the world who have in depth knowledge about the SDGs and importance of intrinsic linkages between human rights and development. That is why we – as alumni of GALAA – hold more responsibility on our shoulders to work a lot more and share our knowledge with others.’

Sejin Kim, Human Rights Defenders Programme Officer, FORUM-ASIA.

Sejin Kim serves as Human Rights Defenders Programme Officer at FORUM-ASIA Office in Bangkok, Thailand. She served as East Asia Programme Fellow at FORUM-ASIA from 2011 to 2012.

Sejin has a Bachelor’s degree in International Relations from Dublin City University, Ireland, and is currently undertaking a Master Programme in Human Rights from Sidney University and Mahidol University. Prior to joining FORUM-ASIA, Sejin served as a country research consultant (Thailand and South Korea) for Internet.org and Verite.





‘We need more people, to work in public spaces. As human rights defenders, as anti-corruption defenders, as workers for democracy, as journalists (..) To guard the principles, to guard a better democracy within Asia.’

**Haris Azhar
Coordinator, Commission for the Disappeared
and Victims of Violence (KontraS), Indonesia**

A Canvas of Possibilities

The story of the Regional Initiative for a South Asia Human Rights Mechanism (RISAHRM)

By Anjuman Ara Begum, South Asia Programme Officer, and Mukunda Kattel, Director, FORUM-ASIA

The 20th century has witnessed an upsurge of self-determination movements across South Asia, replacing repressive colonial rule with democracy and written constitutions that promise the rule of law. However, the process of human rights standard setting and its enforcement remains poor domestically as well as regionally.

Even though some fundamental human rights instruments have been established in the last years, there is still a lack of actual implementation of these guidelines. Facing this fragmentary environment of human rights standards setting in the region, the establishment of a regional human rights mechanism in South Asia is highly significant. The Regional Initiative for a South Asia Human Rights Mechanism (RISAHRM) serves as an important facilitator in this process by providing a platform to bring together individuals, civil society organisations (CSOs) and people's movements from across the region for the goal of establishing a regional mechanism for the protection and promotion of human rights.

The context

The lack of progress in human rights standard setting and its enforcement in the region has made violations a common feature, including: extra-judicial killings; disappearances; torture; and gender- and caste-based atrocities. Those responsible for such atrocities are rarely investigated and hardly held to account. This makes South Asia a region with an institutionalised culture of impunity. Poverty, socially and culturally sanctioned inequalities, terrorism and militarisation add badly to this culture.

'What we have in common in this region is a history of sufferings and injustices.'

This single sentence of Harsh Mander, a noted Indian social activist, aptly sums up the situation of human rights and justice in South Asia today.²⁹

In 1985, the South Asian Association for Regional Cooperation (SAARC) was established with a view to promote peace and stability in the region. To achieve this lofty goal would mean to repair the history Harsh has noted above. However, thirty years down the road, the situation in the region has not become any better.

²⁹ Harsh made this remark while addressing a national workshop on Regional Initiative for a South Asia Human Rights Mechanism (RISAHRM) held in New Delhi in August 2014.

This is not to say, however, nothing has happened over the years. Some useful human rights instruments have been adopted. The development and ratification of the Convention on Preventing and Combating Trafficking in Women and Children for Prostitution (2002), the Convention on the Promotion of Child Welfare in South Asia (2002), the Social Charter (2004) and the Charter on Democracy (2011) by several countries in the region are testaments to this.

However, these instruments only exist on paper. No mechanisms have been developed to oversee their implementation, which indicates the urgency of a regional human rights mechanism. In its absence, the promises of SAARC continue to remain hollow.

Hosting over one fourth of the world population, South Asia is home to some of the world's most ancient civilisations, cultures, religions and languages. The people share historical ties and socio-cultural similarities in many ways. Yet, they remain disconnected and thus are deprived of exploiting the wisdom, which emanates from their civilisational richness, to benefit each other.

All States of the region – Afghanistan, Bangladesh, Bhutan, India, the Maldives, Nepal, Pakistan and Sri Lanka – have some form of domestic institutions to deal with human rights within their borders. All States are parties to almost all core international human rights instruments, barring Bhutan, which is only party to the conventions related to the rights of the child and women. All States also have constitutional and legislative remedies of one kind or

another against human rights violations. However, all States have fallen short in the applications of these institutions, instruments, and remedies.

International human rights instruments provide for the equal protection and promotion of human rights to everyone without bias or favour. These instruments should be implemented at the domestic level, through appropriate domestic arrangements, for concrete outcomes. Actual protection and promotion of human rights thus depends on the ability and willingness of national Governments to implement the international standards. It is here the problem occurs. Human rights do rarely draw a national priority, less so in areas where people, the rights holders, are not able to assert themselves effectively and national Governments are adept at finding this or that excuse to justify why human rights are not their priorities.

South Asia is such a region. Dr Sima Samar, a noted human rights activist and the Chair of the Afghan Independent Human Rights Commission sees the need for a regional mechanism from a geopolitical perspective as well: '*To promote human rights requires the Governments to work together, to collaborate and complement each other. But this rarely happens in our region as our Governments have problems with each other. A specific mechanism is thus necessary to bring them together and engage them in human rights standard setting and implementation.*'³⁰

³⁰ Dr Samar made this remark while addressing a national workshop on Regional Initiative for a South Asia Human Rights Mechanisms (RISAHRM) held in New Delhi in August 2014.

Role and expectation of Regional Human Rights Mechanism

Human rights protection and promotion is the responsibility of national Governments. This responsibility arises from them being a member of the United Nations and party to international human rights instruments.³¹ Central to the State's responsibility is to take every measure necessary – political, legal, economic and social – to create an environment for the protection and promotion of human rights of everyone. National courts and human rights institutions closely monitor the implementation of the human rights responsibility of the State, and provide protection and redress in the event of a denial and violation. They do so by drawing authority and guidance from international human rights law.³²

Human rights standard setting and implementation follow an inverse order. While the process of standard setting follows a top-down order, the implementation of standards takes place bottom-up. The standards set at the international level are implemented in a country context. This means the implementation is largely a domestic business and is contingent upon the will and capacity of a State. It is therefore not surprising to see a huge gap between rhetoric (standards on paper) and reality (implementation on the ground) as they exist in a completely different context. The gap between standard setting and implementation also exists in absence of a mechanism needed to monitor the implementation of the standard, follow up

progress, detect areas of improvement and initiate remedial actions where necessary.

A regional human rights mechanism becomes crucial here: to bridge the gap between the national and the international both in terms of standard setting and implementation. They provide an additional layer of human rights protection as a mediator between international treaty obligations and domestic implementation, including development of national laws and policies in line with the spirit of international standards.³³

Governments should have a strong incentive to promote and protect human rights within their region. It is proven that severe violations of people's rights lead to internal conflicts with numerous spill over effects on neighbouring countries, while greater protection enhances peace and security of all States involved.³⁴

This is also true in the everyday

³¹ For more information on the context and substance of human rights and their protection mechanisms, please visit <http://www.ohchr.org/EN/Issues/Pages/WhatareHumanRights.aspx>.

³² OHCHR, 'International Human Rights Law', <http://www.ohchr.org/EN/ProfessionalInterest/Pages/InternationalLaw.aspx>.

³³ Heyns, Christof and Magnus Killander, 'Towards Minimum Standards for Regional Human Rights system', in *Looking to the future: Essays on international law in honour of W Michael Reisman*, ed. Mahnouch H. Arsanjani et al. (Leiden: Martinus Nijhoff Publishers, 2010).

³⁴ Petersen, Carole J., 'Bridging the Gap? : The Role of Regional and National Human Rights Institutions in the Asia Pacific,' *Asian-Pacific Law and Policy Journal* 13, no.1 (2011): 174).

experience of those involved in human rights defence, as reverberated in the following expression of Henri Tiphagne, an Indian human rights activist and the current Chairperson of FORUM-ASIA:

*'From Afghanistan to Sri Lanka, people suffer violence and numerous atrocities, while perpetrators continue to enjoy impunity. It is too much. Without any further delay, the people and Governments of the region must come together to prevent any further escalation of violence. This is the only way we can ensure peace and stability in the region. And the regional mechanism that we are aspiring to establish can bind these together.'*³⁵

South Asia is among a few regions in the world that do not have a regional human rights mechanism. Europe was the first to establish such a mechanism. The Americas constituted an Inter-American system after the Europeans, although they had adopted a declaration enshrining the human rights of their peoples much earlier. The Arab League also has a human rights committee, constituted following the adoption of the Arab Charter on Human Rights, to take care of human rights issues of the region. In Asia, the Association of Southeast Asian Nations (ASEAN) has established the ASEAN Intergovernmental Commission on Human Rights (AICHR) to deal with human rights issues within the ASEAN community.

'A regional mechanism can also

contribute to standard setting', as Miloon Kothari, the founding Convenor of the Task Force of the Regional Initiative for a South Asia Human Rights Mechanism argues. *'Such a mechanism',* he adds, *'can also monitor recommendations flowing from the UN treaty bodies, and their implementations at the national level'.*³⁶ This is a very important function of a regional human rights mechanism. Regional standard setting and close monitoring of the conduct of the international bodies can bridge the cultural divide that exists now vis-à-vis human rights practices, which are alleged to be biased towards those who have a strong voice.

Life and work of RISAHRM

RISAHRM is a loose network of human rights defenders and experts in South Asia, committed to the protection and promotion of human rights in the region. As a network, it serves as a collaborative platform of individuals, CSOs and people's movements from across the region, and mobilises them in actions to achieve a regional outcome, which is the establishment of a regional human rights mechanism.

'RISAHRM has a single aim', says Subodh Pyakurel, Co-Convenor of the Task Force on RISAHRM and former Chair of FORUM-ASIA.

³⁵ Excerpts from the presentation made in the "National Workshop on Regional Human Rights Mechanism," held in Delhi, India in August 2014.

³⁶ Ibid.

*'It is to establish a South Asian human rights mechanism that brings together national processes and regional aspirations. Human rights institutions exist in all South Asian countries, one way or another. All the countries have national laws protecting human rights. All, except Bhutan, also have national human rights institutions with mandates to promote those rights. However, the countries differ starkly in terms of the record of performance, with each having a poor record. A regional mechanism is needed to establish a regional bar of performance, which every state should reach at the very least. This is the aspiration we are working towards. To achieve the aspiration we collaborate with all concerned, both state and non-state, with the highest spirit of inclusion and engagement.'*³⁷

RISAHRM was established in July 2012 as the culmination of a long process that began much earlier. In 2010, the First Sub-Regional Workshop on South Asia Human Rights Mechanism was organised in Kathmandu, Nepal to initiate a focused discussion on the regional mechanism. It critically reviewed human rights problems and challenges faced by the people of the region, and concluded that the challenges could be addressed only by strengthening regional solidarity and cooperation through a regional human rights mechanism. One of the key features of the workshop was the strong call that South Asia should not remain isolated from the rest of the world.

To fine-tune and firm up the ideas explored in the first sub-regional workshop, the Second Sub-Regional Workshop was held in Kathmandu in July 2011. This second workshop saw the formation of a working group of human rights experts from the region to continue the process, with Miloon Kothari from India as the coordinator. A year later, in July 2012, the working group met in New Delhi and formed a broad network of South Asian human rights expert-defenders, which they named the Regional Initiative for a South Asia Human Rights Mechanism (RISAHRM). In the meeting it was also decided to constitute a Task Force to lead the network regionally, and form a working group to develop a Terms of Reference (ToR) with mandates, functions and modus operandi of the Task Force. Miloon Kothari was given the responsibility to draft the ToR in consultation with other colleagues in the region.

In August 2014, human rights leaders and experts from the region met in New Delhi. They discussed the draft ToR and formed the first Task Force of RISAHRM with Dr Sima Samar (Afghanistan) as the Convener and Subodh Pyakurel (Nepal) as the Co-Convener; and, Dr Mizanur Rahaman (Bangladesh), Dr Rinchen Chopel (Bhutan), Miloon Kothari (India), Dr Ibrahim Ismail (the Maldives) and Hina Jilani (Pakistan) as members. Nimalka Fernando (Sri Lanka) came on board in March 2015.

³⁷ Based on informal conversation with Anjuman, September 2015.

Key milestones and challenges

Over the last three and a half years, RISAHRM has established a basic institutional infrastructure to lead the campaign for the regional human rights mechanism both at regional and national levels. The Task Force leads the campaign at the regional level, while national committees have been formed to steer national processes under policy guidance of the Task Force.

To speak in concrete terms, RISAHRM has achieved the following milestones over the last years:

- A regional Task Force, with representation from all countries of SAARC, has been formed to oversee the campaign at the regional level, and provide policy guidance to national campaigns and processes.
- A ToR has been adopted, which lays down mandates and operational procedures, including the provision of a Secretariat,³⁸ for the Task Force.
- National Core Committees have been formed in Bangladesh, Bhutan, India and Nepal to propagate the idea of a regional mechanism and create a national momentum in favour of the mechanism at the national level.
- In the run-up to the 18th SAARC Summit (November 2014), intensive lobby and advocacy efforts were undertaken in favour of the mechanism. Although, the agenda of the mechanism could not be included in the formal

business of the SAARC Summit due to geo-political dynamics of the region, many state representatives expressed their commitment to the mechanism, and assured their support. The People's SAARC, that brought together some 2500 representatives from CSOs and people's movements from the entire region, included in its 'People's SAARC 2014-Declaration', specifically the call for the establishment of a *'human rights charter and an effective and participatory human rights mechanism as an apex body to promote, protect and fulfil all rights for all people of the region in conformity with international human rights law.'*³⁹

- A plan of action has been developed to: organise national workshops in the remaining countries of the region and form national core committees; update and/or develop awareness and education materials for public education and action; establish a separate website; and enhance collaborative engagement with SAARC.

³⁸ FORUM-ASIA's South Asia Office, currently hosted by the Informal Sector Service Centre (INSEC) in Kathmandu, serves as the Secretariat of the Task Force.

³⁹ FORUM-ASIA, 'People's SAARC 2014 – Declaration', 23 November 2014.

Hina Jilani, an acclaimed lawyer and former special representative of the UN Secretary General on human rights defenders, compares RISAHRM with '*a good canvas with an image of immense possibilities.*' These possibilities include the peoples of the region to be connected and mobilised drawing on their '*commonality of concerns*' and the States coming together to respond to the common concerns of the people.⁴⁰ The drawing of the image, as Hina has figuratively highlighted, is in fact the greatest achievement of RISAHRM to-date.

The challenge is to add life to the image. It requires the Task Force and the Core Committees to make reticent SAARC listen to the '*commonality of concerns*' of the people and respond to those concerns. Making SAARC work is not a small undertaking. However, there is no choice but to engage and engage again until there is a response. The canvas cannot afford to remain dull.

Anjuman Ara Begum, South Asia Program Officer, FORUM-ASIA

Anjuman Ara Begum serves as South Asia Programme Officer at FORUM-ASIA office in Kathmandu, Nepal. Anjuman holds a Ph.D in Law from Gauhati University, India.

Before joining FORUM-ASIA in August 2015, she served as Steering Committee Member of Women in Governance India and worked as Program Officer-India Desk, at Asian Legal Resource Centre in Hong Kong and Public Affairs Liaison Officer at Cordaid, India.

Mukunda Kattel, Director, FORUM- ASIA

Mukunda Kattel serves as the Director of FORUM-ASIA since July 2014. Mukunda has been working in the human rights field since 1995. Before joining FORUM-ASIA, Mukunda worked as Impunity, Human Rights and Justice Adviser and Senior Adviser, Human Rights Organisations Component for Danida HUGOU and as Programme Manager for Rural Reconstruction Nepal.

Beyond the promotion and protection of human rights, Mukunda focuses on constructive conflict-handling, post-conflict peace building and capacity building of civil society organisations and national human rights institutions. Mukunda is currently working on his Ph.D.

⁴⁰ Delhi Workshop, August 2014.





‘We need to develop a culture of human rights, a culture of human rights means getting all these levels of civil society and state to internalise some of these values.’

Teesta Setalvad
Secretary, Citizens for Justice and Peace (CJP), India

‘Under elected Government or under the Military Government, the poor still have the same fate (..) Human rights and democracy [are] meaningless if [they do] not benefit the poor, the marginalised.’

Somchai Homlaor

**Chairperson, Cross Cultural Foundation (CrCF) and Secretary,
Human Rights and Development Foundation (HRDF), Thailand**



chapter 2 THE HISTORY OF THE HUMAN RIGHTS MOVEMENT IN ASIA

This chapter provides an overview of significant developments and events over the last 25 years – 1991-2016 – for the human rights movement in Asia. The input for this chapter was collected through discussion in meetings, interviews and written submissions. For an overview of people that contributed to this chapter, see page 333.

Obviously this means that what people highlighted was personal and subjective. The chapter is by no means exhaustive. The developments and events that are included in this chapter are those that were identified multiple times by contributors to the publication. This chapter should be seen as a representation of what they perceived as important moments, rather than an objective overview. Not all human rights developments highlighted in the consultations were positive. Particularly when reflecting on recent years, which was roughly indicated as having started in 2010, many participants were fairly pessimistic.

Instead of presenting a chronology of human rights developments in Asia, this chapter is structured into thematic areas. These categories or areas of change were indicated as crucial to the development of human rights in Asia in the last 25 years.

• *Democratisation and People Power*

Almost all people that gave input to this publication mentioned the progress of democratisation in many countries throughout the region, as significant for human rights development in Asia. Specific countries that were highlighted included Indonesia, Timor-Leste, Nepal, Burma and more recently Sri Lanka.

Particularly, but not limited to, the 1990's was a period where democratic developments were perceived as positive. Several authoritarian and repressive regimes were removed or forced out of power – like the ousting of Suharto in Indonesia. Long-running armed conflicts ended – like in Aceh – and other nations saw their claims to self-determination result in independence – like in Timor-Leste. Many countries in the region held free and fair elections for the first time – like in Burma, Mongolia, Bangladesh and the Maldives. It is important to point out that 'free and fair' is a flexible concept and is not always realised to the same extent everywhere.

Other developments related to democratisation included: the drafting of new constitutions with input from people and civil society; the establishment of multi-party parliamentary systems; and other forms of political reform that contributed to the improvement of basic civil and political rights.

Of great significance in all of these developments was the mobilisation of people or People Power.⁴¹ Mass-demonstrations and protests, particularly when reported by international media, meant that regimes in the region could no longer ignore the will of the people. These protests were supported by, and in many an instance the result of work by human rights defenders (HRDs), some of whom did so at great personal cost.

Nonetheless, progress for greater democratisation across Asia has been uneven. There are many instances, especially in recent years, where democratic progress has been rolled back in several countries. Elections have been found to be fraudulent, like for example in Bangladesh. Legislation that limits civil and political rights has been enacted across the region, like in Cambodia, while in other places military coups have put an end to democracy altogether, like in Thailand.

Reflecting on 25 years of human rights developments that people deem important, clearly demonstrates the undeniable link between human rights and democracy. Places that have experienced regress of democracy in recent years should therefore be eyed with great concern.

- *Growth of the human rights movement and human rights mechanisms*

The last 25 years in Asia witnessed the growth, expansion and professionalisation of the human rights movement. Many of the key organisations today, including FORUM-ASIA, were established over the last

decades. Human rights activities, projects and campaigns became targeted and strategic over this period. This was in part due to donors establishing and enforcing stricter planning, monitoring and evaluation mechanisms but also due to greater public engagement and scrutiny.

In addition, human rights efforts became increasingly interconnected regionally and internationally. Civil society organisations (CSOs) formalised their collaboration ensuring consistency of message and advocacy. Knowledge exchange and advocacy efforts created formal and informal networks of HRDs across the region. For some examples of this, see the cases on ALTSEAN-Burma (page 29), ANFREL (page 37), APRRN (page 67), and the GALA Academy (page 81).

A new focus of human rights efforts over this period was the engagement with Regional Inter-Governmental Organisations (RIGOs). The Association of Southeast Asian Nations (ASEAN) and the South Asian Association for Regional Cooperation (SAARC) are two key organisations that were targeted. Initiatives such as People's SAARC, the ASEAN People's Assembly (APA) and the ASEAN Civil Society Conference (ACSC) were important achievements for the advancement of human rights in Asia. These new mechanisms exemplified the trend of regional engagement over the last 25 years.

⁴¹ Here the Philippines was mentioned as an inspiration, but technically the People Power movement there does not fit in the time period this chapter covers.

Regional human rights developments in Asia were part of a global effort that focused and refined human rights through the later part of the 1990s. In part responding to CSOs advocacy activities, the last decades saw the establishment of bodies like the Office of the High Commissioner for Human Rights (OHCHR), the International Criminal Court (ICC), and the Universal Periodic Review (UPR) of the United Nations Human Rights Council (UNHRC). While not many similar institutions were created at a regional level in Asia, Southeast Asia did see the creation of the ASEAN Intergovernmental Commission on Human Rights (AICHR) and the ASEAN Commission on the Promotion and Protection of the Rights of Women and Children (ACWC). While these institutions all suffer from complications and challenges in fully realising their mandates, their establishment should be celebrated as milestones that institutionalised human rights commitments.

This institutionalisation of human rights commitments globally and regionally flowed through to the national level as well. Across Asia, National Human Rights Institutions/Commissions (NHRIs) were established. Here again it should be noted that many NHRIs leave much to be desired when it comes to truly promoting, realising and protecting the human rights of the people. In some cases the establishment of an NHRI is even used to justify an end to efforts to further protect or promote human rights. Still, generally speaking NHRIs should be viewed as a key development for human rights in the region and moving forward

be seen as an opportunity and potential ally.

The establishment of the Asia Pacific Forum of National Human Rights Institutions (APF) mirrored this desire of NHRIs themselves to strengthen and learn from each other, and enhance their work to realise their mandates. CSOs from across the region, including FORUM-ASIA, took it upon themselves to monitor and engage with the APF through the establishment of the Asian NGO Network on National Human Rights Institutions (ANNI). For more on ANNI, see the case study on page 75.

- *Declarations, Conventions and Conferences*

In addition to the establishment of key institutions and bodies, significant progress was made in the drafting, signing and ratification of human rights related declarations and conventions. While much remains to be done when it comes to implementing many of these, again the progress lies in the recognition and commitment these documents represent, and hence how they can be used as tools by HRDs.

Particular reference was made here to: the UN Guidelines on NHRIs; the UN Declaration on the Rights of Indigenous People; the outcome documents of the UN Climate Change Conference; and the ASEAN Human Rights Declaration.

The 4th World Conference on Women held in 1995 in Beijing was perceived as crucial in the development of human rights in Asia of the last decades. The

outcome documents and actions plan from this meeting represented dramatic progress for women's rights in Asia. Probably more importantly, the meeting contributed to the strengthening and consolidation of the women's movement in the region. Given the regress that is currently taking place in certain parts of the region when it comes to women's rights, the importance of holding onto the outcomes of the Beijing Platform for Action underscores the significance of the meeting's achievements.

Of similar importance to the progress on human rights in Asia has been the work on, and as a result the ratification of different key documents by Governments in the region. The Convention on the Rights of the Child (CRC) and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) were ratified by all ASEAN Member States. Great efforts were also made by CSOs to encourage as many Asian countries as possible to support the establishment of the ICC. See the case study on page 47.

However, inputs from our contributors revealed that the most significant human rights document created over the last 25 years in Asia was not Government led. On the contrary, it was the result of the efforts of CSOs only. This important document was the Final Declaration of the Regional Meeting for Asia of the World Conference on Human Rights. Known as the Bangkok Declaration, this document was developed in preparation and as input for the World Conference on Human Rights held in Vienna in 1993. Not only did this document highlight

and analyse the key issues related to human rights in the Asia at the time, it also represented a crucial moment of collaboration and solidarity among HRDs in the region.

- *Global developments beyond the human rights field*

Inputs and reflections for this publication also highlighted crucial developments that occurred outside of the direct scope and influence of the human rights field. Global and regional events that played an important role in the development of the human rights movement in Asia, but were not intended as such.

The Asian financial crisis of 1997 had a significant impact on human rights in the region. The financial instability that stemmed from the crisis severely affected several regimes in the region. The crisis undermined the power of these leaders; most notable was Suharto who had by then been ruling Indonesia for over 30 years. It cannot be claimed that the 1997 financial crisis was the sole reason regional leaders such as Suharto lost power. However, the crisis most certainly played an important role in their downfall.

The attack on the United States of America on 11 September 2001 (9/11) had a similar unintentional, yet significant effect on human rights development in Asia. 9/11 not only divided the world, after divisions from the Cold War seemed to have dissipated, but, for the human rights movement more importantly, resulted in Governments throughout the region adopting new national security

policies and anti-terrorism laws. The criminalisation of dissent, the repression of minority groups and the securitisation of society can all, to some extent, be traced back to that unfortunate day in 2001.

On a positive note, many mentioned developments related to Information and Communication Technologies (ICT) and the astonishing advances in social media, as of great importance to the human rights movement too. The tools and possibilities now at the disposal of HRDs have changed the way the human rights movement works and functions. While by no means a purely positive development, particularly when related to the new wave of digital security laws that many countries in the region are imposing, the work of an HRD will never be the same again.

• *Human rights priorities that changed the movement itself*

Throughout the conversations and exchanges on developments that have been significant for human rights, people noted particular thematic priorities that have been important. A few of these issues have, in addition to being of great importance for Asia as a whole, been key in changing the human rights movement itself. Either in its formation or in its transformation. A further differentiation can be made between those that have been a priority for a long time, and those that have been relatively new.

Among those injustices and human rights violations that inspired the rise of the human rights movement in Asia

are extra-judicial killings and enforced disappearances. These horrific violations were the reason that many organisations and individuals became involved in the human rights movement. They were the original motivation for people to become HRDs. Unfortunately, recent years has seen an increase of these violations in many countries in the region once again.

Similarly, the protection of socio-economic, cultural and political rights was mentioned as a traditional human rights priority that has long been fought for. Right to land, development, self-determination, voting, but also the release of political prisoners or the freedom of speech have been among the topics that inspired people to go out onto the streets for decades.

At the same time, certain groups in society have long been organised and consolidated to promote their specific needs and interests, while at the same time these groups have changed viewpoints and perspectives within the human rights movement itself.

The women's movement has been very strong and active for a long time. The mainstreaming of women's rights and gender perspectives has changed the modus operandi of human rights organisations regardless of their focus. Noteworthy is that in countries that are traditionally restrictive for women, you find exceptionally strong women's rights activists. While some of these women have gained international recognition and fame, it has, at times, been difficult to shift this individual attention to support for the broader women's rights movement in Asia.

Indigenous people too have long been recognised as a group that deserves particular attention from the Asian human rights movement. Their struggle has been strongly linked, while not limited, to land. While arguably not as organised or consolidated as the women's movement, indigenous rights have been widely accepted as a priority issue across the human rights movement.

However, there was also mention of some issues and groups that have more recently come to the fore, and have pushed the human rights movement to self-reflect and transform itself.

Environmental justice and rights of people affected or victimised by climate change have gained prominence as a human rights priority in recent years. Undeniably these issues affect all other areas of human rights work, particularly the right to land, development or housing, as well as the fate of migrants and refugees. While most issues or priorities will be of greater or lesser importance for each HRD, global warming and climate change are, and will be for the foreseeable future, of crucial importance for us all.

The role of corporations and businesses in human rights was also recognised as a relatively new focus area. Traditionally HRDs and CSOs see Governments and Inter-Governmental Institutions as their primary targets. However, the role of multinationals and global trade is forcing the human rights movement to reprioritise with which stakeholders it engages. Free trade agreements and the impact of international financial

institutions affect the daily lives of people in an unprecedented manner. Some of these processes have been going on for years, at times right under our noses, making it necessary to wonder whether maybe we should have shifted our attention to these developments much earlier.

Finally, a group that has been increasingly involved and vocal within the human rights movement is the lesbian, gay, bisexual, transgender, intersex, and questioning (LGBTIQ) community. LGBTIQ people are rightfully calling for the recognition of their particular struggle, needs and rights. Unfortunately, they still have a long way to go, even within the human rights movement itself. Accepting them as a natural part of the human rights movement, will force some to re-evaluate their own norms and values.

- *Moving forwards and backwards*

Many contributors described human rights developments being like a tidal wave. As achievements are won, achievements are lost. For every step forward, there will be a step back. Some even warned for the need to be aware, when celebrating victories, of the likelihood of some form of backlash.

The 1990's were generally described as an era of opportunity and progress. The period still experienced violations and restrictions on human rights. However, the decade was perceived as one of change and opportunity, in some cases in places where this was not expected. This created a sense of hope and

possibility that inspired, energised and motivated the human rights movement, even in countries where change was less evident.

Recent years though were qualified by most as a time of regression. Many commented that they did not only feel that human rights violations and the repression of rights were on the rise in the region, but that the current leadership in Asia generally speaking is not very pro-human rights. This makes the prospects for the future fairly bleak. A few questioned whether some of the progress that was made in the 1990's would have even been possible with the current generation of leaders.

Arguably, most problematic are those developments that do not only violate and repress human rights but that restrict, complicate or make impossible the work of those fighting for human rights. In particular policies and legislation that are put in place across the region by both authoritarian and democratic regimes which is resulting in shrinking space for civil society are cause for concern. Restrictive non-governmental organisations (NGOs) laws and the criminalisation of dissent combined with the rise in extra-judicial killings and enforced disappearances limit the efforts of HRDs.

- *Individuals that made a difference*

Finally, all HRDs that played a role in the fight for human rights over the last decades need to be applauded and celebrated. However, there have been particular individuals who played

a prominent role in raising awareness about human rights violations in Asia over the last 25 years. These individuals paid dearly for their sacrifice, in some cases the ultimate price, to make a difference in their countries and the region.

A few became international icons, and were recognised and awarded for their efforts on human rights. People like Malala, Aung San Suu Kyi and Xanana Gusmao became symbols of the struggle for the realisation and protection of human rights in their respective countries and abroad. At times the expectations placed on them of what they could do and realise, proved to be too high.

People such as Munir Said Thalib, Somchai Neelapaijit, Sombath Somphone and Irom Sharmila have become known for their sacrifices to the human rights movement. This does not mean that their work or the efforts they made before they were killed, disappeared or started their hunger strikes had no value. Yet their fame has been defined by their sacrifices. These individuals present a sober reminder of the many challenges HRDs face in Asia.

These individuals both living and deceased represent the highs and lows of the human rights movement in Asia over the last decades. They have become icons but they remain humans. They are human beings that have been a part of the journey that all HRDs in Asia have travelled, and they remain part of the long road that still lies ahead.



**‘FORUM-ASIA
has a dream,
that our member
organisations should be
the leaders of the
democratic movement.’**

**Subodh Raj Pyakurel
Chairperson, Informal Sector Service
Centre (INSEC), Nepal**



Countless Shades of Grey IID and Asia-Pacific Coalition on East Timor (APCET)

The story of civil society interpolation on human rights and right to self-determination in East Timor

By Initiatives for International Dialogue (IID)

September 2015 marked the 16th anniversary of the military intervention led by Australia into the Indonesian-occupied East Timor. The deployment of a military force to intervene was by no means quietly accepted by all who wanted an end to the genocide committed by Indonesia in East Timor. By all means, the use of the term 'genocide' and the act of intervening in an armed and political conflict, such as what transpired in East Timor, was indeed controversial and would continue to generate debate.

The field of human rights advocacy is not immune from politics and is in fact so riddled with controversy that any point of agreement is a welcome respite. The Initiatives for International Dialogue (IID) is among many that continue to muster like-minded forces who wish to continue to advance the cause of human rights and national self-determination of the Timorese people, and liberate them from their colonial past.

Portuguese colonial rule

Portuguese colonial rule in East Timor started to unravel with the Great

Rebellion of 1910-1912 led by Dom Boaventura. Although suppressed with extreme prejudice, the rebellion of Liurais – traditional leaders – forced the Portuguese to change the Timorese polity into tiny hamlets. Portuguese rule was again challenged by a brief revolt in 1959. In April 1974, the Carnation Revolution in Portugal led to the collapse of the fascist Caetano regime and the formation of a democratic political entity that sought to end Portuguese rule over its colonies.

Political infighting among Timorese political parties led to a civil war even as Portugal started to withdraw from East Timor. In August 1975, the armed conflict between Frente Revolucionária de Timor-Leste Independente (FRETILIN) and The União Democrática Timorese (UDT) led to the collapse of the colonial government structure and the breakdown of the decolonisation process.

Indonesian occupation

Indonesia took advantage of the political turmoil and began armed raids into East Timor. Seeking to pre-empt the Indonesian intervention, FRETILIN made a unilateral declaration of independence on 28 November 1975. Leaders of UDT

and Associação Popular Democrática Timorese (APODETI) countered with the Balibo Declaration two days later on 30 November, paving the way for the Indonesian invasion on 7 December 1975. Thus began the toll of Indonesian occupation in East Timor. It was as if 400 years of Portuguese neglect was an insufficient insult. Indonesian condescension turned East Timor into a zone of reticence where acts of genocide went unnoticed.

The Indonesian occupation left 200,000 Timorese dead. Countless victims were subjected to rape, looting, enforced disappearances, torture, massacres, mass starvation and other criminal acts. In the overall scheme of things, only a few really minded the extreme sufferings the Timorese people were subjected to. Not unlike other acts of intransigence towards international mores, Suharto's Indonesia left at least a quarter of the population dead and the rest of the nation broken down to their soul.

Referendum for Independence

In the mid-1990s, the Suharto dictatorship in Indonesia began to decline. Suharto's grip on political power was eroded by the confluence of the 1997 financial crisis and the student led protests that facilitated the emergence of a viable political opposition to the status quo.

In East Timor, both the open mass movement and the armed opposition of the Forças Armadas para a Libertação Nacional de Timor-Leste (FALINTIL) were getting bolder. President Habibie's

– who had taken over power from Suharto after he was forced to step down – sudden decision to put to a vote the fate of East Timor's independence was not an act of magnanimity, but was spurred by a desire for political survival following the collapse of Suharto's grip on power. The military and financial cost of maintaining its control over East Timor strained Indonesia's international standing, and threatened to isolate Habibie and his ilk who were embroiled in an ongoing political crisis.

Under the threat of further becoming an international pariah and reeling from internal political strife, Indonesia was forced to acquiesce to a referendum to peacefully settle the question of East Timor's independence. The Timorese people overwhelmingly voted for independence. Indonesia landed among the lot of defeated colonial rulers. While many post-colonial political entities have degenerated into failed states, East Timor continues to flourish, albeit having to undergo the birth pangs of nation and state building. East Timor survived the post-conflict destruction left by Indonesia, the internecine madness of 2006, transitioned to a struggling democracy, and appears to be moving towards stability.

The international campaign for self-determination

It may be argued that Habibie's fateful decision was a product of events not only within Indonesia's political milieu. A dogged international campaign to shame Indonesia, as well as to spur into action regional and global powers, such

as Australia and the United States, was being waged.

For its part, IID anchored a campaign on the call for respect of the Timorese people's right to self-determination (RSD). Then and now, RSD is a constant source of conceptual and political debate. R. Lansing once lamented that *'the phrase self-determination is simply loaded with dynamite. It will raise hopes which can never be realized.'* This is no easy retort because indeed, the concept and practice of RSD is fraught with issues such as secession, redrawing political boundaries, and building nation-states or states within states as in the case of the ongoing peace negotiations in Mindanao.

IID argued for the moral justification of the Timorese people's RSD. By doing so, the campaign was not hemmed-in by the inconsistencies of formal political and diplomatic decision-making nor by the interpretation of principles of international law. IID argued for the moral case of East Timor's RSD on the basis that international law, which set the standards for international relations, must be derived from and should be interpreted on the basis of sound moral principles.

Furthermore, the immutable relationship between RSD and basic human rights, where both strengthen the other, was emphasised. More often, RSD is tagged as a secessionist tool. Advocates are seen as walking on the precipice of violent resistance, whereas human rights advocates are the ones advocating non-violent resistance. That may be a rather simplistic view of the conceptual

conundrum. But to this day, RSD remains a subject of debate.

In 2013, the United Nations General Assembly (UNGA) concluded that *'the right to self-determination was an integral element of basic human rights and fundamental freedoms (...).'*⁴² Responding to the Israeli representative, the Palestinian observer declared *'the right to self-determination belongs to all, and does not come after negotiations.'*⁴³ In sum, that statement captured the clarion call around which a broad civil society coalition was formed to accompany the success of the East Timorese diaspora.

The Asia-Pacific Coalition for East Timor (APCET)

Between 1992 and 1993, IID led a series of caucuses among advocates and solidarity groups, including FORUM-ASIA, held during regional meetings of civil society organisations (CSOs) which led to the convening of the Asia-Pacific Conference on East Timor in May 1994 in Manila. The conference rattled leaders of the Association of Southeast Asian Nations (ASEAN), such as Presidents Ramos and Suharto. The controversy surrounding the meeting generated so much media attention that it galvanised solidarity groups for East Timor worldwide, especially in the region, as well as focused public opinion on Indonesia's illegal occupation of East Timor.

After the Manila conference, participating groups and individuals rightly saw and seized the opportunity to move beyond generating talking points and shifted

forward. The Asia-Pacific Coalition for East Timor (APCET) was established. Three more regional conferences were organised by APCET as a vigorous regional and global campaign was launched in support of the Timorese people's struggle. APCET's final conference was held in Dili, East Timor in May 2004.

Gains and challenges

APCET galvanised the cooperation of majority of the solidarity groups and individual organisations supporting the struggle of the Timorese people. Composed of diverse groups of national, regional and international origins, APCET was able to exercise flexibility and creativity. The broad nature of the coalition enabled it to propose a broad policy agenda and allowed its affiliates to focus their respective activities on the political and economic conditions of their own regions relative to the situation in East Timor.

But the loose nature of the coalition had its drawbacks. The specific campaigns of its affiliates lacked a common objective. There were no common indicators and measures of success to the campaigns of its affiliates. Although resolutions were passed, the short duration of these conferences precluded the possibility of strategic planning. Inconsistent attendance of members of the APCET Council and Steering Committee made it difficult to draft coalition-wide plans of action. Originally conceived as a communications and coordination hub, the coalition secretariat ended up being tasked themselves to lead the realisation

of resolutions and action points that came out of the conferences.

APCET was a point of convergence for the various solidarity groups for East Timor and helped in the capacity-building of the nascent East Timorese civil society. Through the partnerships built among its affiliates, political mapping was facilitated, which was crucial in identifying potential allies and threats. The constituency built during the inter-regional networking played an important role, presenting a united front necessary to impact the United Nations (UN).

The periodic conferences were occasion for the affiliates to organise partnerships, share resources and information, and propose joint solidarity action. Moving the conference in the various ASEAN-member countries' capitals impacted on the policies of these countries on East Timor. Consequently, world attention was focused on APCET. This, in a sense, was a serious drawback because the main intent of the coalition was to highlight the struggle of the Timorese people.

From APCET to APSOC

After the euphoria of East Timor's declaration of independence, the broad coalition of CSOs under the (APCET) struggled to redefine its role in the context of post-conflict East Timor.

⁴² United Nations Press Release, 'Self-Determination Integral to Basic Human Rights, Fundamental Freedoms, Third Committee Told as It Concludes General Discussion' (5 November 2013) GA/SHC/4085.

⁴³ Ibid.

Attempts were made to adapt APCET first into the Asia-Pacific Cooperation for East Timor, then into the Asia-Pacific Solidarity Coalition (APSOC) to learn from the struggle for East Timor independence and apply these lessons in other RSD struggles.

APSOC focused on the RSD struggles in West Papua, Southern Thailand and Aceh. But these campaigns lacked the traction needed to create a significant regional impact. Although in Southern Thailand a nascent local coalition was organised, the vibrancy and strength achieved by a civil society coalition fighting for RSD in East Timor has yet to be equalled. APCET also missed the opportunity to become a major player during the nation and state-building process in East Timor.

In hindsight

In hindsight, APCET may have spread itself too thin when it decided to reconstitute itself as APSOC and to focus on peacefully campaigning for all RSD struggles in the region. One can speculate that maintaining APCET and focusing on advocating for a people-centred reconstruction in East Timor (Cooperation) may have preserved its strength as a coalition. It could also have ridden on its success and concentrated on a single RSD campaign. But such are the vagaries of public advocacy. The opportunities are limitless and the challenges endless, like countless shades of grey.

Initiatives for International Dialogue (IID)

The Initiatives for International Dialogue (IID) is a Philippines-based advocacy institution established in 1998 promoting human security, democratisation and people-to-people solidarity. IID conducts policy advocacy and campaign programmes on Burma, Mindanao, Southern Thailand, West Papua, and East Timor.

IID is the secretariat of the Asia-Pacific Solidarity Coalition (APSOC), the Global Partnership for the Prevention of Armed Conflict – Southeast Asia (GPPAC-SEA), and the Free Burma Coalition (FBC) –Philippines. IID is also a co-founder and steering committee member of the Alternative ASEAN Network for Burma (ALTSEAN-Burma) and the World Forum for Democratisation in Asia (WFDA); and a working group member of the Burma Partnership (BP).

‘FORUM-ASIA (..) has also provided a space for people and organisations working on different themes to come together (..) this is how we must work. We can’t be confined to just our own issues.’

Consuelo Katrina (Corinna) A. Lopa
Regional Coordinator, South East Asian Committee for Advocacy (SEACA)





Informed People are Powerful

The story of the Access to Information Campaign in Mongolia

By Naranjargal Khashkhuu, President and Chief Executive Officer (CEO), Globe International Center (GIC), Mongolia

It was late September 2013 when I was leaving Tes soum in Uvs province, located 1,500 kilometres from Ulaanbaatar, the Capital of Mongolia that borders with the Tuva Republic of the Russian Federation. It was the last of 20 districts where we had conducted trainings for local communities on using the Access to Information Law. It was the culmination of seven years of advocating and lobbying to get this law passed.

One of the trainees had said that the right to information is an important right in one's life and that it can truly change local cultures. Yes, indeed. It was a social need, which was why we started our campaign in the first place.

The importance of the right to information

Mongolia, a country completely landlocked between Russia and China, embraced democracy in 1990, after the collapse of 70 years of communist rule under the Soviet Union. The 1992 democratic Constitution made remarkable progresses in guaranteeing its citizens many rights and freedoms, including the Freedom of Expression (FoE) and the right to seek and receive information.

In 2002, in cooperation with Article 19, a London-based international free expression non-governmental organisation (NGO), the Globe International Center (GIC) released a report, 'Mongolia in Transition: A Legal Analysis Affecting Freedoms of Expression and Information'. The main conclusion was that: *'A key problem in Mongolia is the lack of openness of public bodies.'*⁴⁴

Despite Constitutional guarantees, the old traditions that made it possible for virtually anything to be classified as 'secret', and hidden from the public for an indefinite period of time, were kept. It contradicted the spirit of the Mongolian Government's commitment to democracy. It was a question of political will. To enable a culture change, which required fundamental reforms in Mongolia, from a closed to an open society. The public had no idea that they had the right to access information held by the Government. Politicians, and even journalists, understood Freedom of Information as the same thing as press freedom, and as such it was only a journalist's professional right.

⁴⁴ http://www.forum.mn/res_mat/A19%20Analyses_eng.pdf.

Starting the campaign: Assessment, Awareness and Access

At GIC, we believed that access to information legislation would play an important role in making the Government more transparent and open to its citizens. With this in mind, we developed a strategy for 2002-2004, and started raising funds for a newly established strategic programme entitled 'The Right to Know: Freedom of Information'.

Our key concept was that access to information was essential to the health of a democracy for two reasons. First, it ensures that citizens make responsible, informed choices rather than acting out of ignorance. Second, information serves as a 'checking function', ensuring that elected representatives uphold their oath of office and carry out the wishes of those who elected them.

We managed to secure about 50,000 USD from the Mongolian Foundation for Open Society (currently the Open Society Forum, Mongolia), Australian Aid (AusAID) and the Embassy of the United States of America (USA). Our first 12-month project, 'The Right to Know: Freedom of Information', started on 15 June 2002.

The strategy had the immediate and ambitious goal to lobby for the passage of the Freedom of Information (Fol) law through a wide public campaign, based on an approach called, Assessment, Awareness and Access.

Assessment of the situation was highly important in order to identify public concerns and needs. After completing our legal analysis, we decided to conduct three studies. First, we studied all existing Government policies, programmes and projects, when we noticed there was a lack of policies on transparency and access to information. A National Program on Good Governance for Human Security, run by the Ministry of Justice and Home Affairs (MJHA) and funded by the United Nations Development Programme (UNDP), was the only policy document that we could refer to. One of its objectives stated: '*to study opportunities to draft a freedom of information law*'. We immediately approached the MJHA and effectively cooperated with them to achieve our results. Second, we researched related international documents. Third, we conducted a survey among public officials and citizens.

Regarding *Access*, we identified our stakeholders. On a political level, we selected our three champions: Mr. N. Enkbold, Member of Parliament (MP), who provided a reference letter about our project to AusAID; Ms. S. Oyun, MP, who had initiated anti-corruption legislation; and Mr. Ts. Munkh-Orgil, State Secretary of the MJHA. Later, more MPs were engaged as potential initiators of the law to be drafted. We also engaged public officials and top managers.

The creation of the legal environment, in our view, was not only dependant on the existence of relevant laws, but also on legal implementers. We needed lawyers

to defend the right to information, Government officials charged with the duty to implement the law, and finally, people to use the law in practice. We selected journalists who were part of an active group to use the law to gather information on behalf of the public. Media also played a dual role in informing and educating the public. We selected NGOs to form an active group to share and disseminate knowledge and information among their target groups, and to become a strong joint voice for society.

Awareness building started with the publication of a handbook for legislators, 'The Right to Know: Freedom of Information', which included international documents such as a Model FoI Law; 'Principles on Freedom of Information and Drafting Access to Information legislation: Trends in CIS and Central and Eastern Europe', prepared by Article 19; 'Freedom of Information. An Unrecognized Right: The Right to Know and the European Union'; a UFJ Briefing Document; the Johannesburg Principles on FoI⁴⁵; and a 'Statement Regarding Key Issues and Challenges in Freedom of Expression'.⁴⁶

Of course, our direct target was the people of Mongolia. Our stakeholders were groups that could influence the public to seek and request information from Government bodies, demand accountability of authorities and officials, and, most importantly, make the public understand that information produced and held by Government bodies is public property. We needed to raise awareness of all the identified stakeholders. We carefully planned our activities by

forming two groups: an Advocacy Group; and a Law Drafting Group.

The Advocacy Group consisted of six NGOs that we trained. A series of meetings was organised to discuss the project plan and policy issues, such as the legal concept and who we should approach to be a law initiator, and so on. The Law Drafting Group consisted of five members: our three lawyers and two representing the MJHA and the Zorig Foundation, a Mongolian NGO.

After six-months of preparations and policy work, the first event was organised. A meeting with eight leading lawyers from Mongolia was held on 13 December 2002. At this event, we delivered our legal concept and principles of the FoI draft law. Four days later, we organised the first round table, in cooperation with the Parliament, which was held at the Government House. Mr. J. Bayambadorj, the Deputy Speaker, delivered opening remarks, of which the text was kindly requested to be written by me. He delivered the whole text, as written, except for one sentence: '*Information is the oxygen of democracy*'. Mr. N. Enkhbold, an MP, spoke on the need of FoI legislation in Mongolia. The round table was a success, with the participation of 67 of our stakeholder

⁴⁵ Article 19, (1996), '*The Johannesburg Principles on National Security, Freedom of Expression and Access to Information*', London, England, <https://www.article19.org/data/files/pdfs/standards/joburgprinciples.pdf>.

⁴⁶ Article 19, IFEX, (2000), '*Report on key issues and challenges facing freedoms of expression*', https://www.ifex.org/international/200%3f07/report_on_key_issues_and_challenges/.

present including 18 out of 76 MPs. It was frustrating though that every discussion turned to media freedom issues, including yellow journalism, journalistic ethics and defamation, and more. However, each media issue raised by a participant, allowed us to give a detailed explanation that it was about more than that. We published a comprehensive round table report and the event was widely covered by the media.

Public awareness was an important element of our campaign, so we developed an information dissemination policy through our media allies. The public was educated on their right to information through video spots, fliers, which were delivered to newspaper readers as a supplement, as well as two television ads, four radio programs and 16 newspaper publications. Journalists played a key role in the media rallies, as couriers of our messages to society and educators of the people.

In 2003, we conducted a series of trainings and workshops for human rights workers, law advisers and district social workers, as well as for journalists.

The end of the first project and pledges from the Government

Our first project ended in June 2003, and we then secured funding from AusAID for a project that allowed us to launch the Freedom of Information website.⁴⁷ We published five Citizen Guidebooks: the Right to Know and Freedom of Information; the Right to Know and

Freedom of Expression; the Right to Know and Right to Vote; the Right to Know and Right to Direct Participation; and the Right to Know and Right to Act, which were all widely distributed.

Since 2003, the situation had changed. The Government pledged to adopt the FoI law and to integrate it into the National Programme on Combating Corruption, which had been adopted on 15 March 2003. The Government also promised to ensure transparency, and adopted relevant laws in the Ulaanbaatar Declaration, the final document of the Fifth International Conference of New or Restored Democracies (ICNRD). A conference which was held in Ulaanbaatar on 8-12 September 2003 and was attended by more than 500 delegates from 119 countries.

Meanwhile, the MJHA formed its Working Group in 2004, and it accepted the first version of the law drafted by the Advocacy Group. It was on the Parliament's agenda to be discussed in October 2005. It was delayed. After a year, in October 2006, the Cabinet finally discussed the submission of the draft law. The submission was then postponed in order to include information-security issues. At the same time, the Government was still using secrecy laws to conceal information, ignoring its pledge to *'provide the citizens with the right to access all information' and the Anti-Corruption laws that guaranteed 'transparency to the public'*.

⁴⁷ <http://www.globeinter.org.mn/mech/index.php> (Mongolian) <http://globeinter.org.mn/old/en/emech/index.php> (English).

In March 2004, we organised an international round table ‘Secrecy and Freedom of Information’ in the conference hall of the Ministry of Foreign Affairs. At that time, Mongolia was visited by guests from five countries who came to work with the State Archive on open archives. We wanted to use this opportunity for our purposes, and the Asia Foundation helped us to make it possible.

In 2005, we decided to re-name our program, ‘Promoting Good and Transparent Governance’. We needed to build Government capacity and to create political will. The year 2005 was important, with new anti-corruption laws being adopted and a plan on the table to establish an Independent Agency against Corruption (IAAC) in 2006. We saw the IAAC as our key and permanent partner in intensifying our advocacy. In April 2007, the IAAC issued 18 articles of recommendations to Governmental organisations aimed at improving transparency and access to information.

Changing the approach

Following World Press Freedom Day (WPDFD) on 2 May 2007, MPs S.Oyun, S.Batbold, E.Bat-Uul, S.Lambaa, and Ts.Munkh-Orgil submitted their draft law, but it was delayed again in Parliament. In 2008, after the Parliamentary elections, a new Government pledged to adopt the Law on FoI in its Government Action Plan for 2008-2012.

Our new 12-month project, ‘Better Access to Curb Corruption’, supported by the Embassy of Great Britain and

Northern Ireland, allowed us to continue our campaign. In December 2008, GIC invited ten Mongolian NGOs to create a Civil Society Coalition to lobby for the FoI law. An Opinion Exchange Meeting with MPs was held on 11 March 2009. The Parliament Office kindly responded to our request and secured Conference Hall ‘E’ for four hours at the Government House.

This time, we decided to change the meeting format and we produced single copies of 18 A3 posters referring to the pledges of the Mongolian Government to enact the FoI Law, the UN Assembly Resolution No. 59 on the FoI, and results of surveys and studies carried out by our organisation. We also produced t-shirts and mugs with the message, ‘*Freedom of information is an essential human right*’. We wrote a so-called ‘Trust Message’ delivered to every MP. And we started sending messages and e-mails to the MPs asking them for a meeting at their convenience.

When the people came, even if it was only one person, we gave them a tour showing the posters and explaining the story behind each one of them. A total of 61 people joined, including 20 MPs and four advisers of other MPs, as well as officials from the Parliament Office, Parliamentary Standing Committees, the Parliament’s Research Centre and the Parliament’s Group of the Democratic Party, legal consultants from different Ministries, NGO representatives and 15 Parliamentary journalists. As a result, nine MPs agreed to join the law initiating group, six MPs agreed to support the law and five MPs promised to respond after

getting acquainted with the existing draft.

On 28 April 2009, Parliament formed its Working Group and I was invited as a consultant. In 2010, the Government draft law on FoI was submitted to Parliament. It was delayed again. However, on 14 May 2010, the Government approved its Resolution No. 143 titled, 'Transparency Indicators of Public Institutions', which obliged public bodies to make information on their activities, finances and budgets, and procurement and human resources open to the public. It created momentum to move ahead and, having this Resolution, we went to two provincial districts: Bayankhutag of Kenthii province and Guchin Us of Uvurkhangai province to train citizens and public officials on FoI. We built the capacity of ordinary citizens to monitor the implementation of the Resolution. We helped Governors' Offices in launching their websites to disclose public information.

The passage of the law

In January 2011, Parliament made a decision to enact the law, and in April a public hearing was organised, which we attended as a key partner. One of the law initiators, Mr. Batbold Sukhbaatar, became Prime Minister and thanks to his efforts, finally, on 16 June 2011, the Parliament of Mongolia passed the Law on Information Transparency and Right to Access to Information.

In the following two years we tracked the law's implementation. Unfortunately, the Government did not promote the law and the public was still unaware of

the existence of the law. So, we chose 20 remote districts of eight provinces as targets to start working on this through a United Nations Democracy Fund (UNDEF) grant.

One problem was that a procedure on payment, as stipulated in the law, was not adopted by the Government. We had to lobby a new Government, formed after the 2012 elections, to have this corrected.

Secrecy laws are far too strict, allowing Government bureaucrats to prevent citizens and media from obtaining access to many documents, even when it is clearly not justified. Often the secrecy covers up corruption and bribery that flourishes in many parts of the Government.

As any NGO, we lacked sufficient funding and we sometimes had no money, but we never stopped. We were keen to continue our efforts to promote access to information and to make our people powerful. I recall that one of our Citizens Transparency Monitoring Team members said: '*Now, I believe citizens are powerful*'. Informed people are truly powerful. That is our key message.

I would like to take this opportunity to express my deepest gratitude to Mr. Toby Mendel, Executive Director of the Center for Law and Democracy, who has been so committed in helping us for all these years, lobbying the MPs and providing expertise on all the existing drafts.

**Naranjargal Khashkhuu, President
and CEO, Globe International Center
(GIC)**

Naranjargal Khashkhuu is one of the founders of the leading Mongolia NGO, Globe International Center (GIC), a FORUM-ASIA member organisation. Her major fields are independent and democratic media, including: election coverage; public service broadcasting; television journalism; journalism and society; human rights; gender reporting; and the right to information. She is a former Executive Committee member of the International Federation of Journalists (IFJ).

Naranjargal had been lecturing at the State University of Mongolia, the University of Humanities, the Press Institute and the School of Radio and TV. She has produced more than 300 television programmes and has translated more than 30 television movies and documentaries into Mongolian from Russian and English. She has written four television dramas and two plays, including one for which she was awarded the Leon Prize for Best Play in 2002.

‘Human rights activism is something that you have to learn on the job by doing. (..) until you jump into the water and try to learn swimming you can’t learn.’

Ruki Fernando
Advisor, INFORM Human Rights Documentation Centre, Sri Lanka





not FORGOTTEN

One of the most heart wrenching human rights violations is without a doubt the enforced disappearance of people. Not knowing what happened, not knowing whether someone is still alive, is devastating for loved ones. It is unimaginable what it must be like for the victims themselves.

The stories of two prominent people who have disappeared in the last 25 years are below. Their stories are a reminder of this most terrible practice, and an attempt to honour both them and all those who have or are experiencing a similar faith. They will not be forgotten.

Somchai Neelapaijit

Somchai Neelapaijit is a Thai human rights activist and lawyer, who defended the rights of suspects accused of security charges. At the time of his disappearance, he represented five members of Muslim communities in Thailand's Southern provinces Songkhla, Pattani, Yala and Narathiwat, who were accused of being involved in terrorist activities in the South.

Shortly after publicly accusing the police of torturing his clients in prison, Somchai disappeared on 12 March 2004. According to eye-witnesses he was forced into a car by a group of individuals on Ramkhamhaeng Road in Bangkok, after which he has not been seen again.

Shortly after Somchai's disappearance, five police officers were arrested and prosecuted for their alleged involvement. Four of them were acquitted and only one of them received a three-year-prison sentence. The specific circumstances of Somchai's case are still unclear. It is unknown where he is now.

Somchai was the Chairman of the Muslim Lawyers Group, and Vice-Chair of the Human Rights Committee of the Law Society of Thailand. Besides his work on justice for Muslim suspects accused of terrorism and treason, Somchai was an open critic of state officials for the use of excessive and unnecessary violence in law enforcement. At the time of his disappearance, he had collected 50,000 signatures, from across Thailand, for a petition in support of putting an end to martial law, which was imposed in 2004, in Thailand's Southern Provinces.

Sombath Somphone

Sombath Somphone is a Laotian development worker who is widely known for his support of the rural poor community in his country, particularly when it comes to farmers' rights and sustainable farming practices. Shortly before his disappearance Sombath criticised the Lao Government about land sales, and emphasised the need to respect people's land ownership over national interests for economic growth.

Sombath disappeared in Vientiane, Laos, on the evening of 15 December 2012. His abduction was recorded by a police surveillance camera (CCTV). He was heading home in his jeep, when, as the CCTV footage shows, he was stopped by the police and taken away. The Lao Government authorities have denied they were in anyway involved in Sombath's disappearance, and claim that the police is still investigating what happened to him. Even though many countries have offered to help in the investigation, the Government has refused to accept any assistance.

Sombath received various awards for his empowerment of the rural poor in Laos, such as the Human Resource Development Award from the United Nations Economic and Social Commission for Asia and the Pacific (UNESCAP). He was also awarded the Ramon Magsaysay Award for Community Leadership.

Recently, in May 2015, Sombath received the 2015 Gwangju Special Award for Human Rights, which is given to individuals or organisations who have made significant contributions to the advancement of human rights, unity, solidarity and world peace.

On the Frontline Defending Human Rights in Bangladesh

The story of the persecution of Adilur Rahman Khan and Odhikar

By Odhikar, Bangladesh

'Our lives begin to end the day we become silent about things that matter'

Martin Luther King, Jr.

Oppressive States act against human rights defenders (HRDs) and their organisations in various ways, such as: arbitrary arrest and detention; physical attacks; harassment; intimidation; smear campaigns; and continuous surveillance of their activities. The repressive approach of the State is also reflected in its law enforcing apparatus, which is unleashed to harass those who speak against the Government. Such course of action indicates that in such States, only those receiving the blessings of the authorities can work free of hurdles while the rest remain in a risky environment.

Restrictions on Freedom of Expression

In Bangladesh restrictions on Freedom of expression (FoE) are becoming increasingly severe, and such freedom seems only allowed to those who are ideologically and politically close to the regime. Pro-Government media are used to defame any opposition and to carry out smear campaigns against persons who have alternative beliefs.

Cases are launched against dissenters,

mainly through the Information and Communication Technology Act of 2006 (ICT Act), for criticising the Prime Minister or her family members in print and electronic form. Moreover, defamation and sedition charges are brought against persons for commenting on the Government by using repressive laws.

Interestingly, when the Leader of the Opposition is criticised, the Government and its law enforcement agencies remain silent. This shows that defamation laws and the provisions of the ICT Act are being used selectively. Many people, including HRDs, journalists, bloggers and teachers have been charged under these repressive laws. The case of Advocate Adilur Rahman Khan is a blatant example of the victimisation of HRDs through State oppression.

Standing up for human rights

Adilur Rahman Khan is a practicing lawyer of the Supreme Court of Bangladesh, as well as a prominent human rights activist. He is a founding member and, at present, the Secretary of Odhikar, a leading human rights organisation in Bangladesh. He has been actively engaged in defending the human rights of the Bangladeshi people both inside the court room and in public, and is active in the Asian region through

participation in various programmes and through election observation missions.

Adilur has faced numerous challenges and impediments during his human rights activism by state actors as he is extremely vocal with regard to denouncing the practice of extra-judicial killing, enforced disappearance and torture, and the inhuman and degrading treatment by law enforcement agencies. He was targeted by the current Government for being vocal against human rights violations in many national and international forums, including the United Nations Human Rights Council (UNHRC).

5 and 6 May 2013

On 5 May 2013, a non-political religious group called Hefazate Islam held a 'Dhaka blockade' at all the entry points to Dhaka to highlight their 13 point demands. Later that day they organised a rally at Shapla Chottor in the Motijheel area. They were given permission to hold that rally by the Government, who had allowed them to hold a similar rally the month before.

From the morning of 5 May, hundreds of supporters of the Hefazate Islam began gathering. Many were physically assaulted, hurt and injured by the police and activists of the ruling political party, the Awami League. There were reported incidents of vandalism and arson too.

Late in the evening of 5 May, the Government decided to clear the Montijheel Shapla Chottor area of the Hefazate Islam supporters. At around midnight, the area where the Hefazate Islam supporters were gathered became

dark, as street and building lights went off. A 'cleaning operation' was being carried out by a combined force of police, the Rapid Action Battalion (RAB) and Border Guard Bangladesh (BGB).

The 'operation' continued through the night of 5 May and the early morning of 6 May. At around 2:00 am on 6 May, pro-opposition owned television channels airing the incident were shut down by the Government.

After the incident, on receiving information of the extra-judicial killings that occurred on 5 and 6 May, Odhikar conducted a thorough fact finding mission and released a fact finding report on 10 June 2013 on the human rights violations perpetrated, verifying 61 deaths. The Government, however, claimed that there had been no casualties. This claim was later adjusted to 13 casualties. Odhikar was the only human rights organisation that carried out an in-depth fact-finding mission into this matter and published the report on its website in Bangla and English.

The disappearance of Adilur

On 10 July 2013, the Information Ministry sent Odhikar a letter, asking for the names, family names and addresses of the 61 deceased people. Being a human rights organisation, Odhikar informed the Ministry, by a letter dated July 17 2013 addressed to the Information Minister, Hasanul Huq Inu, that it would give the list of the deceased people only to an independent inquiry commission, if one would be formed, since the Government was the alleged perpetrator. The Ministry

did not reply or react to Odhikar's letter.

It was 10 August 2013, the second day of the Eid festival. Adilur had visited relatives together with his wife and children to exchange Eid greetings. At 10:20 pm, when they were returning home, they passed a white microbus full of men parked on the side of their unusually dark street. As soon as Adilur drove into the driveway of the house, another white microbus and a Pajaro jeep blocked the gate and approximately 10 men exited the microbus and gathered around Adilur.

They had no warrant and no identification. They said they belonged to the Detective Branch (DB) of the Police. They took him away in the microbus, bearing the name and logo of United Commercial Bank Limited and license number Dhaka Metro 534206.

As Adilur was picked up by men who did not show any form of identification, his family was unable to confirm where he had been taken. His family searched for him in the Gulshan Police Station – the local police station – and at the Headquarters of the DB of the Police, where they were met with denials, despite the television channels reporting that he had been arrested and taken to the DB Office.

After sending out an urgent alert at 10:40 pm, Odhikar's defenders and Adilur's family held a press conference at 11:30 pm that same night, which was aired on almost all television channels. After that, they came to know from the late night news and other sources that Adilur was

in the custody of the DB Police.

However, between midnight and 2:00 am, Adilur's wife went and waited at the DB Headquarters and Gulshan Police Station, with Adilur's cousin, where the officers they spoke to denied any knowledge of the incident.

At 2:30 am on 11 August, Adilur's wife returned to Gulshan Police Station to file a General Dairy (GD) about the abduction, but police flatly refused to accept it. The Officer-in-Charge said it was a '*sensitive issue*' and they were under instructions from '*high up*' not to accept any GD.

Support from abroad

The urgent alert did work and reached Adilur's and Odhikar's friends, well-wishers and networks of HRDs around the world. Many international organisations and Embassies came forward to demand a confirmation of the whereabouts of Adilur, and issued several urgent appeals and statements to the Bangladeshi authorities.

Amongst the statements issued for Adilur were those from the United Nations, the Department of State of the United States of America and the European Union. The speedy intervention from various quarters of the world helped to prevent Adilur from being a victim of enforced disappearance, and the law enforcers were compelled to produce him before the Court.

In the afternoon of 11 August 2013, Adilur was produced before the Magistrate's

Court and initially shown as arrested under the grossly misused section 54 of the Code of Criminal Procedure – which allows police to arrest person's without a warrant for several reasons, based on whether the police have 'reasonable suspicion'.

He was taken into police remand, which was challenged in the High Court the very next day. The latter ordered that he be taken into jail custody and that the police would question him there. On 11 August 2013, at 8:30 pm, the DB police raided the Odhikar office and confiscated two Central Processing Units (CPUs) and three laptops, which contained sensitive and confidential information and documents relating to victims of human rights abuses and their families.

A few days later, the police submitted a charge sheet, which provided that Adilur Rahman Khan had been charged for crimes committed under the ICT Act of 2006 – which had been amended in 2009 – for fabricating information and pictures concerning violence at a Hefazate Islam gathering in Shapla Chottor, Dhaka in May 2013, and thus creating public panic and belittling the State and the police.

The charges were based on the fact finding report titled 'Assembly of Hefazate Islam Bangladesh and Human Rights Violations'⁴⁸ prepared by Odhikar regarding the human rights violations, in particular, the allegations of extra-judicial killings that erupted on 5-6 May 2013, which was uploaded on the Odhikar website. Also charged with Adilur was the Director of Odhikar, ASM Nasiruddin

Elan, who voluntarily appeared before the court in September and was sent to jail custody from there. The persecution and framing of charges against Odhikar was simply a repressive measure to stop any further investigation into claims of deaths and injuries during the incidents of 5-6 May 2013.

The ICT Act of 2006 and its amendments

It has to be mentioned that the ICT Act of 2006, which was amended in 2009 and 2013, has become the primary repressive instrument in the hands of the Government to repress and silence opponents and dissenters.

The Law was originally introduced in 2006 during the BNP led Four-Party Alliance Government, and was first amended in 2009. On 19 August 2013, the Cabinet approved a draft of the second amendment of the ICT Act, strengthening its repressive purpose through the amendment of sections 54, 56, 57 and 61. The amendments increased the length of punishment, making offences non-bailable and cognisable.

The reason for Adilur Rahman's arrest on 10 August 2013 was known on 11 August, but it was not known under which amendment of the law. The police submitted the charge sheet – end-of-investigation report – to the Magistrate

⁴⁸ Odhikar, (2013), *Assembly of Hefazate Islam Bangladesh and Human Rights Violations*, Dhaka, Bangladesh <http://odhikar.org/assembly-of-hefazate-islam-bangladesh-and-human-rights-violations/>.

long after 19 August, without informing the defence. It was only then that it was learnt that he had been charged under the 2009 amendment.

In the Magistrate's Court, the Public Prosecutor, Abdullah Abu asked for ten days remand for Adilur Rahman Khan, while his lawyers asked for bail, as he had been arrested before the 2013 amendment, and thus his arrest under Section 54 was still a bailable offence. The Magistrate, Amit Kumar Dey, denied bail and ordered that Adilur Rahman Khan be taken into remand for five days.

On 12 August 2013, Adilur's lawyers moved a Writ Petition in the High Court Division of the Supreme Court of Bangladesh, challenging the order of remand and its unconstitutionality. The Judges declared the remand illegal and ordered police to send Adilur to jail custody. Any further questioning by the police would be done at the jail gatehouse.

On 13 August, Adilur was brought to the Magistrate's Court from the DB office to be sent to jail. His lawyer made an Application for Division⁴⁹ to be granted to him, given his social standing, profession and education. However, the Magistrate did not accept the application. Adilur was then taken to Dhaka Central Jail and, three hours later, to Kashimpur Jail-1 in Gazipur.

The High Court granted him Division status on 2 September 2013 via a petition that had to be filed by his wife, as petitioner, as the affidavit allowed him to appoint a lawyer on his behalf, in the

application to seek Division, failed to reach him in jail from the Commissioner's office. Incidentally, he saw the said affidavit on the Jail Superintendent's table when he was leaving Kashimpur Jail on bail, in October.

Support and fear

The case was monitored by several foreign Embassies in Dhaka, including the European Union, the Dutch Embassy, the Swedish Embassy, the French Embassy, the British High Commission, the German Embassy, and more. The diplomats and representatives from these Embassies had visited the Magistrate Court and the Cyber Crimes Tribunal to observe the hearing and trial process of Adilur Rahman Khan as and when he was produced before the court. This did not hold well with the Government, that tried and failed to stop the presence of foreign trial observers.

HRDs, who were associated with Odhikar, across the country organised protest meetings, rallies and human chains in many districts of Bangladesh, asking the Government to release Adilur. Some friends and well-wishers opened a Facebook page titled 'Free Adilur Rahman Khan'.

No forefront human rights NGOs and civil society organisation in the country stood beside Adilur Rahman Khan and his organisation Odhikar, although some individuals of a few organisations

⁴⁹ 'Division' is a privileged prison category. Inmates are given a separate, single cell with a table and chair, where they are allowed to wear their own clothes and get food from home. The Division block is a separate block of cells.

expressed their solidarity and protested the arrest of Adilur. The possible reasons of such silence could have been reluctance to engage in a fight with the Government that might be harmful for their own organisations or fear that they may face the same consequences as Adilur and Odhikar.

Charges and hearings

On 4 September 2013, Adilur Rahman Khan and Odhikar's Director ASM Nasiruddin Elan were formally charged under the ICT Act, 2006 – amendment 2009. They would be tried in the Cyber Crimes Tribunal and the case was transferred to the Tribunal from the Magistrate's Court. While he was being charged, Adilur was not present in the Court, in contravention to the Code of Criminal Procedure. He was in a holding cell waiting to be called up.

His lawyers were informed by the Court that his matter would not be heard that day. At 2:00 pm, he was on his way back to Kashimpur Jail when the investigating officers presented their charge sheet and he was charged. This was shown as breaking news on a few television channels and his family and lawyers learnt about the charges from the television news at 3:00 pm.

Interestingly, when Adilur and Elan were being charged, the Government had yet to appoint a Prosecutor to the Cyber Crimes Tribunal, even after four Tribunal appearances. Exasperated, the defence team requested a Prosecutor not related to the matter, to stay on in the Tribunal and perform his public duty. Furthermore,

the Tribunal used delay tactics to stall the handing over of certified copies of the prosecution report and supporting evidence to Adilur's lawyers.

His bail application was rejected three times by the Lower Courts, although the offence was a bailable one. Finally his lawyers were able to file a bail petition in the High Court Division and Adilur was granted six month's interim bail by the High Court Division on 8 October 2013. He was only released on 11 October 2013, although his lawyers were told by the Dhaka Central Jail Superintendent that the Bail Order had left for Kashimpur Jail (a three hour journey) on the afternoon of 9 October 2013. ASM Nasiruddin Elan came out on bail on 1 December 2013.

It needs to be mentioned that on 8 October 2013 the Additional Attorney General, Momtazuddin Fakir had opposed the bail petition of Adilur, citing that if bail was granted the accused would destroy evidence and would abscond abroad. Furthermore, in the morning of 9 October 2013, the Attorney General's office appealed to the Chamber Judge of the Appellate Division, seeking a stay against Adilur's bail order, but the Honourable Chamber Judge did not grant a stay. Adilur's lawyers filed a petition to the High Court Division of the Supreme Court to put a stay on the trial of the case and accordingly the High Court Division ordered a stay on the proceedings in the Cyber Crimes Tribunal on 21 January 2014. This stay order has been extended on 15 September 2014 till the hearing of the matter.

Odhikar, as a human rights organisation, has come under Government fire during various regimes, for being vocal against human rights violations and for campaigning to stop them. However, the present Grand Alliance Government, led by the Awami League, after assuming power in 2009, started severe levels of harassment on Odhikar for its reports on the human rights situation in the country. Despite the barriers, the harassment, the security issues and the lack of resources, Odhikar is, first and foremost, a human rights activist organisation. It is run on the energy of the remaining staff, members, and the volunteer services of grassroots level HRDs, who dedicate time towards doing what they can to continue to work for the betterment of human rights.

Odhikar

Odhikar, a Bangla word that means 'rights', is one of the leading human rights organisations in Bangladesh. It was established in 1994 and since then focuses its work on human rights defenders, enforced disappearances, elections, violence against women, extrajudicial killings and torture. Odhikar is a member organisation of the International Federation for Human Rights (FIDH) and FORUM-ASIA.

**‘I think that is
the challenge (..) amongst
the human rights
to ensure that it
really comes from
and connects
to grass-roots
movements.’**

**Kate Lappin
Regional Coordinator, Asia
Pacific Forum on Women, Law
and Development (APWLD)**

Photo: Julie Lunde Lillesæter/PRIO



Activists beyond Borders

The story of the international campaign for human rights in Sri Lanka

By Ruki Fernando, Advisor, INFORM Human Rights Documentation Centre, Sri Lanka

In 2005-2006, I was working at the FORUM-ASIA Secretariat based in Bangkok. As the conflict escalated in 2006, I decided to go home to Sri Lanka. When I eventually returned to Sri Lanka in early 2007, the experience and skills I had gained during my time in Bangkok, especially personal and professional contacts with human rights defenders (HRDs) in Asia and with regional and international organisations, proved to be crucial and lifesaving.

Going back to chaos

I left Sri Lanka in late 2004, a time of relative calm provided by a ceasefire. Still human rights abuses took place regularly, including killings, child soldier recruitment, and regular violations of the ceasefire by both the Liberation Tiger of Tamil Eelam (LTTE) and the Sri Lankan Government.

But I came back to chaos. There was large scale enforced disappearances, extra-judicial executions, mass displacement, forcible recruitment including of children, and severe restrictions on traveling and communication. It was also a time where HRDs, including non-governmental organisation (NGO) workers,

humanitarian workers, independent journalists, clergy, and opposition politicians with critical views of the Government, were killed, disappeared, detained or threatened. Domestic human rights protection mechanisms, such as the Judiciary, National Human Rights Commission and the Ad Hoc Commissions of Inquiries, had become completely ineffective.

It is in this context that we, Sri Lankan HRDs, had to turn to international solidarity. In time, it became a crucial element of our struggle for human rights. The primary focus of our international advocacy was targeting the United Nations (UN), and a secondary strategy of engagement was towards the Commonwealth.

Advocating at the United Nations

With the breakdown of domestic human rights protection mechanisms, we were compelled to seek the assistance of the UN. The newly established UN Human Rights Council (UNHRC) became a central place for our advocacy.

During the last phase of the war, particularly in 2007-2008, we campaigned for field presence of the Office of the High Commissioner for Human Rights (OHCHR). We managed to obtain support of successive UN

High Commissioners for Human Rights, Special Procedures of the Human Rights Council and some Western Governments, but there was no support from Asian, African or Latin American Governments. Thus, we failed. I still believe the level of atrocities we saw in the last phase of the war, particularly in 2009, could have been less if an OHCHR field presence had been established.

In September 2008, when the Government ordered all UN agencies to leave the war zone, the people in the war zone appealed not to be abandoned. They did not ask much, they only asked for an international presence. In the Capital, Colombo, a small group of us appealed to the UN Resident Coordinator and to UN Headquarters in New York to negotiate with the Government and not abandon the people in the war zone at a time when their presence was most needed. But we failed to persuade the UN to stay and inevitably, as we all feared, the stage was set for mass atrocities and civilian casualties, without the restraining international presence.

In early 2009, as the war reached its peak and civilian casualties escalated dramatically, we as HRDs sought a special session with the UNHRC. Again we failed. There was a Special Session of the UNHRC though, after the war ended in a blood bath in May 2009. However, this session was counterproductive as the Sri Lankan Government drafted its own resolution, praising its own conduct, and managed to gain the support of 29 of the 47 members of the UNHRC.

Prior to this, the UN Secretary General (UNSG), Ban Ki-moon, visited Sri Lanka and in a joint statement with the Sri Lankan Government, the UNSG stressed the importance of accountability for violations of humanitarian and human rights law.⁵⁰ This led the UNSG to appoint a Panel of Experts to advise him on accountability in Sri Lanka in 2010. The Panel's appointment and report was rejected by the Sri Lankan Government, who refused appeals to cooperate with the Panel.

However, many survivors and their families, including those in Sri Lanka and those who had fled the country, as well as Sri Lankan and non Sri Lankan HRDs, welcomed the Panel and presented detailed submissions. The Panel's report in 2011 documented credible allegations of violations of international human rights and humanitarian law by Government forces as well as by the LTTE.⁵¹ It recommended an independent international investigation into these allegations, and also suggested a review of the UN's own conduct and failures in relation to Sri Lanka. The internal UN review that followed recognised that '*events in Sri Lanka marked a grave failure of the UN*' and that '*many senior UN staff did not perceive the prevention of killing of civilians as their responsibility*'.⁵²

⁵⁰ Joint Statement by United Nations Secretary-General, Government of Sri Lanka (26 May 2009), SG/2151 <http://www.un.org/press/en/2009/sg2151.doc.htm>.

⁵¹ Report of the United Nations Secretary-General's Panel of Experts on Accountability in Sri Lanka (31 March 2011), http://www.un.org/News/dh/infocus/Sri_Lanka/POE_Report_Full.pdf.

Even after the debacle of the Special Session of the UNHRC in May 2009, we, Sri Lankan survivors, victim's families and HRDs, continued to engage with the UNHRC. In March 2012 and March 2013, the tide started to turn. The UNHRC passed resolutions that mildly expressed concern about ongoing human rights violations after the war and the lack of accountability in relation to the allegations of serious war time abuses. Both resolutions asked the OHCHR to report back to the Council about progress made with the resolution's calls for accountability.^{53 54}

As part of this process the then UN High Commissioner for Human Rights, Ms. Navaneethan Pillay, visited Sri Lanka in August 2013. Her comments about authoritarianism in Sri Lanka received widespread international coverage.⁵⁵ Despite being subjected to false accusations and derogatory remarks by Government Ministers and state media, her visit served as a source of strength to the conflict affected communities, including HRDs, families of disappeared persons, people whose lands were occupied by Military, and other survivors and victim's families that were struggling for survival, dignity, rights and justice. The memory I recall most was Ms. Pillay sitting on a podium with eight women whose family members had disappeared and warmly embracing the crying women.

In March 2014, the UNHRC passed another resolution on Sri Lanka. Finally, the resolution asked the OHCHR to conduct an investigation into serious violations of human rights and related

crimes in Sri Lanka.⁵⁶ Though late and limited, this was a victory for survivors, victim's families and some of us who had long campaigned for this, even when it seemed to be against all odds. It was a dramatic turnaround of the UNHRC, with the Sri Lankan Government's support declining from 29 States in 2009 to 12 States in 2014 among the 47 States represented in the UNHRC. The number of States which voted against the Sri Lankan Government moved up from 12 in 2009 to 23 by 2014.

In September 2015, the OHCHR released the report of its investigations.⁵⁷ It detailed horrific narratives of unlawful killings, enforced disappearances, forcible recruitment of children, obstructions of movement to safe areas, sexual and gender based violence, torture, and arbitrary detention on a mass scale and in a systematic manner. The High Commissioner recommended the establishment of a Special Hybrid Court with international judges,

⁵² Report of the Secretary-General's Internal Review Panel on United Nations Action in Sri Lanka (November 2012), http://www.un.org/News/dh/infocus/Sri_Lanka/The_Internal_Review_Panel_report_on_Sri_Lanka.pdf.

⁵³ UNHRC (8 March 2012), A/HRC/19/L.2.

⁵⁴ UNHRC (19 March 2013), A/HRC/22/L.1.

⁵⁵ Opening Remarks by the UN High Commissioner for Human Rights (31 August 2013), <http://un.lk/news/opening-remarks-by-un-high-commissioner-for-human-rights-navi-pillay/>.

⁵⁶ UNHRC (26 March 2014), A/HRC/25/L/1.

⁵⁷ UNGA, 'Comprehensive Report of the Office of the United Nations High Commissioner for Human Rights on Sri Lanka' (28 September 2015), A/HRC/30/61.

prosecutors, lawyers and investigators to ensure accountability for the reported violations, along with other international action such as universal jurisdiction and vetting.

A minor victory, which paled into insignificance during a time of bloodshed, was the Sri Lankan Government losing its candidature in elections for the UNHRC in 2008, after an intense campaign by some of us in Sri Lanka together with regional and international NGOs.

Commonwealth Heads of Government Meeting

When we realised that the 2013 Commonwealth Heads of Government Meeting (CHOGM) was going to be held in Sri Lanka, there were several local and national discussions on what to do. A small group of HRDs in Sri Lanka, together with our regional and international support groups, decided to oppose the meeting being held in Sri Lanka, as we felt that this would legitimise the terrible human rights situation in the country. We appealed to the Commonwealth Ministerial Action Group (CMAG) and others, but the CHOGM went ahead anyway.

However, due to strong advocacy efforts, the Heads of States of Canada and Mauritius decided not to attend citing human rights issues.^{58 59} The Indian Prime Minister also did not attend.⁶⁰ Although he did not explicitly relate his absence to human rights issues, it was widely believed to be the reason.

It turned out to be the CHOGM with the fewest Heads of States attending in recent history. An exception was the British Prime Minister who came despite protests in the United Kingdom (UK). He did make strong pronouncements during his stay though, including during a historic visit to the Tamil dominated and war ravaged Northern town of Jaffna. There, the Prime Minister visited a media institution which had been subjected to repeated attacks, and people who had been displaced due to the military occupation of their lands.⁶¹

There was a huge convergence of international media to Sri Lanka in the lead up and during the CHOGM. It appeared that the news about the human rights situation in Sri Lanka almost overshadowed the news of the actual CHOGM itself. Survivors, victim's families, HRDs and opposition parties all took the opportunity to highlight human rights issues, despite the crackdown by the Government in the days before and during the CHOGM.⁶²

⁵⁸ Government of Canada Press Release, 'Canada Welcomes Decision of Indian and Mauritian Prime Ministers Not to Participate in Commonwealth Meeting in Sri Lanka', 13 November 2013.

⁵⁹ Government of Mauritius Press Release 'PM Not to Attend CHOGM Meeting in Sri Lanka', 12 November 2013.

⁶⁰ Sandeep, Dikshit, 'Manmohan to call up Rajapaksa', The Hindu, 11 November 2013.

⁶¹ Mason, Rowena, 'Tamils hail David Cameron as 'god' but Sri Lankan president is not a believer', the Guardian, 15 November 2013.

⁶² Fernando, Ruki, 'Commonwealth & human rights principles in Sri Lanka, in the week before CHOGM', Groundviews, 14 November 2013.

Those who made a difference

The focus of Sri Lankan HRDs internationally was on intergovernmental bodies, such as the UN, the Commonwealth and individual Governments. But these would only change course if others, smaller in size, but perhaps bigger in passion, determination and commitment, pushed them relentlessly.

I will share with you my experiences of working with some of those people, who I believe were the movers and shakers of the UN and the Commonwealth.

Involvement of victims and their families

While I will focus on the role of people outside of the country, before doing so, there is one group from within the country that deserves special mention. They made, I believe, a huge difference to international advocacy. This was the strong involvement of survivors and the families of victims. Despite consistent threats, intimidations and discrediting they continued relentlessly. Mothers, fathers, and wives came forward courageously to give testimony to high profile representatives from foreign Governments and the UN, in Sri Lanka itself or in Geneva, where the UNHRC is based.

Amongst those regular visitors and strong advocates was the wife of disappeared Sinhalese journalist, Mrs. Sandya Ekneligoda and Dr. Manoharan, father of a teenage Tamil boy killed on the beach in 2006. Activists from war

affected regions of the North and East also braved threats and intimidations to organise mobilisations and make oral and written submissions to key international figures and bodies. This took them from the Capital of Colombo, to the war affected regions, such as Jaffna, to corridors of power, such as Geneva, New York, Washington DC, London and Delhi.

Collaborating with journalists, writers and film makers

Despite the Government clampdown on local media, some international media continued to give coverage to stories of survivors of human rights violations and families of victims, in particular their struggles for truth and justice. Though their interest was not consistent and tended to focus on specific events, such as the visit of the Pope, the UN High Commissioner for Human Rights, the CHOGM and the sessions of the UNHRC, such coverage was essential since it was an opportunity to share an alternative narrative with the world.

Several writers spent significant amounts of time with war affected persons in the North and wrote books highlighting their stories, while others made films using materials from the last phases of the war and afterwards. They too had to face intimidations, defamation, severe restrictions on travel to the North, and surveillance and obstacles once they got there.

Some were arrested, detained and deported. But these stories⁶³, through articles, video clips, films, photography

and books, went a long way in keeping alive the dwindling world attention on Sri Lanka.

Partnering with HRDs in Asia and beyond

The friendships and professional relationships built during my time with FORUM-ASIA in Thailand in 2005-2006, as well as other experiences, became very useful after my return to Sri Lanka. This was particularly so when many HRDs, including me, had to leave Sri Lanka due to imminent threats to our lives. Some of us, like me, went for a few months and returned when we thought the heat was down. Others opted for permanent relocation. Many of those who opted for short term relocation went to countries such as India, Nepal, Malaysia, the Philippines, Thailand and Singapore. HRDs in these countries, as well as other countries, provided invaluable care, assistance for visas, and moral, financial and other forms of support to us during these most difficult times.

Sometimes all I had to do was send an SMS asking to welcome another colleague. HRDs in many of the previously mentioned countries, as well as places like Indonesia, South Korea and Japan, also organised campaigns against the human rights violations and impunity in Sri Lanka. They facilitated meetings for me and other Sri Lankan HRDs with media, government officials and broader civil society in their countries.

Their work contributed immensely to prevent countries, like India, Japan, Malaysia, Indonesia and the Philippines, from supporting the dictatorial Sri Lankan Government during crucial votes on resolutions at the UNHRC in 2012, 2013 and 2014. On a few occasions, India and South Korea even voted against the Sri Lankan Government.

A Malaysian friend and activist was detained and still faces charges in court for screening a controversial film about allegations of war crimes in Sri Lanka.

After the democratic transition in January 2015, there was an Asian Solidarity conference on Sri Lanka, which was attended by colleagues and friends from many Asian countries. Even HRDs in countries beyond Asia, such as the United States of America (USA), the UK, France, Germany, the Netherlands and Norway, were very supportive of our human rights work. Individuals, ranging from students, retired persons, politicians, lawyers, clergy and many others, were part of human rights campaigns for Sri Lanka.

⁶³ For example, books like 'Seasons of Trouble' by Rohini Mohan, 'This Divided Island' by Samantha Subramaniam, 'Still Counting the Dead' by Frances Harrison; and films like 'No Fire Zone' and 'Sri Lanka's Killing Fields' by Callum Mcare.

Working with regional and international NGOs

Along with individuals and groups working at the national level, regional and international NGOs also played a crucial role in supporting Sri Lankan human rights activism. Several supported the protection and relocation of HRDs at risk at the most difficult times, in a variety of ways. They also played an important role in research and advocacy, and lobbying individual Governments and inter-governmental bodies.

FORUM-ASIA was one of the most important regional partners, and particularly its Geneva office played an important role in facilitating and supporting advocacy related to the UN there.

The campaigns around individual cases by some international organisations helped a lot to keep such issues alive. I myself was a direct beneficiary of such a campaign, and am certain that the immediate and intense campaigning around the world was a crucial element that brought about my release in couple of days after being detained under the anti-terror laws in March 2014.⁶⁴

Support of volunteers, students and interns

During and after the war, I had the chance to work with many foreign volunteers, interns and students who came to Sri Lanka to support human rights work. Some came during dangerous times. Most came on their

own, during their holidays, spending their own money, while others came as part of formal study tours or to do academic research.

I was also inspired by the student campaigns and events I participated in other countries, such as in the USA, the UK and the Philippines. These included writing urgent appeals to the Sri Lankan Government and their own Governments, writing solidarity letters to the wife of a disappeared journalist, writing articles for student newspapers, organising exhibitions and talks, and much more.

Engaging with diaspora groups

Probably the most controversial group was the Sri Lankan diaspora. I also had chances to meet and speak at events organised by diaspora groups, some exclusively Tamil and some mixed with Muslim, Sinhalese and Tamil.

Some diaspora groups clearly supported and justified the war and tried to cover up violence and abuses by the LTTE and the Sri Lankan Government. But many I engaged with appeared to be fuelled by concern and care about what was happening in Sri Lanka, about the survivors and families of victims of human rights violations. Some groups became very influential in lobbying foreign Governments and UN officials, and there is no doubt that they contributed to the developments in the UN in relation to Sri Lanka.

⁶⁴ FORUM-ASIA, 'Stories from the field – Sri Lanka: Ruki Fernando', 4 September 2014.

Being part of the international human rights system

The international solidarity was partly driven by Sri Lanka being part of the international human rights system. This system is based on ratified treaties, which are essentially agreements amongst Governments on how they should treat us, citizens and non-citizens. Alongside these agreements, Governments have also put in force monitoring and reporting mechanisms to encourage enforcement and to respond in emergencies and special circumstances.

The UNHRC is such an institution. As the members of the UNHRC are Governments, which are political entities, their decision making processes are often based on political considerations. This has in particular led to 'double standards', by the UNHRC and by powerful countries such as the USA, China, India, as well as blocks like the European Union (EU) and Organisation of Islamic Cooperation (OIC).

It also needs to be kept in mind that membership of the UNHRC is dominated by African and Asian Governments who have 26 of the 47 seats. Latin American countries have eight seats, Western countries seven and Eastern European countries six seats.

The importance of solidarity

However, probably the most important drive behind international solidarity is the spirit that all human beings should care about each other, irrespective of what country we live in. This may sound idealistic and such spirit is often overridden and influenced by other factors, such as the economy and media coverage. But I have learnt not to undervalue the passion to care for strangers.

That is what I saw in September 2015 in relation to the refugee crisis that hit Europe. That is why I admire the care friends showed to my colleagues who went into exile wounded and in fear. That is why I was so moved and touched by all the friends and strangers who sent Facebook messages, emails, made calls, in the middle of a Sunday night when they heard about my arrest.

That is why we tried to welcome refugees who came to Sri Lanka from Pakistan and other countries. That is why we filed court cases, made public statements, provided humanitarian relief, visited detention centres, and raised money on their behalf. That is why we warmly welcome journalists and bloggers who are looking at Sri Lanka as a safe haven, even if only temporarily.

Sadly, I feel the international solidarity that I and fellow Sri Lankans extended to others was much less than the support we got. I hope we can put it right.

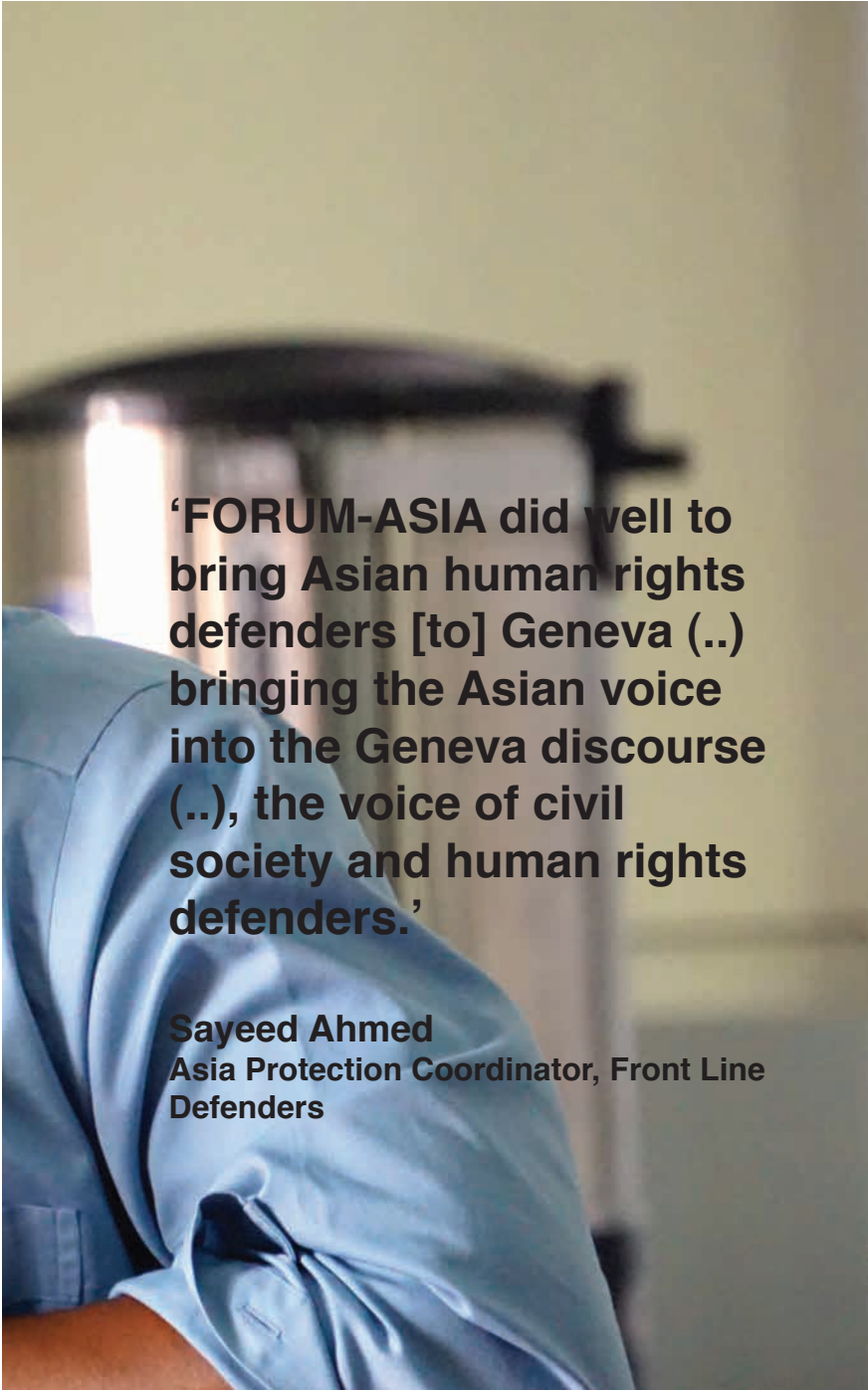
Undoubtedly, the primary struggle for human rights has to be waged at home. That is what we did even at the most difficult and dangerous times. That is what we continue to do. But there are times, when international support is crucial. For us, 2006-2014 was such a time. A time of desperation and emergency. There is slightly more space now for us to work inside Sri Lanka, but it would be a mistake for our international friends to leave us now, especially after the long journey they have undertaken with us. As I give thanks, I look forward to a continuing journey.

**Ruki Fernando, Advisor, INFORM
Human Rights Documentation Centre,
Sri Lanka**

Ruki Fernando is a prominent human rights defender from Sri Lanka, who has been involved in human rights and social justice issues since 1997, working with church groups initially and then with secular groups.

He has been working with leading Sri Lankan human rights organisations such as the Law & Society Trust and INFORM Human Rights Documentation Centre. Ruki has also worked two years, from 2005 to 2006, as coordinator of FORUM-ASIA Human Rights Defenders Department.





‘FORUM-ASIA did well to bring Asian human rights defenders [to] Geneva (..) bringing the Asian voice into the Geneva discourse (..), the voice of civil society and human rights defenders.’

**Sayed Ahmed
Asia Protection Coordinator, Front Line
Defenders**

Take Back the Tech!

A story of gender rights and online spaces in Pakistan

**By Zoya Rehman, Coordinator
GenderTech, Bytes for All, Pakistan**

Take Back the Tech!, our flagship, award-winning campaign⁶⁵ that we brought to Pakistan in collaboration with the Association for Progressive Communications (APC), is an initiative that is extremely important to us and our organisation. The campaign has been integral for Bytes for All, Pakistan, in leading the conversation about gender rights and online spaces, and we want this conversation to keep going – with or without us. We want stories from all corners of Pakistan to be shared as much as possible – these stories must be mapped, seen, and discussed, so that justice is achieved, in one way or another, when people join hands and try to find solutions for the larger issue of online abuse. This is essential if we want Internet rights to flourish in Pakistan.

About us

Bytes for All, Pakistan is a human rights and research organisation which focuses on Information and Communication Technologies (ICTs) and their relevance for strengthening human rights movements in the country. We conduct research for evidence-based policy advocacy on civil liberties in Pakistan. The organisation's field projects are focused on Freedom of Expression (FoE), technology-driven gender-based violence, and security of human rights

defenders – for this, our digital security department has been expanded so as to include a more holistic programme, which also includes physical and psychosocial security now.

The problem: tech-based violence in Pakistan

Pakistan is rife with technologically driven gender-based violence. Such cases are taking place just about everywhere: at home; at the workplace; in public spaces; and now through the Internet, mobile phones, and social networking spaces as well. Online misogyny and violence against women (VAW) in Pakistan is a reflection of the patriarchal mind-sets that already exist in our offline spaces. Pakistani women, girls and sexual minorities are being silenced everywhere – whether it is through actual violence or discouraging, abusive language meant to hinder them from claiming spaces that are rightfully theirs.

The problems we have to address in Pakistan exist everywhere else in the world, but we have to address Pakistan's problems with unique solutions, keeping the country's cultural context in mind. We cannot formulate these solutions without the stories we wish to collect. We cannot

⁶⁵ Bytes for All, Pakistan, 'Take Back the Tech!' campaign wins ITU award for gender equality in technology', 30 October 2014.

address tech-based VAW without ample voices and counter-narratives.

In 2014, we compiled a report comprising three case studies that proved how technology-driven violence against women was present in Pakistan. This was done to contribute to a global evidence-building exercise, led by APC, regarding online gender-based violence. Our pilot case study was about a young girl, Aisha, a survivor of physical and technology-based violence. In short, an intimate act between Aisha and her lover, Sadiq, was recorded with mobile phones. That recording was subsequently used by Sadiq's friends to blackmail and rape Aisha repeatedly over several months, and was allegedly also uploaded on Facebook as 'revenge'.

The other two case studies delved into the stories of two women who, unlike Aisha, had agency because they were more independent, more vocal about their convictions, and also hailed from upper-middle class, liberal families. Bayhaya and Baaghi were subject to sexualised violence and abuse online because of their progressive views. Bayhaya was even branded as a blasphemer by Islamist vigilantes for simply challenging conservative views online.

Take Back the Tech!

During the international 16 Days of Activism against Gender Violence campaign that takes place each year, we call for everyone, particularly women and girls, to reclaim technology and fight

gender-based violence. Participants 'take back the tech' with the help of their cell phones, social media accounts, blogs, and other technological mediums to raise pertinent issues that can help the ICT capacity of women.

In our previous campaigns, we delved into the way ideas of public and private spaces affected online abuse and violence. Our discussions were about issues such as the right to privacy, the sometimes arbitrary 'private' versus 'public' distinction in online spaces, and state surveillance. We always wanted to change Pakistanis perceptions about the Internet, primarily how many Pakistanis believe that the Internet is a bad space which women should always avoid, just like the media is no place for women to be seen. These arguments are specious and only end up reflecting the inability to accept women in any public space whatsoever.

For this, we held our campaign activities in both online and offline spaces to guarantee more visibility. We led various events, devised eye-catching graphics, published pioneering research, initiated long, heated Twitter debates, held poster competitions for college students, exhibited their work, held trainings, organised hikes – the works. We engaged various human rights defenders (HRDs) and journalists, as well as the general public, so they could join us to raise awareness about how abusive and intrusive social media can be. We did all this while realising that networking will always be a key component of our gender work. We facilitated committed

local campaigners in sharing their ideas and learnings, so they could raise awareness online – and globally – as well.

We turned #TakeBacktheTech into a national trending topic for hours during our tweetup⁶⁶, which eventually led to an intense debate among prominent feminists about what online violence entails. Our activities ranged from conducting a digital security and privacy training session for a Lesbian, Gay, Bisexual, and Transgender (LGBT) group to popularising the Young Activist Award for school children to encourage them to create art to address tech-based VAW.

Bridging the gap between offline and digital movements

This year, in 2015, we will be focusing on sharing survivor strategies to amplify the need for more confident voices in finding solutions to the problems we are facing. Advocacy on the pending cybercrime bill is also going to be a huge part of our campaign this year – so much work has been done by some fantastic activists and civil society organisations in relation to violence against women, yet there is an evident gap when it comes to legislative progress related to cybercrimes against women.

There are already many gender rights defenders in Pakistan doing incredible work to end violence against women in offline spaces. There have been some notable achievements in Pakistan in terms of new gender-sensitive legislation during the past decade or so. However, we need to expand our understanding

of such issues to realise that tech-based violence is actually a digital extension of the same kinds of abuses that most people, particularly women and sexual minorities, experience offline.

Hence, we wish to engage gender rights activists in reviewing the Government's policies on ICT governance, and want to hold wider consultations and workshops regarding the formulation of laws and policies governing the Internet, to highlight the freedoms and rights of Pakistanis, particularly women, online.

Bridging the gap between offline movements and digital rights movements is extremely crucial – we must find solutions together as allies to further inform our work as gender rights activists. Patriarchy must be ripped to pieces by all of us! Let's keep talking about what can and cannot be done together.

We wrote an open letter to the National Commission on the Status of Women, Pakistan (NCSW), urging the Government to take action to address this growing problem of online VAW. We always want local activists to echo our responsibility to defend and support Internet rights.

Moreover, the relevant cases being reported in the news media everyday must be brought to light. We have been mapping cases of online violence on our country-level map, VAW Map, and anonymising all these stories, to help others understand the gravity of technology-related violence against women and sexual minorities.

Demonstrating the effects of online abuse

We have always done our part in demonstrating the effects of online abuse in a digital world, and how to combat it, be it through research or media monitoring. Ideally, we want all existing stories in Pakistan to be documented so they could inspire conversations and help in chalking out a way to end gender-based violence.

For this, the stories we share during the international 16 Days of Activism against Gender Violence campaign usually present the way technology affects women around Pakistan. We try to do this by being inventive and humorous, but most of all, by humanising our efforts and the overall Take Back the Tech! campaign. Our aim is to imagine a world without online violence with the help of representative, powerful stories. We try to highlight transformative stories that need visibility and are less easily heard, so we can help in correcting the imbalance of power.

The recent cyber-attack on #TakeBacktheTech by misogynists, trolls⁶⁷ and various other people linked to #Gamergate⁶⁸ is a stark example of the kind of backlash and abuse feminists face online when they express their opinions. It demonstrates how detrimental gender-based abuse and sexist expression can be, which is why we must keep collaborating on this issue and speaking out against the harmful effects of technologically driven gender-based violence.

The sky is the limit

That is the thing though – we know we are nowhere near done in fighting this struggle. The continuous need to be inventive makes us want to reach out to people even more, and in as many ways as possible. We realise that our campaign needs to be more fun and engaging. We want to utilise videos, podcasts, and comic strips, reinvent science fiction stories that already exist, urge people to share poetry and blog posts, so that there are as many individualistic responses to such issues as possible.

We must keep finding new ways to dismantle patriarchal norms in Pakistan, and also help women from all walks of life in fearlessly interacting with the outside, 'non-familial' world. We are convinced that Pakistanis are not talking about online gender-based violence as much as they should, and for that, we need to keep finding more challenging ways to address issues related to access and agency, as well increase capacity building around areas of privacy and security, to change the conversation around tech-based VAW. Having a meaningful, understandable discussion about the harms of online violence also

⁶⁶ A 'tweetup' is a meeting of Twitter users for a specific objective.

⁶⁷ A 'troll' is a person who makes a deliberately offensive or provocative online posting.

⁶⁸ The Gamergate controversy began in August 2014 and concerns sexism in video game culture. It is most notable for harassment of several women in the video game industry, including death threats and threats of rape.

means that men must be engaged and made to question conventional notions of masculine identity and patriarchy.

Our baseline studies: <https://content.bytesforall.pk/sites/default/files/BaselineStudies.pdf>

The Internet is ultimately a transformative space, and a feminist one too. Our Take Back the Tech! campaign must always reflect this to help in bringing an end to the culture of impunity associated with gender-based violence in Pakistan.

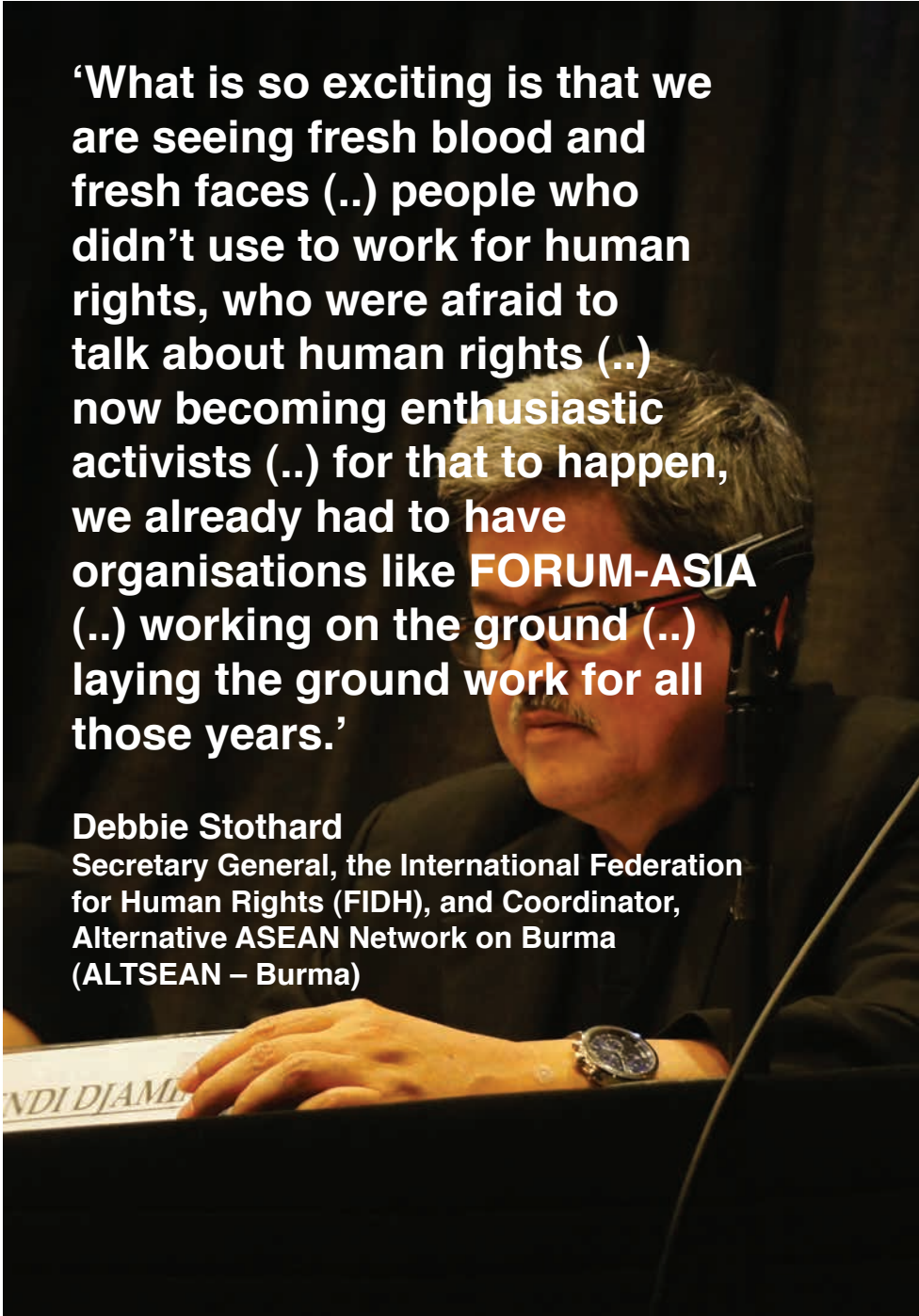
Awards won: <https://content.bytesforall.pk/node/151>

Zoya Rehman, Coordinator GenderTech, Bytes for All, Pakistan

Zoya Rehman is a lawyer and gender rights activist working for Bytes for All, Pakistan. She studied law at University of London and Pakistan College of Law. Before joining Bytes for All, Pakistan, Zoya worked, among others, as a Research Associate for the Supreme Court of Pakistan and as a Programme Officer at Shirkat Gah, Women's Resource Center, Pakistan. Zoya joined Bytes for All, Pakistan in May 2015 as Gender Tech Coordinator.

Bytes for All, Pakistan TBTT! Resources:
Mapped stories: <http://www.vawmap.pk>

Case studies/country report:
Technology-related violence against women: <https://content.bytesforall.pk/sites/default/files/CaseStudies-TechnologyDrivenViolenceAgainstWomen.pdf> and <https://content.bytesforall.pk/sites/default/files/ViolenceAgainstWomenPakistanCountryReport.pdf>



‘What is so exciting is that we are seeing fresh blood and fresh faces (..) people who didn’t use to work for human rights, who were afraid to talk about human rights (..) now becoming enthusiastic activists (..) for that to happen, we already had to have organisations like FORUM-ASIA (..) working on the ground (..) laying the ground work for all those years.’

Debbie Stothard

Secretary General, the International Federation for Human Rights (FIDH), and Coordinator, Alternative ASEAN Network on Burma (ALTSEAN – Burma)



chapter 3 LESSONS LEARNT FROM 25 YEARS OF HUMAN RIGHTS WORKS

25 years of human rights work presents both a need and an opportunity to reflect on the highs and lows of the movement in Asia. What worked? What did not work? What lessons have we learnt? And what do we need to keep in mind moving forward into the future?

All people that contributed to this publication – through an interview, by participating in an event or by submitting written inputs – were asked to reflect on possible lessons learnt. Based on their work, on the experiences of their organisations or their partners, what insights did they gain? What have been lessons learnt from 25 years of human rights work?

Many lessons were shared. The following chapter describes the issues and experiences most often mentioned throughout the consultations. Obviously this selection is subjective in nature, both because the reflections stem from individuals and small groups, but also because of the individual choices of the editors. Still, we hope they are useful for anyone that is working or wants to work in the human rights field.

While many of these lessons are related to and cover broad parts of human rights work and the field, we have clustered them into four categories: 1) organisational or strategy related insights; 2) individual and personal reflections; 3) lessons related to the

people and communities that we try to serve; and 4) long-term advice.

1. Organisational or strategy related insights

Not surprisingly many insights relate to organisational or strategy experiences. Lessons that were gained being involved with civil society organisations (CSOs), movements or networks for many years. Lessons that are to be kept in mind when deciding on strategies, identifying key stakeholders or developing action plans.

The importance of movements, networking and solidarity – there is strength in numbers. All contributors to the publication highlighted the importance of working through movements and networks. Particularly when focussing on the protection and promotion of human rights. Working in isolation is highly undesirable. All progress that has been gained for human rights or social change, has been the result of movements.

- *The undeniable power of solidarity* – in direct relation to networks and movements is the recognition after years of human rights work of the power of solidarity, solidarity between human rights defenders (HRDs), across borders and with those working in other sectors or institutions. In itself, understanding that there are others that

stand, support and look out for you is incredibly powerful. Solidarity is crucial in emergency situations. Colleagues and partners can speak out on your issue, reach out to influential stakeholders for you, or arrange for you to be temporarily relocated.

- *Making efforts more effective through collaboration and coordination* – the amount of work that needs to be done to promote and protect human rights at times seems endless. Everyone is busy and overwhelmed at all times. To make sure HRDs do not duplicate or unintentionally counter each other, collaboration and coordination are essential. Particularly when it comes to capacity building, knowledge development and advocacy. It is important to work together and align efforts.

- *Across local, national, regional and international levels* – one of the main benefits, but also challenges, of working through networks and movements is the opportunity to align efforts across local, national, regional and international levels. Regional and international campaigns gain legitimacy by assuring that efforts are grounded in insights and updates from affected people and communities. When engaging with regional and global partners, local and national working HRDs can be heard beyond their own reach. Communication and the exchange of information is crucial to make this work.

- *Cross-sector connections* – human rights cannot be realised in isolation from the rest of society. Collaboration

with other sectors is crucial for human rights progress. Important sectors identified to work with include: development; economics and trade; conflict prevention and peacebuilding; migration; and climate change and the environment. The human rights movement in Asia needs to engage institutions and stakeholders that do not specifically focus on human rights. In Asia the traditional stakeholders are, among others, the UN Human Rights Council, the ASEAN Intergovernmental Commission on Human Rights (AICHR), the ASEAN Commission on the Promotion and Protection of the Rights of Women and Children (ACWC), or human rights related UN Special Rapporteurs. We need to look beyond just them.

The power of the media – the media plays a crucial role in society. Every day, every moment people make decisions in their daily lives based on information they receive from the media, traditional and social media. Whether it is what to wear based on weather reports, which area to live in based on local news, or who to vote for based on national coverage of electoral campaigns.

To be visible and covered in the media is of great significance for the human rights movement. Media offers a means to have issues and updates be heard by the general population, but also by targeted audiences, like policy or decision makers. At the same, the media presents a channel to mainstream a human rights discourse.

However, the relationship between civil society and the media has not always

been an easy one. Misunderstanding and trust issues have made collaboration challenging. In the current environment in many Asian countries space for civil society is shrinking and press freedoms are severely restricted. This provides an opportunity for an alliance between HRDs and the media that would be beneficial for both.

Women's rights are human rights

– the need to mainstream gender and women's issues across the human rights movement is still a work in progress. The recognition that all women's rights are human rights, and that all human rights are women's rights has been crucial for the advancements made in Asia so far. Human rights work must mainstream gender perspectives in all aspects of its work to fully realise its goals.

Youth are not just the future, they need to be included today – when speaking about youth there is a tendency to refer to them only as the future. However, youth need to be included, capacitated and empowered today.

In many Asian countries youth – when following the UN definition of youth being people between the ages of 14-25 – represent a significant portion or even a majority of the population. At the same time, youth are among the most vulnerable groups in society. Especially, in regards to human rights violations. They are often direct targets of repression, because of their age, social status and lifestyle. Additionally, restrictions on human rights, including the right to education, health care or employment, have a particularly

significant effect on youth, some with long-term consequences.

The failure to include youth in the human rights movement today, can have detrimental consequences for current efforts and those in the future.

It is important to speak to power, but we need to be able to back-up what we say – one of the major roles of HRDs is to speak out, criticise and inform the authorities on human rights violations. HRDs need to be the voice for victims of violations or those whose rights are under threat. Similarly, it is one of the primary roles of the human rights movement to hold Governments to account when it comes to the commitments they have made, and call them out when failing to stick to their word.

In doing so, it is crucial that we can back-up what we say. Advocacy needs to be based on evidence and facts. Documentation and maintaining records of violations is crucial, even in times when such data cannot be used immediately for fear of repercussions or threats. The maintenance of documentation of violations can be instrumental at a later stage to assist a campaign or legal proceeding.

Be consistent and persistent – change takes time. One-off activities or events are unlikely to make a difference. It is important for HRDs to be consistent and persistent in the issues they speak out on. When you continue to speak out on certain issues, the narrative and discourse become consistent,

recognisable and eventually more acceptable to target audiences. This requires persistence, even when the odds seem to be against us.

Be focussed and specific – there are many topics and issues related to human rights. All are vital and all are urgent. Civil society at times has the tendency to want to cover all that is important, and consequently says a little bit on everything. It is imperative to be focussed. A topic needs to be developed with research and expertise. Related to this is the need to be specific. Even though many issues are interconnected, sometimes it is better to try to tackle one thing at a time instead of everything at once.

2. Individual and personal reflections

Another set of reflections and advice focussed more on individual HRDs. Lessons that were learnt that could be of value for those people that aspire to become involved in the human rights movement or are new to it.

Everyone can be an HRD – anyone who becomes involved in the human rights movement can be an HRD. It does not require any particular background, education or skills. Everyone can find their role and can contribute to the human rights movement.

You can only become an HRD by doing – while all recognised the value of studying human rights, reading or watching documentaries, it was agreed that you can only become an HRD by

getting involved. HRDs are those that join an organisation or movement, take on a cause. Get their hands dirty. You learn to be an HRD by doing, not by studying it from afar.

Learn to share the stage – the issues and situations that the human rights movement addresses are often tragic and devastating. More so, the issues are often personal, because of the group of people they involve or the country they affect. At times this makes it challenging to see beyond your own story or emergency. It is important to know that others are suffering too. To realise that your problem is not the only problem that requires attention, and to be able to share the stage with other victims.

You cannot protect anyone else, if you do not protect yourself – human rights work can be physically and emotionally draining. The seemingly endless list of things to do, the feeling that if you do not do it no one will, and the constant stress takes a toll on everyone. In many cases, pressure from family and loved ones, while well-intended and based on concerns for safety and well-being, can make the work of HRDs especially challenging. It is important to remember that if you collapse out of exhaustion or stress, because you are trying to save the world, you cannot protect anyone else.

Be courageous while being safe – undoubtedly being an HRD requires courage, particularly in certain countries in the region where standing up for human rights exposes you to physical or legal threats. It is important to be

courageous, to stand up for what you believe in, and to speak out for those that cannot do so themselves. Yet, here again it is important to be cautious and keep yourself safe too. While sacrifices might be asked of you, no one should have to pay the ultimate sacrifice.

3. Lessons related to the people and communities we try to serve

The third set of lessons focussed particularly on how to engage with or serve those people and communities that we presume to represent. The people and communities from whom civil society derives its legitimacy when speaking on human rights issues.

The need to reach out and engage with those we presume to help – it is essential to constantly ascertain that all we do, as a human rights movement, benefits those that we presume, claim or try to help, particularly the poor and marginalised. To be able to do so, we need to reach out and engage with these people on a regular basis.

Making people understand – to be able to reach out and engage with the people and communities we try to help, it is critical that we can explain and make them understand what we are working on. Complicated concepts and technical terms are often not helpful. More so, it is important to be flexible with such concepts and definitions, since people's understanding of human rights depends on their context.

Need to be amplifiers for the people – following the earlier mentioned insights, it was also noted that it is crucial for civil society, in particular HRDs, to amplify the messages and stories of those people affected or threatened by human rights violations. We need to speak on behalf of those that cannot do so themselves, and make sure that they are heard. We need to be a bridge between the grass-roots communities and the national, regional and international political arenas.

Important to involve all sections of society – even though priority must be given to those affected most by human rights violations, it is important that all people in society are included in the conversation on human rights. Even the privileged or the perpetrators of violations need to be heard and understood to eventually come to the full realisation, promotion and protection of human rights.

You cannot be limited to the Capital – many CSOs are based in the Capitals or big cities of their respective countries, and rightfully so, considering infrastructure and facility needs. It also makes networking and engaging with other stakeholders easier. However, it is important to make sure that the issues we prioritise and the voices that we represent are not limited to those same Capitals and big cities. That we reach out to others beyond the city limits, and engage with rural and isolated communities equally.

The need to focus on education and empowerment – while it is the role of HRDs to represent and speak on behalf

of those that cannot do so themselves, eventually our role as messengers should not be needed anymore. The education and empowerment of peoples and communities is key to all human rights efforts. For the full realisation, promotion and protection of human rights, people need to be aware of their rights and able to speak up for themselves. The human rights discourse needs to be mainstreamed in our communities and societies. Education and empowerment are the primary strategies to make that happen.

4. Long-term advice

Finally, many lessons learnt referred to the long-term perspectives of the human rights movement. Many of these insights reflect a realistic, or at times even pessimistic view on what can be accomplished. However, it is important to note that all these insights were part of an overarching belief in change, and a conviction that what we do is not only important, but indispensable.

For every step forwards, you will be forced to take a few back – successes and victories are few when fighting for human rights. More importantly, it was noted that for every step forward, you will be forced to take a few steps back. These steps back can come from new challenges that are presented when something is realised. For example, when a new human rights institution is established, its mandate might not be to our liking or the way it implements its activities might be disappointing. It forces us, after our initial victory, to step back and rethink our next move.

However, more often than not, such steps back also come from push-backs from the authorities. The ratification of a Declaration might be used as an excuse to not do anything further on that topic. Or international recognition for a claim made by a national HRD, might result in persecution of that same HRD by its own Government.

All of this does not mean that we need to give up, nor that we should not celebrate our victories, it merely means that whenever we realise something that we have been working for, we need to keep our eyes open and be vigilant for new challenges.

While you can put an issue on the agenda, you cannot control what happens to it – in a similar fashion it was noted that as civil society we need to know the limits to our influence. In many settings we can highlight issues, push for topics to be put on the agenda or make a concern public, but this does not mean we can control what happens with it once it is out there.

At times, it might not be understood, presented or viewed from the perspective that we intended, or it might be even be taken into a completely opposite direction. Here again it means that we need to monitor how things are interpreted and explained, and ensure that we do all we can, within our sphere of influence, to promote our point of view.

Words mean little without implementation – many also highlighted that while at times we need to celebrate words, in the form of the adoption of

new laws, the ratification of conventions or legislation that establishes new institutions, such words can mean very little if we do not like what is done with them afterwards. Implementation is key.

Sometimes words can even be counter-productive. They might provide Governments or other authorities the impression or the excuse to act like the job is done. Similarly, if words or intentions are not matched with resources and capacity, even the most well-drafted laws and best formulated mandates will mean little in practice.

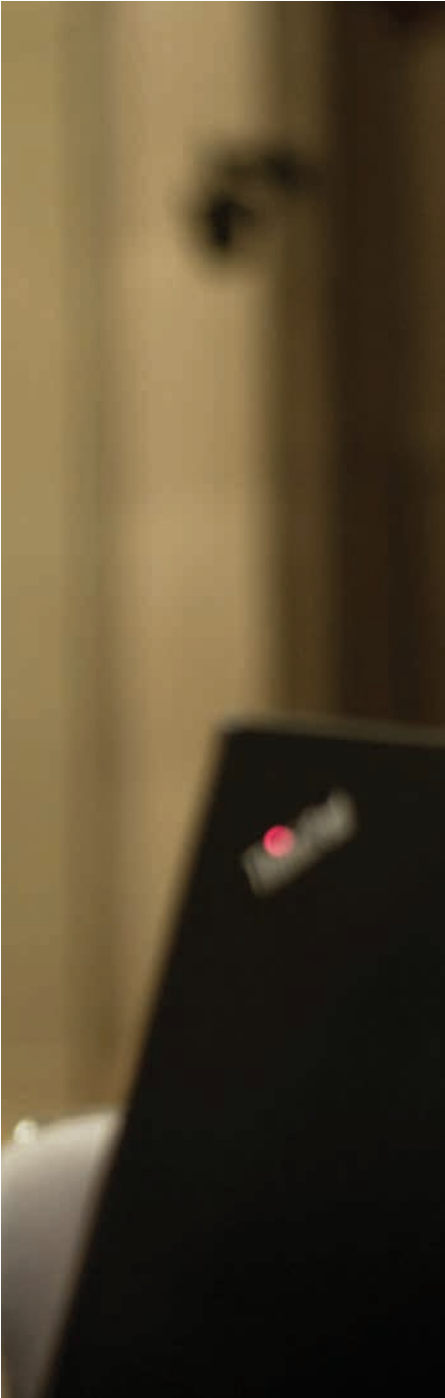
Justice does not automatically trickle down – even when changes in legislation or jurisdiction are realised and implemented, this does not automatically mean that all people in society will benefit from them. Particularly poor, marginalised or isolated communities need to be pro-actively assisted to benefit from such breakthroughs. Unless people know there is a new law, institution or regulation that they can benefit from, they will not be able to do so.

Human rights is not a sprint, it is a marathon – considering all of the above, it is clear that realising, promoting and protecting human rights is not a simple task. It is a long-term process that requires HRDs to be in it for the long-haul. It is not a sprint, it is a marathon. And unless we realise and plan for this, we will soon be disappointed and burned out.

Not just a marathon, but a relay – in addition to the work for human rights being a marathon, it is also a relay. The work is too much, too complex and too extensive for just one person, one organisation or one network. It will require many to work together, and more importantly it will require a new generation to be ready to take over from the current generation of HRDs.

To be able to do so, we need to convince more people of the need to fight for human rights, to capacitate and empower them. To make sure that when we cannot go on any longer, a new generation will be ready. If we do not do that, the baton will drop, and our running will have been for nothing. But if we manage to grow our movement with new people, with new energy and new skills, they will eventually be able to run across the finish-line.





‘The key thing for the human rights movement is (..) to have been able to grow into countries and nations where previously human rights was not heard of (..) and that over these years FORUM-ASIA has been able to nurture and support grass-roots human rights groups and human rights defenders to bring them into a wider movement, to make them understand how working together (..) can really enhance the growth of human rights throughout the region.’

Phil Robertson
Deputy Director Asia Division,
Human Rights Watch (HRW)

Photo: International Commission of Jurists (ICJ)

Dark Days and Darker Nights A Malaysian Story of National 'Security'

By Chew Chuan Yang, Documentation & Monitoring Coordinator, and Sevan Doraisamy, Executive Director, SUARAM, Malaysia

As we enter into the final quarters of 2015, we find ourselves in a world that can be considered as the most peaceful era thus far in human history. Yet, within this tranquillity, we have witnessed the rise of the Islamic State and various terror organisation that are wreaking havoc among innocent civilians; we have witnessed the cruelty and apathy of human traffickers exploiting those who are vulnerable; we have witnessed the despair experienced by refugees who were within reach of safe haven and yet denied entry; and we have also witnessed individuals, guilty and innocent alike detained without trials on the grounds of national security.

So where does Malaysia stand in this swirling mass of cruelty and injustice? It is fortunate that we, Malaysians, do not find ourselves mired in sectarian violence. Neither do we find ourselves engaged with 'open' warfare against terror threats. Despite our fortunate circumstances, we find Malaysian politicians and ministers implementing legal mechanism that would grant governmental agencies power to detain a person without trial on the ground of terror threats and national security.

In their haste to 'safeguard' Malaysia from these perceived threats, they inadvertently hurt the ones they seek to protect, the citizens of Malaysia.

The Internal Security Act of 1960

Throughout our history, Malaysia was in no way a stranger to such draconian laws. The Internal Security Act 1960 (ISA), a law made to combat the rise of communists and eventually used to combat political dissent, carved its place in Malaysian history and in the psyche of Malaysians. It has been three years since ISA was repealed and we can still feel its stranglehold on us.

Before Malaysians were given time to assess the damage ISA had done to our hearts and souls, we were caught unaware with the introduction of two new legislations that sought to replace its predecessor. The Special Offences (Special Measures) Act 2012 (SOSMA) and its younger sibling the Prevention of Terrorism Act 2015 (POTA) came into existence with the same promises and assurances their predecessor did and yet, it did not shake the popular belief that it is but a vengeful spectre of its predecessor, the ISA.

It was from these draconian laws that Suara Rakyat Malaysia (SUARAM) awakened. For us to share SUARAM's experience throughout SUARAM's years of activism and campaigning, it is inevitable that we must look back at what we have seen, what some have experienced, and what others had to suffer in the long struggle against ISA. Without further ado, let us share our experience and struggle in Malaysia's ignominious past.

The ISA 1960 was introduced in an era when Malaysia was struggling against a communist uprising⁶⁹ that sought to overthrow the State through violent means and establish a communist Malaysia. In order to help suppress communist combatants, the Prime Minister of the day put forward the ISA to help control and curtail the communist threats that Malaysia experienced during the Malayan Emergency.

The shift in ISA's 'diet' from terrorists to activists was not one that was immediately apparent to most. In the early 1970s some politicians⁷⁰ took notice of the ominous use of ISA against political dissenters. Despite the suspicions, no further inquiries were made as the Communist Insurgency War was on-going and such laws were seen as a necessary evil in the fight to preserve national security and sovereignty.

From the jungle to the streets

Despite the end of the insurgency in the late 1980s, ISA was not repealed. Through subtle manipulation and artificially manufactured justifications, the ISA was eventually used to control and curtail another threat against the Government of Malaysia. Before its demise, ISA was no longer an 'innocent' tool to combat threats to national security. It was a tool abused and corrupted to combat the threat of democracy and civil activism against an authoritarian regime. The 'combatants' turned from gun totting guerrillas in the dense jungles of Malaysia to voracious consumers of writing instruments living in the dense concrete jungle of modern Malaysia.

The darkest point of ISA was during Operasi Lalang⁷¹ – Weeding Operation – in October 1987. The rumour of ISA as a threat against political dissent was no longer a threat nor a rumour. The ISA showed Malaysians and the world its true colours as a tool to silence dissenters. From politicians to academics to educationist; irrespective of one's background, those who were critical of the ruling Government of the day – or perceived to be – were branded as a threat to national security and swiftly dealt with by the Malaysian Special

⁶⁹ M. Ladd Thomas (2015), 'The Malayan Communist Insurgency', *Asian Affairs* 4 (5).

⁷⁰ Statement made by Lim Kit Siang (MP for Bandar Melaka), Malaysian Parliament Hansard, 30 July 1971.

⁷¹ Aliran.com, 'Operation Lalang Revisited'.

Branch – intelligence agency attached to Royal Malaysian Police. In many of the cases of arrests during Operasi Lalang, the charges were ambiguous or an outright fabrication made up by the Home Ministry in order to justify detention. Such impunity and blatant disregard for rule of law became the hallmark of ISA till the day it was repealed.

Suara Rakyat Malaysia (SUARAM)

The founders of SUARAM were but some of many that were arrested during those dark days. Through the harrowing experience they went through during their time detained under ISA, some of them decided that it was necessary for an organisation to champion human rights and monitor violations of such rights in Malaysia.

With this idea in mind, the founders of SUARAM set out on their journey of establishing the organisation. The early days of SUARAM were highlighted with high profile involvement in cases involving detention without trial. In time, and based on the experience SUARAM gained over the years, it was decided that such a mandate was no longer sufficient. With this in mind, SUARAM expanded its mandate and sought to address all other violations of civil and political rights in Malaysia.

In SUARAM's early years, SUARAM played an active role in the Gerakan Mansuhkan ISA – also known as Abolish ISA movement or GMI – and served as its Secretariat. GMI actively campaigned for the abolishment of the

ISA and for the immediate release of all individuals detained under ISA. Despite the relentless effort put into fighting the ISA, it took more than 20 years before the Government of Malaysia decided to repeal the ISA.⁷²

Between the years when GMI was formed to the day ISA was repealed, mass arrests such as those during Operasi Lalang were fortunately not a common occurrence. For most part, ISA was not commonly used to detain political opponents or dissenters. Unfortunately, this record was tainted in 1998 during the Reformasi movement^{73 74} and subsequently in September 2008 with the arrest of Raja Petra Kamarudin, Teresa Kok and Tan Hoon Cheng.⁷⁵ The obscure and outrageous reasons given for their arrests on both occasions – in the case of Tan Hoon Cheng, the reason for detention was allegedly her own protection – sent Malaysians reeling in fear of other mass arrests such as those witnessed during the dark days of Operasi Lalang.

⁷² Teoh, Shannon, 'Najib Announces repeal of ISA, three emergency declarations', *The Malaysian Insider*, 16 September 2011.

⁷³ The 'Reformasi' is the name given to a protest movement that began in September 1998 throughout Malaysia.

⁷⁴ Symonds, Peter, 'What Anwar Ibrahim means by "reformasi" in Malaysia', *World Socialist Web Site*, 26 November 1998.

⁷⁵ Walker, Rowan, 'Malaysia blogger arrested for posting anti-government comments', *the Guardian*, 12 September 2008.

Campaigning against ISA

Despite such grim prospects, GMI and SUARAM were not as powerless as it seemed. Throughout the years of campaigning, GMI managed to secure the release of several detainees made under the ISA. They managed to document incidents where ISA was used, and publicised them in order to garner public support and raise awareness regarding the use of ISA in Malaysia. The highlights of GMI, and by proxy SUARAM's success, came when GMI managed to organise an Anti-ISA rally that attracted 30,000 participants, which likely influenced the Government's decision to repeal the ISA. Through its activities and campaigns, GMI also managed to garner support against ISA from the state legislature for Selangor and Perak respectively. The support received was overwhelming with the Perak state legislature agreeing to extend assistance to families of those detained under ISA and providing assistance in mobilising the 30,000 participants for the Anti-ISA rally.

Ultimately, one could consider GMI and SUARAM's campaigns as a success as it resulted in the eventual abolishment of ISA in 2012 and the release of detainees over the years. Even so, we cannot claim our campaigns as an indomitable victory for human rights for several reasons. First and foremost, despite the success experienced throughout the years, the ISA was still used by the Government against political dissenters, as we have witnessed in 1998 and 2008. Secondly, despite the fact that ISA was repealed in 2012, a similarly draconian law

was put in place to replace ISA. This law we refer to is of course, SOSMA introduced in 2012 and its younger sibling, POTA which came in to force on 1 September 2015.⁷⁶ Lastly, even though ISA is no longer a tool available to the Government, the Government still has other legal provisions that allow detention without trial such as the Prevention of Crime Act 1959 and the Dangerous Drugs – Special Preventive Measures – 1985. These laws run parallel to SOSMA and POTA with a slightly different 'target group'. In conclusion, one could say that SUARAM and the GMI movement were successful in putting an end to ISA, but experienced limited success in combating detention without trial in Malaysia.

The growth of SUARAM

While the limited success may be disappointing to those who have sacrificed much of their lives to this struggle, SUARAM, as an organisation, has learnt plenty and has gradually grown more adept in tackling issues pertaining to detention without trial. The greatest lesson SUARAM gained throughout the ISA campaigns is reflected in the conduct of SUARAM in the fight against detention without trial. With years of experience in working with Government agencies – in some cases, against them – legal professionals and victims' families, SUARAM was able to efficiently act as intermediary for all the parties involved and help facilitate the release of detainees, whenever possible.

⁷⁶ Akil, Yunus, 'Pota officially comes into effect', *The Star*, 1 September 2015.

The lessons SUARAM learnt in fighting ISA, and by proxy detention without trial, are not only applicable to its current campaign on ending all detention without trial in Malaysia. With SUARAM's expanded mandate to champion all civil and political rights, and monitor all human rights violations, the lesson learnt from GMI have proven fruitful and served its participation in other movements, such as Gerakan Hapuskan Akta Hasutan (GHAH, also known as The Movement for the Abolishment of the Sedition Act). The lessons learnt have also better equipped SUARAM to handle issues pertaining to death in police custody and other human rights issues prevalent in Malaysia.

Lessons from years of campaigning

Through the years of campaigning against these draconian laws, SUARAM learnt that there were several important conditions that an organisation must foster in order to achieve greater success when championing their cause. First and foremost, the importance of sustained public support is of paramount importance in any campaign. There are two facets to this. First, the organisation in question must ensure that there is visible public support and maintain a healthy pace throughout the campaign period. In the 2010s, the prevalence of Internet has made outreach easier for most organisations, a luxury most organisations did not have in the 1990s and early 2000s.

Perhaps due to the ease of making

headlines, doing so is sometimes insufficient, as a single spike in public interest does not necessarily equate with sustained public support. Sustained public support requires a constant and never ending drive by the campaigners in order to ensure that the issue receives sufficient public notice and support. The other facet comes into play when a campaign reaches its low point in public support.

In all campaigns, there would likely come a point where other pressing issues or events would take precedent and push the campaign into the shadows. While such incidents are sometimes unavoidable, the campaigner or the organiser must act as the driving force behind the campaign and ensure that the campaign will not flounder into obscurity. This is especially important in a campaign that involves a myriad of non-governmental organisations (NGOs), as was the case with the GMI. As each NGO has their own mission and focus, it is likely that some NGOs will be unable to commit sustained support for a prolonged joint campaign. In such times, the leading NGO must be ready and able to take the lead to ensure continuity and consistency.

Secondly, international support and external pressure is indispensable in achieving the aims of some campaigns. With the prevalence of the Internet, it is relatively easy for anyone and everyone to get in touch with others abroad. Building international awareness of an issue or incident is of utmost importance as it ensures that the issue or incident at hand is scrutinised by external parties

and generates pressure against the instigator of an issue or incident.

Further, many international actors document and report on the incidents that take place in Malaysia. SUARAM has learnt the value of keeping an open line of communication with these parties and ensuring that they are up-to-date on the incidents taking place and those that occurred behind the scene. With information flowing both ways, all parties can provide adequate documentation and report to reflect upon when the time comes.

Thirdly, information is a key currency in modern day activism. While it is unlikely for any organisation or Government entity to effectively blockade the flow of information today, dissemination of false information can sometimes be far more effective, since it can twist public perceptions and, in some cases, demonise or weaken a cause or campaign. To combat this, we have learnt that campaigners and activists must endeavour to provide accurate and timely information and updates to relevant agencies or media, when appropriate, to ensure a continued and consistent flow of information with minimal chance of sabotage or misinformation.

Lastly, the greatest lesson we have learnt throughout the years may be a little comical to some, but a grim reality for others. As an organisation that tends to highlight and challenge 'sensitive' and 'volatile' issues, campaigners and activists at SUARAM naturally experiences occasional police

harassment. In 2012 when SUARAM took active steps to pursue corruption allegations, related to Dato' Seri Najib Razak in the procurement of two Scorpene submarine, SUARAM was 'visited' by various Government agencies for its activities.^{77 78}

Despite the harassment, it was perhaps a blessing in disguise, as SUARAM learnt greatly from this ordeal and established better standard of procedures to handle such inspections and investigations. We now know that it is important that there are plans in place to ensure continuity irrespective of Government interference. If such interventions manage to shut down an operation, campaigns easily lose momentum and may cease to be relevant once the intervention ends.

The future of SUARAM

These experiences SUARAM has gone through over the years have served us well in our other projects and will likely be equally helpful in our future endeavours. When compared to what other NGOs and activist may face in other troubled regions, our experience certainly pales in comparison. For those that find themselves in better circumstances, our experiences may be difficult to relate to. Irrespective of our origins and current predicament,

⁷⁷ International Federation for Human Rights (FIDH), 'Malaysia: Harassment against Ms. Cynthia Gabriel, SUARAM Secretariat Member', 13 August 2013.

⁷⁸ K Pragalath, 'CCM 'raiders' leave Suaram empty-handed', *Free Malaysia Today*, 4 July 2012.

we believe that all NGOs and activists, regardless of their origins, can agree to the importance of determination and perseverance in championing our respective causes.

With these in experiences in mind, where do we, SUARAM go in the future? The initial struggle of SUARAM has ended with a small victory for human rights, freedom and the organisation itself. Unfortunately, when we take a step back to look at the bigger picture, we must admit that we have barely left the starting line when it comes to the struggle to realise human rights in friendly Malaysia.

With the multitude of human rights violations in Malaysia, SUARAM cannot operate in a vacuum while championing human rights. To this end, SUARAM is actively working with other NGOs and activists in improving the human rights situation in the country.

On the international front, SUARAM is the co-secretariat of the Coalition of Malaysian NGOs (COMANGO) and member of FORUM-ASIA. For those unfamiliar to COMANGO, COMANGO is a coalition of various human rights NGO in Malaysia. COMANGO's raison d'être is to actively participate in the Universal Periodic Review (UPR) process that Malaysia goes through and to put forward recommendations to the Government in regards to its international obligations and ratifications of international bill of rights. On the domestic front, SUARAM is an active member of local coalitions such as Gerakan Hapus Akta Hasutan - Movement for the Abolishment of the Sedition act or GHAAH.

These are but some of the few projects and activities in which SUARAM collaborates with other NGOs in Malaysia. While the success of these projects is still uncertain, we are optimistic that our experience from our past endeavours will help us in making these projects a success.

Apart from our collaboration with our esteemed compatriots, SUARAM persists in its efforts to monitor and document violations of human rights in Malaysia. While SUARAM may have originated with the fight for civil and political rights, we can no longer stand on the side line while other human rights issues arise in Malaysia. To better serve our country and community, we have therefore expanded our monitoring and documentation work in order to record and document these issues.

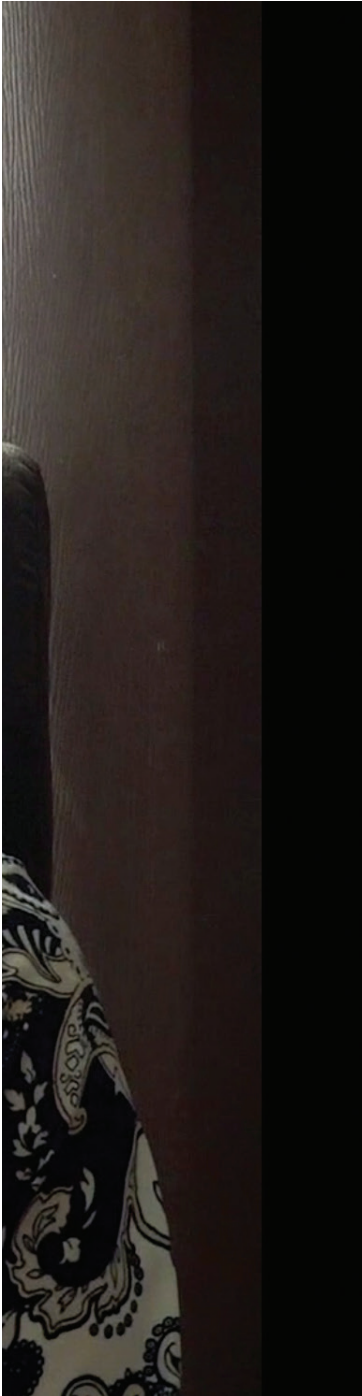
We believe that SUARAM still stands true to its ideals of its early days. The grounds and tools have evolved over the years, and SUARAM has likewise grown to meet the challenges of 21st century in Malaysia. In light of the recent arrests of Khairuddin under SOSMA⁷⁹, it is clear that there is still much to be done and that it is unlikely that SUARAM's struggle for civil and political rights in Malaysia will come to an end any time soon. As per SUARAM's motto, working for human rights, we will continue our work with diligence. So hopefully one day we will be able to look back with pride and tell the world: *'We played a role in creating a better Malaysia that is no longer tainted with grave human rights violations'*.

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⁷⁹ Azhar, Alyaa, 'Police, gov't seek one month for Khairuddin's Sosma hearing', *Malaysiakini*, 30 September 2015.





‘In some countries they are scared to talk about human rights, because the perception is different (..) with awareness raising we can explain to them that human rights is not what they thought it was (..) and then it will be more acceptable.’

**Datin Paduka Hajah Intan bte Haji Mohd
Chair and Representative of Brunei Darussalam
to the ASEAN Commission on the Promotion and
Protection of the Rights of Women and Children
(ACWC)**

Examples of an Ongoing Struggle Stories from Ain o Salish Kendra (ASK), Bangladesh

By Aklima Ferdows Lisa, Media and International Advocacy Unit, Ain o Salish Kendra (ASK), Bangladesh

Without laws and procedures that meet human rights standards, the demands by individuals and civil society fall on deaf ears. Conversely, the most enlightened body of laws and legal procedures become irrelevant when individual citizens are unaware of their rights and fail to claim them. Ain o Salish Kendra (ASK) is an organisation from Bangladesh committed to bring large-scale, comprehensive and sustainable change in society. It aims to capacitate society to understand, value, maintain and protect human rights at the individual, institutional and societal level.

The challenges in bringing changes

When the culture of a given society considers women, ethnic and religious groups as inferior, condones violence and retaliation in personal as well as social relations, or accepts corruption in law enforcement and the judiciary as 'givens' of human nature, the most intelligent individual is constrained from developing a robust sense of her or his own rights and the most 'developed' society is severed from notions of equality and dignity of all citizens and the rule of law.

ASK was established almost 30 years

ago. Based on its experience over this long period, it has learnt what building blocks it has to put in place to anchor the work it does. From its very inception it has striven to remain deeply rooted in the lives of people and in addressing their rights.

Even when it acts as a collective platform for reporting on the human rights situation in Bangladesh to international forums, or is called upon by regional networks to assess the performance of the National Human Rights Commission (NHRC), or to comment on draft legislation proposed by the Government, its day-to-day insights into what is needed to create a human rights based society are shaped by its first-hand experiences in 30 districts of Bangladesh through its programmes.

Such embeddedness in the lives of ordinary people has helped ASK to develop solid respect for the built-in resistance offered by society to any attempts to remould it. ASK is well aware of the inherent resistance to change society and understands the crucial need to balance its optimism with pragmatism, patience and persistence.

Society, after all, is a living organism with a life and momentum of its own. While forever mutating and prone to assuming new forms, it is, at the same time, indelibly resistant to external attempts to transform it. Ever seeking to maintain its

integrity, a social system uses subversion to mock efforts to impose change.

Attempts to emancipate women from confinement of the home and the 'shadow economy' of home-based, socially undervalued economic production, and old forms of gender oppression metamorphose to assume new forms—stalking, which leads some women to suicide, sexual harassment at the workplace that prevents women from taking the initiative in suggesting innovation, or the segregation of women into positions with low decision-making powers and remuneration in august firms and gleaming corporations. Stop child labour and soon young girls find themselves driven into the sex industry. Introduce new technologies in hopes of opening up new portals to vast stores of knowledge and information for children, and society seizes the same technology to spawn child pornography and addictive video games.

ASK's efforts

ASK works on a variety of issues, through different programmes and on different levels. To be able to better understand what it does, the following section will introduce different strategies that ASK undertakes combined with specific examples of particular activities.

• Ending impunity and promoting access to justice

Reports of extra-judicial killings by law enforcement agencies over the last two decades and enforced disappearances in the last couple of years have posed a

serious threat to the citizens' right to life and liberty in Bangladesh. Human rights defenders (HRDs) have been deeply concerned because State impunity given to perpetrators undermines the rule of law and the system of justice.

ASK's Units have contributed collectively to a multi-pronged campaign to challenge the impunity of law enforcement agencies in the courts by: filing writ petitions; investigating allegations of extra-judicial killings or disappearances; researching, documenting and monitoring human rights violations; and publishing articles in the media, in its quarterly bulletins and in its annual human rights reports. ASK members and staff have raised the demand for judicial redress on TV talk shows, in website publications, international seminars, conferences, etc. Reports have been sent to UN Special Rapporteurs and other international organisations, and have been included in the Universal Periodic Review (UPR) Reports submitted in 2008 and 2012.

• Ray of hope after a prolonged nightmare

Limon Hossain, a 16 year old student was shot in the leg by personnel of the Rapid Action Battalion (RAB) on 23 March 2011, while he went to fetch family cattle from a field near his house in Sathuria village, Rajapur Upazilla, Jhalakathi district. He was rushed to the hospital and survived. However, four days later his leg had to be amputated at the Dhaka National Institute for Traumatology and Orthopaedic Rehabilitation, as the tissue was too damaged due to excessive bleeding

caused by delay in treatment after the shooting.

However, on 23 March 2011, the RAB filed two cases against him: one for possession of arms; and another for obstructing law enforcement in their duties, as well as for attempting to murder and injure RAB personnel.

Limon's mother, Henoara Begum filed a First Information Report (FIR) – a written document prepared by the Police upon receiving information on the commission of a cognisable offence – on 10 April 2011 with the Police, accusing six members of the RAB-8 Unit of shooting her son. When Limon's mother tried to file her complaint against the RAB, the police did not register this until the court ordered them to do so. The Director General of the RAB issued a statement on 11 April 2011 admitting that Limon had been shot accidentally. Then after over a year of delay, the investigation report of the Police in Henoara Begum's case – the case filed by Limon's mother – absolved the RAB from responsibility in shooting Limon.

The Government formed five investigation teams, but none of the reports were made public. In the police investigation, Limon and his family were not interviewed or questioned by concerned investigators. After delayed submission of charge sheets and numerous postponed court hearings, 18 months later the police investigation report cleared RAB personnel of their involvement in the case citing that there was no evidence.

On 5 May 2011 a High Court bench granted bail for six months to Limon related to the case of arms possession, following a bail petition filed by ASK. At the same time it directed the Government to arrange his treatment at one of the country's best hospitals as per Limon's choice. On 22 August 2012, ASK demanded immediate, an impartial and judicial inquiry on Limon's case through a statement. It argued that if Limon did not get justice, it would set a negative example in society and frustrate the nation's aspirations for democracy. ASK highlighted the importance of promoting and protecting human rights and particularly the constitutional right to life and equality under the law. ASK along with HRDs from the Jhalakathi district and other support groups provided legal aid, medical and other support to Limon Hossain in his fight for justice.

Finally on 10 July 2013, the Government decided to withdraw the two cases filed by the RAB against Limon Hossain and issued a gazette notification on 11 July 2013. On 30 July 2014, a Judge of the Jhalakathi Special Tribunal-2, accepting the appeal of the prosecution, ordered to drop the charges against Limon in GR-45 (Tribunal case no. 9/11) lodged under sections 19(A) and 19(F) of the Arms Act. On 16 October 2014, the Court of Chief Judicial Magistrate, Jhalakathi District dropped the charges against Limon Hossain in the other case filed by RAB. The court decision came 15 months after the Government decision to withdraw both the cases filed. Limon Hossain is now a student at the Law Faculty at Gana Bishwabidyalay in Savar.

- *Improving Institutions*

One conduit for ASK's advocacy for legal reform is through exchange in public forums, both domestically and internationally. This form of advocacy involves participating in discussions pertaining to human rights issues and legal reforms. Participation is done through: seminars, roundtable discussions, articles and books; proposing and drafting improved laws; commenting on new laws or amendments drafted by the Government or proposed by other organisations; class actions monitoring human rights violations; disseminating reports on the human rights situation; and appeals for support from domestic and international HRDs to protect specific victims of human rights violations. In addition to exchanges in public forums, ASK is able to use Public Interest Litigation (PIL) as part of its human rights advocacy.

- *Defending the Rights of sex workers to Life, Liberty, and Equality before the Law*

In April 2013, ASK and the Bangladesh Legal Aid and Services Trust (BLAST) joined forces with the Sex Workers Network of Bangladesh to stand by the side of 500 sex workers from Madaripur Brothel. Although the sex industry is not illegal in Bangladesh, the women were besieged by unknown community groups and individuals who threatened them with eviction if they continued their trade. Large bill-boards were placed at the premises of the brothel that prohibited clients from entering the brothel between sunset and sunrise. Clients were harassed in front of the brothel

and, although called upon to provide protection to the women, the police added to the tensions by conducting several raids on the brothel. ASK and BLAST filed a petition, on 11 April 2013, citing that the actions of the community violated sex workers' rights to life and liberty, to the protection of the law and equality before the law. The High Court ruled in favour of the complainants and harassment stopped temporarily.

Four months later, the brothel was again besieged and the sex workers were forced to flee. (Writ Petition 3841, 2013). ASK and BLAST promptly swung into action to file another lawsuit, arguing that the eviction of the sex workers was in contempt of the Court. Judgment on the second petition is still pending. (Writ Petition 4390, 2013)

- *Enabling the Individual*

ASK's aims to create a society that demands the promotion and protection of human rights based on the values of the people and the contributions they make, and upon awakening them to a sense of their own rights, entitlements, responsibilities and power. To attempt to do so in a country like Bangladesh is no small feat.

HRDs talk about every individual's intrinsic right to life, inherent right to dignity, and innate right to equality and to equal treatment under the law. However, the everyday experiences of ordinary people give evidence of the inborn gaps that undeniably exist between men and women, rich and poor, electors and elected, populace and proshashon

(Government), child and adult, majority and minority Bangladeshi, which leave them feeling empty and powerless. While human rights activists proclaim the benefits of free speech and free press in society, the vast majority are too occupied with simply having enough to eat and ensuring a somewhat better life for their children.

- *Towards that First Protest Rally*

Shushmi, around 20 to 22 years of age, arrived at one of ASK's legal clinics in Dhaka. She was a broken woman, who needed help with what turned out to be a divorce. When offered a choice between court proceedings and mediation, Shushmi was adamant in her refusal of the former. Courts were public places and would expose her to public ridicule. According to her, a divorce meant the ultimate failure for a woman. In her case, the shame was even more acute because it was not her but her husband who wanted to end the marriage.

Three months into her pregnancy she discovered that her husband was having an affair with another woman and her world came tumbling down around her. Then began months of torment. Her husband stayed away from home long into the night and on weekends. Communication ceased between them. Occasionally, when they talked they used to quarrel and Shushmi was beaten by her husband. Devastated as she was, Shushmi could not even think of a divorce and chose to close her eyes instead. She kept them shut until the day her husband announced that he wanted to divorce her. Not knowing what to do,

Shushmi eventually arrived at an ASK clinic and began to gain some clarity about her situation.

Even though she could not bear to think of being pushed out of marriage, it was important to keep calm and make sure that she made arrangements for her husband to pay for child support and the kabin (dowry) promised to her when she got married.

ASK sent a written notice to the husband to come for mediation, but he did not respond. After making phone calls to him, he balked and stopped picking up calls. At the end, ASK was forced to contact his employers and seek their cooperation in ending the stalemate. The employers obliged, the mediation took place, and the husband agreed to pay the dowry in full, and provide an amount for child support each month.

In late April of 2013, Shushmi happened to drop-in at ASK when she overheard staff talking about preparations for a mass rally and immediately announced she wanted to join. The rally was being organised by women's groups to protest an announcement by Hefazat-E-Islam that it sought the repeal of the National Women's Policy, which affirms women's rights to education and employment. On 1 May 2013, Shushmi joined hundreds of women at the Press Club in Dhaka. She watched some women as they stood under an 18 feet banner calmly declaring: '*We want a non-communal, democratic Bangladesh that can ensure equality of men and women.*'

Shushmi has now started to work at a

commercial bank and earns enough to be able to bring up her child by herself.

• *ASK Drop-in Center gives children a new life*

Tanya, age 15, attends classes at a regular school and lives at home with her father and his two co-wives. Her father used to pull a rickshaw, but is now too weak and disabled to work. Despite the hardship, relations in her home are warm. While she is the daughter of the younger wife, Tanya talks affectionately about her Boro Ma (senior mother), who she describes as being supportive to her own mother and older sister, who was married off at an early age.

Tanya joined a ASK Drop-in Centre in 2010 when she was in Class VI (six). She was attracted by the art lessons – classes in singing, dancing and drama offered by the Centre. She admits that the Drop-In Centre has taken her by surprise. She had expected to have fun, but had had no idea that she also would learn so much about things normally taught in regular schools. She is especially surprised that the Centre has taught her so much about science and now she dreams of parlaying that into becoming a medical doctor.

She says that the Centre has brought about immense change for her. Not only did it find someone to sponsor her education at the school she attends, but it has given her things that elude most schools. It has given her joy and the confidence to hope, to expect that she can get more out of life than what she earlier had wanted. What she wants now

is to become a doctor and earn enough to take her family out of poverty.

Thanks to the many meetings and workshops her mothers have attended, they too have grown. They see Tanya differently now. They used to think a daughter was a burden and constantly talked about marrying her off, as they had done with her older sister when she was still a child. Now, her mothers do not mention marriage to Tanya. Instead, they tell others how, one day, when Tanya becomes a doctor, there will be such a difference for the way the family lives.

Ain o Salish Kendra (ASK), as a human rights and legal aid organisation, is trying to make all efforts to attain its goal to see the human rights culture strengthened in Bangladesh, which would truly open the avenue for access to justice and enjoyment of equal rights irrespective of one's identity. The establishment of the rule of law and practices of democratic norms still remain a big challenge in ASK's endeavours. However, with the trust and support of the people, ASK hopes to bring a visible and viable change in the prevailing condition.

Aklima Ferdows Lisa, Media and International Advocacy Unit, Ain o Salish Kendra (ASK)

Aklima Ferdows Lisa is the Senior Program Organiser at Media and International Advocacy component of Ain o Salish Kendra (ASK) – a human rights and legal aid organisation in Bangladesh, which is a member of FORUM-ASIA. A significant proportion of her work involves the coordination of ASK's media advocacy and liaising with international counterparts.

Lisa has studied law and works intensively to promote the use of Human Rights Mechanisms, both at the national level (Executive, Parliament, Judiciary and NHRC) and at the international level (United Nations Human Rights Council, Treaty Bodies, and Special Procedures).



‘If we are talking about human rights, we are talking about risks, if we want to defend and protect victims we should also be ready to face the consequences.’

Jose Pereira

Legal Researcher, Judicial System Monitoring Programme (JSMP), Timor-Leste

On Solving an Armed Conflict through a Peace Dialogue

The story of Aceh

By Juanda Djamal, Secretary General, Acehese Civil Society Task Force, Indonesia

The most recent instability and armed conflict tormented Aceh, a province of Indonesia, for almost 30 years. The armed struggle affected, and even killed, many civilians who were not part of the insurgency, destroyed social structures, education prospects, employment opportunities and much more. The impact of years of armed violence resulted in a lost generation in Aceh.

Efforts by civil society – locally, nationally and internationally – to end the armed conflict started at the height of the conflict, known as the Daerah Operasi Militer (DOM or Military Operation Area) era and continued under the post-Suharto regimes.

The peace agreement of August 2005, known as the Helsinki Memorandum of Understanding, paved the way for the more than five million people living in the province to acquire prosperity and justice. Yet, a decade later much remains to be done to truly assure lasting peace for the people of Aceh.

The armed conflict

Aceh has a long history of resistance, dating back to their fight against the Portuguese (1500-1614), the wars against the Dutch and the Japanese

(1872-1903, 1903-1942 and 1942-1944), and the struggle of Darul Islam (1953-1963). In 1976, Gerakan Aceh Merdeka (GAM or the Free Aceh Movement) took up its arms against the authoritarian leader in Jakarta, Suharto. GAM originally demanded independence from Indonesia. The resulting armed conflict would last till 2005, and end with greater autonomy for Aceh, while still under Indonesian rule.

The declaration of Aceh as a Military Operation Area (Daerah Operasi Militer, DOM) in 1990 showcased the dominance of the Military in policy and decision making during the Suharto regime. This was not only happening in Aceh, but also in Timor-Leste, West Papua and other places in the country. However, the situation in Aceh was particularly bad. Amnesty International estimates that in the period of 1989-1998 at least 12,000 people were killed in Aceh as a result of DOM.⁸⁰ Many victims were civilians who suffered serious human rights abuses, such as summary executions, torture, extra-judicial killings, rape, and much more.

The human rights abuses became public knowledge after several reports were published, based on investigations undertaken by national and international human rights organisations, such as Human Rights Watch (HRW), Amnesty International, FORUM-ASIA, Indonesian Legal Aid Foundation (YLBHI), the

Indonesian Institute for Research and Community Advocacy (ELSAM), the Commission for the Disappeared and Victims of Violence (KontraS) and Indonesian Legal Aid and Human Rights Association (PBHI). These, and other groups, like Initiatives for International Dialogue (IID), Tapol, International Forum for Aceh (IFA) and Support Committee for Human Rights in Aceh (SCHRA), played a crucial role by supporting national and international advocacy on the human rights violations in Aceh.

For example, groups in Aceh would undertake efforts to monitor the situation and collect data and information. However, soon it became apparent that the local groups needed further investigative skills, which is why in 1998, KontraS Jakarta facilitated a training in investigation skills in Aceh. Afterward, the data and information would be distributed to national, regional and international partners to be delivered to Governments, Parliaments, the Association of Southeast Asian Nations (ASEAN) and many other institutions. Civil society organisations (CSOs), like FORUM-ASIA, played an important role in raising public awareness and international lobbying.

The path towards peace talks

In 1998 Suharto was forced to step down. Habibie, his Vice President, took over the Presidency. The new national leadership's number one priority was regaining political stability. President Habibie committed to democratising Indonesia and encouraging both good governance and decentralisation. As

part of this process, Habibie revoked the DOM status of Aceh in the beginning of August 1998. Habibie fundamentally changed the way Jakarta dealt with the insurgency, including acknowledging the existence of GAM. Part of this was a nine priorities proposal, which emphasised a dialogue approach.⁸¹

After DOM was revoked and the demobilisation of the Indonesia's Army Special Forces (Kopassus) started, victims of the period began to demand accountability from the Government and that human rights abuses be investigated. The people stood up to the Government and called for the release of all political prisoners.

⁸⁰ Amnesty International, 'A "lost decade" for victims of Indonesia's Aceh conflict', 13 August 2015.

⁸¹ Habibie's nine points of policy to solve the conflict in Aceh: (1) to continue the program on those political prisoners that were involved in political activities in 1989-1998; (2) to ask the local Government to unearth the mass cemetery of victims in DOM and grant them burials according to Islamic rules at the expense of the Government; (3) to give aid in the form of scholarships to orphans, to give business credit, capital or other forms of aid to widows, victims of rape, the disabled and others in need of social rehabilitation; (4) to rehabilitate and reconstruct community buildings used by the Military during DOM, including compensation for the mental and spiritual impact; (5) to improve the quality of education in Aceh, including changing the status of the 85 madrasah from private to government management, to provide sufficient facilities, especially to Madrasah Aliyah, to provide the land for the practicing of skills to Unsyiah, IAIN and boarding schools; (6) to re-construct the train line in Aceh; (7) to develop the integrated economic development areas of Sabang; (8) to extend the run-way of Iskandar Muda airport; and (9) to recruit 2,188 children of victims of DOM as officers without any testing.

The student movement that proposed a non-violent approach was particularly crucial in this period. Some of the groups involved were the Student Solidarity for People (SMUR), the Aceh Student Front for Reform (FARMIDIA), and Aceh Student Action for Reform (KARMA). Aware of the opportunity presented by the collapse of the Suharto regime, they demanded change. They did so through mass demonstrations and mobilisation, hunger strikes, seminars and conferences, press statements, and much more. The student movement demanded three things: 1) to end the status of DOM; 2) the release of political prisoners; and 3) an investigation into human rights abuses committed during the DOM period.⁸² Part of the success of the movement stemmed from the support it gained from other groups, including academics.

The DOM resulted in severe human rights abuses in Aceh. The National Commission on Human Rights of Indonesia (Komnas HAM), the Indonesian House of Representatives, and several non-governmental organisations (NGOs) established an independent investigation team. Their primary focus was to do an in-depth investigation into the serious cases of human rights abuses during the DOM period. NGOs in Aceh, in the meantime, established Forum Peduli Hak Azasi Manusia Aceh (FP-HAM). In fact, many groups conducted investigations to get data and information on the human rights abuses. It contributed to a change in public opinion, determination to gain justice for victims, and the realisation of the importance of preventing violence.

Jafar Sidiq, an Acehese human rights defender (HRD) spoke at the United Nations (UN) in New York on Human Rights Day, 10 December 1998. The speech became a symbol for the movement for the promotion of human rights in Aceh. On 12 December 1998, it was followed by the first international conference on Aceh, organised by the Aceh Forum of New York (AFNY) in collaboration with a Burmese CSO, the Years of Living Dangerously: The Struggle for Justice in Indonesia. One of the outcomes of the conference was the establishment of the International Forum for Aceh (IFA).⁸³

To support the initiative at an international level, Acehese human rights groups, like LBH Banda Aceh, KontraS Aceh, Koalisi NGO HAM, Flower and the student groups mobilised demonstrations to stop the violence. Student posts were established in several places to provide information, collect data, and undertake public awareness activities on human rights. Of course, the role of national and international organisation, such as YLBHI, HRW, FORUM-ASIA and Amnesty International, was very important in the investigation of the human rights violations. Some of them already became involved in 1990.⁸⁴

In July 1999 the IFA, supported by FORUM-ASIA, organised another meeting, this time in Bangkok. The meeting recommended the establishment of an international solidarity network for Aceh. FORUM-ASIA took on the role of assuring the establishment of the Support Committee Human Rights

for Aceh (SCHRA). Its members were NINDJA in Japan, FORUM-ASIA and IID for Southeast Asia, Tapol for Europe and HRW for the United States of America (USA). On 15-16 January 2000 a SCHRA conference was held at the Universitas Syiah Kuala (Unsyiah). The conference discussed the situation in Aceh in a comprehensive way and how to relate to the international level.⁸⁵

The meeting in Bangkok, in July 1999, provided an early opportunity to give input to negotiations between GAM and the Government of Indonesia, who were represented at the meeting by five Acehnese from the Desk Aceh. Although the representative from GAM could not attend in the end, the recommendations from the meeting were particularly important to push for and influence conflict resolution in Aceh through negotiation and peace dialogue. The Bangkok meeting really contributed to develop the peace road map for Aceh, it was a strategic initiative of IFA and FORUM-ASIA to support peace in Aceh, instigated by people like Chalida Tajaroensuk.

The establishment of IFA and SCHRA supported the advocacy on human rights abuses in Aceh at the international level. Some of the organisations on the inside, like People Crisis Centre (PCC), Jaringan Pemantau HAM (Legal aid foundation Banda Aceh) and KontraS Aceh, were taking up strategic roles to provide data and information for these international campaigns. Meanwhile, on a national level, groups like KontraS, YLBHI, ELSAM, Kalyanamitra and other organisations did very important work

by lobbying and organising meetings, seminars, conferences and even helping Acehnese activists to enhance their capacities.

From Habibie to Gus Dur

In October 1999 President Abdurrahman Wahid (Gus Dur) became the first elected President after the Suharto period. Gus Dur continued Habibie's radical policy related to Aceh. He allowed for international involvement in the facilitation of the peace negotiations between GAM and the Government of Indonesia. Gus Dur agreed to appoint the Henry Dunant Centre for Humanitarian Dialogue (HDC), a Geneva based organisation, as facilitator.⁸⁶ The HDC played a crucial role in convincing the GAM leaders to accept the proposal

⁸² The student movement to demand three issues led by SMUR on hunger strikes in Syiah Kuala University, on 8-22 June 1998.

⁸³ The three mandates of IFA, were 1) to accumulate and mobilise global solidarity in order to support and respect human rights, in particular in Aceh, 2) to initiate various efforts towards the recovery of those affected by human rights abuses in Aceh, as well as, 3) to seek the empowerment and improveemnt of the quality of life of the widows and orphans of victims during the DOM period.

⁸⁴ Human Rights Watch, director of Asia division led by Sidney Jones did an investigation on human rights abuses in 1990 with Hendaridi from YLBHI, source of information from Koalisi NGO HAM.

⁸⁵ Invitation letter prepared by Farmidia, Nomor.

⁸⁶ Henry Dunant Centre started to communicate with the Government of Indonesia after they did an in-depth assessment of the chances of a dialogue between the Government of Indonesia and GAM.

of a dialogue approach to solve the conflict in Aceh.

In spite of the high pressure, the HDC succeeded in convincing both parties to sign a first agreement, the Humanitarian Pause. It reflected the view of both parties that humanitarian emergency response was urgent, particularly for the victims of the conflict and internally displaced persons in Aceh, which was a group of about 250,000 at the time.⁸⁷

The dialogue process continued in the form of Peace through Dialogue, in which both parties agreed to a cessation of hostilities. The interest of both parties was very strong, even though the political changes at the national level did impact the peace dialogue.⁸⁸ Finally, on 9 December 2002 both parties agreed to sign the agreement on the Cessation of Hostilities in Aceh (COHA), which focussed on efforts to create peace zones, a ceasefire and a further process to solve the conflict. Both parties agreed to prioritise the involvement of civilians.

For the implementation of the COHA, Acehnese CSOs organised themselves through the Acehnese Civil Society Task Force (ACSTF) to facilitate meetings to attempt to understand and criticise the COHA. HDC facilitated the civil society leaders to be involved in formulating the All Inclusive Dialogue mechanism. To support the implementation of COHA, FORUM-ASIA, ACSTF, KontraS, and LBH Banda Aceh agreed to establish the Civilian Peace Monitoring Team in Aceh (CPMTA).⁸⁹

Return to martial law

After the Suharto regime collapsed in 1998, the political situation in Indonesia initially got a lot worse and became very unstable. Both President Habibie and President Gus Dur played important roles to strengthen the democratic foundations of the country. Both contributed to the eventual solution of the armed conflict in Aceh.

When Megawati Sukarnoputri became President in 2001 though, she took a very conservative approach to the peace process. She did not manage to sustain the talks, in part because she was strongly influenced by the Military and ultra-nationalist groups. The situation escalated in Central Aceh⁹⁰, which was the reason for a meeting in Japan. But the meeting failed. So on 19 May 2003 President Megawati decided to return to a military power approach and to impose martial law.⁹¹ All negotiators representing GAM were detained, and the Military took control of the area once more.

The peace agreement

The earthquake and tsunami on 24 December 2004 created a new opportunity to continue the peace dialogue between the Government and GAM. The same year President Susilo Bambang Yudhoyono (SBY) and Vice President Jusuf Kalla took office. SBY and Kalla realised that the international community demanded security to be guaranteed for the distribution of humanitarian aid.⁹²

The Crisis Management Initiative, a

non-profit organisation, led by former President Marti Ahtisari of Finland, was invited to facilitate a new round of talks right after Aceh was hit by the tsunami. After five rounds of negotiations, the Helsinki Peace Agreement was signed on 15 August 2005. It was a political consensus between the Government of Indonesia and GAM, dealing among other things with the development Aceh post-war.⁹³ The adopted agreement included substantial content on the law that would need to be drafted on the Governance of Aceh. The draft was approved by the Indonesian Parliament and signed by the President on 1 August 2006.

Role of external partners

The role of the international community, including the European Union (EU), the USA, Japan, and the countries of the Association of Southeast Asian Nations (ASEAN), but also of CSOs was of tremendous importance to the peace process. It marked a new chapter in the history of local and international efforts for peacebuilding.

Most interventions during military rule were aimed at mobilising global solidarity, to monitor and advocate about the human rights abuses. Organisations such as Human Rights Watch, Amnesty International and FORUM-ASIA were very important to pressure the international community on the reality of the military rule.

Of course, building solidarity from outside was not easy. It needed to be initiated from inside. The main lead

in developing the advocacy agenda needs to come from the affected people themselves. They need to set and develop the agenda for change, decide on the strategies, targets, vision and long-term plan. Particularly when it comes to monitoring the situation, investigating violations and abuses, and campaigning, solidarity and support from outside can be used strategically. International solidarity networks can lobby and pressure the decision makers in their own countries and regions to respond to humanitarian tragedy and human rights violations, as happened in Aceh. These kind of activities became particularly important when the power of the Military created great pressure on HRDs.

⁸⁷ According to a report submitted by the People Crisis Centre (PCC) in 2000.

⁸⁸ The impeachment of Gus Dur in 2001 negatively impacted the peace dialogue process in Aceh.

⁸⁹ FORUM-ASIA and CPMTA were actively involved in monitoring and investigating human right violations during the implementation of COHA.

⁹⁰ Militia groups burnt the joint Security Council and HDC office in Aceh Tengah, it was a spoiler to provoke the situation and resulted in a deadlock during the peace dialogue in Japan.

⁹¹ Most of the victims were civilians. KontraS reported about 2,000 civilians killed under martial law.

⁹² SBY and Jusuf Kalla, President and Vice President, had both already been involved in solving the conflict in Aceh during the Gus Dur era. SBY was responsible for managing the Desk Aceh related to security, while Jusuf Kalla handled social prosperity for the Aceh Desk.

⁹³ The Helsinki peace agreement dealt with six important issues, including the Governing of Aceh, human rights, and amnesty.

The role of FORUM-ASIA

FORUM-ASIA was one of the CSOs actively involved. During martial law, FORUM-ASIA facilitated several capacity building trainings, among others on human rights monitoring for youth, who had to replace experienced activists that had to go into exile. This effort was combined with assistance to those activists that needed to be evacuated. FORUM-ASIA received regular updates on the victims of human rights violations. Five of them were protected and accompanied by FORUM-ASIA until they were officially recognised by UNHCR and received asylum in other countries.

Chalida Tajaroensuk, staff member of FORUM-ASIA at the time, used her own experiences with advocating on human rights abuses to support CSOs in Aceh. All data and information that was received from partners in Aceh and Indonesia was used to develop advocacy materials to influence public opinion in the ASEAN region and beyond.

Other activities included improving the understanding of Acehese HRDs of international human rights instruments through a short course at Chulalongkorn University in Bangkok. It helped the Acehese in developing their strategies towards UN Special Rapporteurs and other relevant UN institutions.

The Acehese CSO, Organisasi Masyarakat Sipil, cooperated with FORUM-ASIA to initiate a civil society monitoring team. It was called the Civilian Peace Monitoring Team in Aceh (CPMTA). The coordinator of CPMTA,

Arief Rusli, was FORUM-ASIA staff. The secretariat was based in Aceh itself, hosted by the Acehese Civil Society Task Force (ACSTF).

After the earthquake and tsunami, FORUM-ASIA was involved in monitoring the rehabilitation and reconstruction process. It tried to make sure that the humanitarian aid from the international community was going to the survivors of the tsunami.

Lessons learnt

There are several lessons learnt, based on the experience of Aceh, that could be valuable for other places that face armed conflict, peace dialogue processes and post-conflict situations.

- *The important role of civil society*

In Aceh the vibrant civil society groups that advocated for conflict transforming through concrete action, were the drivers behind the changes in policy of the Government. The Acehese civil society became the main actor to build peace. It was the people who lobbied both parties to stop the military approach and violence.⁹⁴ They could do so because they were supported by CSOs on the national, regional and international level, through capacity building and advocacy support.

If the main actor in changing a conflict situation is civil society, the need for CSOs to be strong, knowledgeable and creative becomes obvious. If civil society is weak, little will change. Civil society needs to be empowered, strengthened

and consolidated. Their social capital needs to be resourced to become a power for change.

The experience of consolidating of the Acehese CSOs was a great learning process, not just for Aceh but for regional and international groups as well. The process went through different stages. The initial facilitation to develop strategies and activity plans. The cultivation of awareness among student groups, NGOs, peoples and community organisations, and many more. But also the consolidation of the different views on the referendum movement, some pro-independence and some pro-autonomy, which needed to be mediated to understand each other without hostilities.

In particular, the human rights organisations in Aceh were crucial. They monitored, investigated, campaigned, and accompanied the victims of human rights violations, both during and after the DOM period. The accompanying of victims was very important, because most of them were severely traumatised, particularly those that were raped.⁹⁵

However, civil society had its weaknesses too. It had difficulties in ensuring national stability when advocating for the continuation of communication between the central Government and that of Aceh. Also, it had limited resources to monitor the Military and the police during the post-conflict period. It made it clear, once again, that support between Acehese and national CSOs remains crucial to ensure national political stability in the future.

- *Importance of communication*

One of the biggest challenges, when advocating for conflict resolution as a means to solve situations like in Aceh, is establishing communication among the stakeholders. Aceh was almost completely isolated from foreigners and mass media. This was a direct result of military rule, both during the DOM times in 1987-1998 and under martial law in 2003-2004. Resolving this was crucial for the peace process.

- *Recognise and respect the different stages of the peace process*

The cessation of hostilities is a stage of the peace negotiations that turned out to be incredibly volatile, particularly after the signing of the Humanitarian Pause and the Peace through Dialogue. Understanding the challenges of the different stages, also those that follow after the cessation of hostilities, and respecting what needs to happen to build the fundamentals for eventual peace, requires time and effort.

- *Influence of the broader political context*

Dialogue was a key word in mobilising the conflict resolution process in Aceh.

⁹⁴ On July 27, 1998, the Solidarity with Victims of State Violence (SKKN) met with the ABRI-Fraction to demand them to push the TNI commander to make an effort to solve the conflict in Aceh through negotiations, because the violent military operations were resulting in greater support for GAM.

⁹⁵ The fact-finding team on human rights violations in Aceh uncovered 6 cases of rape in Samalangan District, the victims were Kartini, Syam.

However, it depended heavily on the national political situation. When Indonesia became more democratic, the national policy towards Aceh improved too, but when the Military regained more influence, the situation in Aceh worsened.

- *The importance of advocacy on human rights abuses*

The hard work of HRDs in monitoring, collecting data and investigating cases of human rights violations became very important when pressuring the Government. Particularly to gain the political will of the Indonesia Government to solve the armed conflict in Aceh through the peace dialogue.

The effort to investigate the human rights abuses was done by local, national and international groups. Actually, the available data was not only sufficient in term of advocacy, currently Komnas HAM is building cases of five serious human rights abuses committed during a military operation, as explained by Otto Syamsuddin Ishak.⁹⁶

The other agenda priority of local groups was the set-up of a Truth and Reconciliation Commission. Although it has not been implemented yet, the political decision to do so has been taken.

- *A dialogue is not a linear process*

The process that is described above illustrates the different stages that the dialogue process needed to go through to find a solution. Trust building

and developing political will are key components to such a process. The dialogue and negotiation process was happening both in a top-down and bottom-up manner to make sure all stakeholders were heard.

The role of the mediator is extremely significant. The mediator needs to know when to push or when to step back. To facilitate, mediate and bridge the interests of both sides.

Still, in spite of significant efforts from many parties, the talks failed and the peace process collapsed before an eventual agreement was signed. Unfortunately that is almost inevitable. Dialogue processes are neither straight forward nor linear. They go through ups and downs, steps forward and steps back. But in the end it is all worth it.

- *Unexpected allies*

Acehnese civil society activists became involved with the Reformasi Movement on the national level through influencing the national political agenda, building networks and even formulating a common national plan on democratisation, law enforcement, human rights, justice and

⁹⁶ Including torture that occurred between 1997 and 1998 at Rumoh Geudong, a tactical post of Indonesia's Army Special Forces (Kopassus) in Pidie district; the Simpang KKA incident in May 1999 when the military opened fire on hundreds of protesters in North Aceh district; the 2001 Bumi Flora massacre in Eastern Aceh, which left at least 31 dead; a mass grave which was found in Bener Meriah district in 2002; and the 2003 Jamboe Keupok killings in South Aceh district.

development. So, when the Acehese activists enhanced their advocacy on the problems in Aceh, Jakarta based networks, colleagues and partners were ready to support. The role of national networks was important to maintain political stability, regulation and pro-society policies, and even to influence the national leadership.

- *Work on all levels, national, regional and international.*

The involvement of supporters on the national, regional and international level was crucial overall, but particularly when it came to advocacy on humanitarian emergency responses, human rights abuses, and conflict resolution through peace dialogue.

The solidarity network was a source of power to push both parties to negotiate. It was also a source of support for Acehese HRDs, for inspiration, learning, emergency assistance and much more. Building, strengthening and working through such a network is one of the main positive lessons learnt from the Aceh process.

- *The difficult part starts after the signing of a peace agreement*

While finally reaching the peace agreement was undoubtedly a long and hard process, that was the result of many sacrifices, hard work and incredible dedication by many, to some extent the difficult part of peacebuilding started after the signatures were dry.

Ten years of peace, and the post-conflict

development programmes have, to some extent, still not managed to truly improve the economic growth, democracy, good governances, and other development needs. Challenges related to transitional justice and sustainable positive peace remain.

The data and documentation related to the process, including photos, videos, and important papers, are scattered among different stakeholders. The effort to bring it all together, for example in a museum or archive, has not been made. Both the Acehese people themselves, and those that are still suffering from armed conflict in other areas of the world, would like to learn from what happened, but the Government of Aceh has not been able to provide for that. To gather the lessons learnt, for example through a Conflict and Peace Knowledge Centre (CPKC), is very important, in particular managing the data and information from the DOM period, the conflict transformation phase, the dialogue and negotiation process, and the post-conflict situation.

After the agreement

Ten years after the signing of the peace agreement, there are many achievements that can be seen, related to: socio-economic development; democracy; civil society; law enforcement; human rights and security; and good governance in managing resources and delivering public services. These improvements have been crucial for the social well-being in Aceh.

But there have been challenges too.

The implementation of Law number 11/2006 on the Governance of Aceh (LOGA), a continuation of the political agreement focussed on the recovery and reconstruction of Aceh, has been difficult. Some of the outstanding issues are as follows:

- The leadership of the Government has no budget policy on targets, the control system for the implementation of the programme was not as planned, and there has been little creativity on how to increase income. The availability of budget has been not able to accelerate economic growth, and funnelling of funding seems to be a problem.
- The performance of the Provincial and District Parliaments is still weak in developing regulations that will benefit society. Budget allocations have not been pro-society. The monitoring of the execution of projects has been little, so the quality of development is low.
- Natural resource exploitation has been the focus of the Government to increase income. The resulting increase in income from that sector has not been significant, while it has been devastating for the environment and productive land, as well as being a source of conflict in society.
- The social phenomenon of crime is emerging, among others, in relation to the implementation of development projects, in particularly the process of bidding for projects and the selection by the Government.

- The problems described have been added to those that emerged already during the armed conflict, many of which were never solved. This has led to an accumulation of problems. The failure to establish a Truth and Reconciliation Commission and Human Rights Court seems to be caused by a lack of commitment to support sustainable peace by Members of Parliament.⁹⁷

The process to realise transitional justice is still not clear, this is caused by the lack of a road map of the Government on peacebuilding, which would include justice for victims.

In terms of sustaining peace, the Government must take concrete steps to prevent the relapse of the conflict. In the face of violence, there are main impulses. The first is an immediate one, to stop it. The second is a medium term one, to deal with the wounds resulting from it. The third, and final, is a long term one, to change the underlying conditions that led, and may lead again, to violence.⁹⁸

The coordinator of KontraS Aceh, Destika Gilang Lestari, said that after seven years of implementation, the transitional justice agenda of the Helsinki Agreement, which mainly focussed on victims, had not been realised yet. The Government should take its responsibility to investigate the truth of the human rights violations during the armed conflict in Aceh, as well as during the post-conflict period.

The proposal for a Truth and Reconciliation Commission was already approved by the Parliament of Aceh in 2014 through Undang-Undang No.11/2006 article 229, which requested the Government to establish the commission. But the Acehnese have not seen any real efforts yet to make this happen. Justice for victims should be the main priority to sustain peace, so all groups, including the Government, and the people can move forward.

During the conflict and conflict resolution process, the Acehnese gained a lot of experiences in internal consolidation, building awareness, formulating common agendas and undertaking activities together. The Acehnese civil society was conscious that the power to change the situation must come from inside.

Similarly, during the post-conflict situation, the Acehnese civil society took the initiative to consolidate groups and individuals to support and sustain positive peace as Aceh Peace Insider Peace-builders.⁹⁹

The Government of Aceh and its civil society continue to work on peacebuilding ten years after the Helsinki Peace Agreement was signed, an achievement that needs to be appreciated by all of parties. It deserved to be celebrated, which was done through the Aceh Peace Forum, a series of activities related to reflections and developing an agenda on how to move forward.

Conclusion

After ten years the peace agreement has been implemented in the province. However, the challenges to keep the peace still remain, particularly to realise positive peace that enables a prosperous and just society.

In spite of the remaining challenges, the Aceh peace agreement has provided not only a milestone for peace in Indonesia and Southeast Asia as a whole, but also a sea of knowledge and experience that many parties that are facing difficulties in promoting peace could learn from. Aceh has undergone an intricate process of negotiations with the Government of Indonesia, before a peace agreement was reached, which included challenges of ending mutual resentment and addressing the misery that most of Acehnese people lived in.

Whilst Aceh is now enjoying a fruitful recovery after the conflict and disaster, some regions in Southeast Asia are still struggling to bring their internal conflict to an end. The Mindanao conflict in the Philippines and the Southern Thailand conflict are in need of support from outside the countries, and the Aceh peace process is an experience to be utilised.

⁹⁷ Paper Concept released by ACSTF on 5th Years of Peace in Aceh.

⁹⁸ Berghof Glossary on Conflict Transformation, pages 22.

⁹⁹ On 12-14 April, 2015, The Acehnese Civil Society Task Force in cooperation with the Peace Unit University Sains Malaysia organised a multi-stakeholder forum to facilitate the Acehnese as insider peace-builders.

Looking to Aceh itself, peace is not only the absence of war. Expectations go further than that, including an essence of positive peace that still needs to be achieved. Sustainable peace must be marked by key players, mainly insider peace-builders and other supporting groups at the national and international level. The ten year anniversary of the peace agreement should be used as a moment for reflection, to recognise and better understand the weaknesses, challenges, and spoilers for sustaining peace, as well as ways forward.

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Juanda Djamal is the Secretary General of the Acehnese Civil Society Task Force and one of the founders of the New Aceh Consortium. Juanda has been active in strengthening civil society participation in humanitarian action and the peace process since 1997.

When the armed conflict in Aceh escalated in the late 1990s and early 2000s, Juanda offered humanitarian support to around 25,000 people in different location as the Coordinator of the Peoples Crisis Centre.

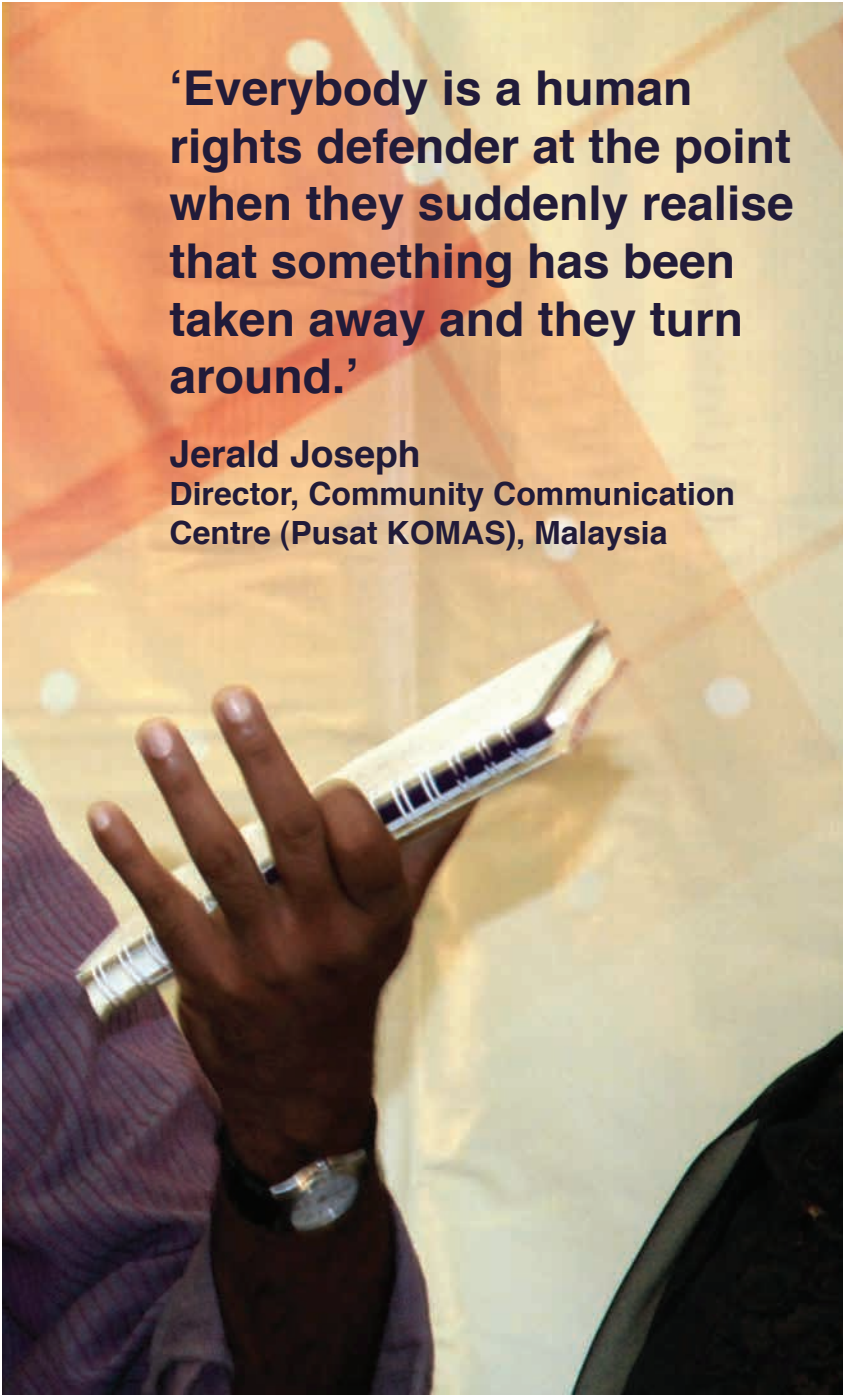
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‘Everybody is a human rights defender at the point when they suddenly realise that something has been taken away and they turn around.’

Jerald Joseph
Director, Community Communication
Centre (Pusat KOMAS), Malaysia



The Long Struggle to Fight against the Shrinking Space for Civil Society in Indonesia

The story of the advocacy to stop the enactment of Societal Organisation Law

By Poengky Indarti, Executive Director, the Indonesia Human Rights Monitor (Imparsial)

After Suharto stepped down in 1998, Indonesia was becoming a democratic country that gave freedom to the people to associate and assemble. But the people's freedom was only enjoyed for 15 years. In 2013, the Government and Parliament passed the Law on Societal Organisation (known as Ormas Law) which limited freedom of association and assembly of citizens.

Indonesia's attempt to limit the space for civil society

In 2005 the Government of Indonesia, through the Ministry of Home Affairs, was planning to replace the Law No. 8 from 1985 on Societal Organisation (Ormas Law). The reason for this move was that the law was considered to no longer fit with existing conditions. From 1985 to 1998, the Ormas Law was used by the New Order regime¹⁰⁰ to control and monitor civil society organisations (CSOs), especially those that were critical of the Government.

Indeed, after the reform of 1998, more and more organisations were being set up by civil society in Indonesia to fill the void that had been there due to the lengthy period the New Order Government was in power. People

hoped that the democratic transition in Indonesia would benefit from these CSOs with the idea being that if there would be more organisations, they would be better at monitoring the Government. This, in turn, upset the Government, since it made it harder for them to control the CSOs, including controlling the flow of funds – received from domestic or foreign donors – that were being given to civil society.

The Government was not willing to openly discuss the new proposed Bill with civil society. The drafting of the Bill was a secretive process, and afterwards it was quietly socialised by the Ministry of Home Affairs with specific organisations that were considered to be more supportive of the Government.

Other groups though did not agree with the new proposed Bill, since they considered it to be a lot more restrictive than the old Bill. They started to voice their objections publically. For this specific purpose they formed the Coalition for the Freedom of Association (KBB). Imparsial joined the KBB in 2011.

The beginning of the campaign

Imparsial had heard about the Government's plan to revise the Ormas Bill, but we were one of the organisations

that was never being invited by the Ministry of Home Affairs to discuss it. We gained access to the draft Bill though from other sources, and examined it from a human rights perspective. Subsequently, we started expressing our criticism through mass media.

Imparsial also tried to find information about which donors had funded the drafting of the Bill. We then tried to lobby the donor Governments to stop giving funding assistance, since the Bill would obstruct the freedom of civil society. One donor actually stopped its funding assistance to the Ministry of Home Affairs. However, another donor came through, so it did not affect the funds of the Ministry to continue working on the Bill to change the Ormas Law.

There were several draft versions of the Bill, until finally in 2011 the House of Representative suddenly publically announced that the Parliament had taken the initiative to submit a Bill to revise the Ormas Law and replace the Law No. 8 from 1985. The claim that the Bill was initiated by Parliament was disputable considering it originally stemmed from the Ministry of Home Affairs.

It opened the door to suspicions that this strategy was purposely developed by the Government and Parliament to smoothen the process of the adoption of the Bill. With Parliament declaring that the Bill was their initiative, the expectation would be that the deliberations of the Bill would run effortlessly. While, if the submission had been announced to the public as coming from the Government, it would have created more opportunities

for civil society to resist. For example, civil society could have lobbied the different factions of the House to reject the Government's proposal, but with the initiative supposedly coming from Parliament itself, these same factions could not reject it.

The Chairman of the Special Committee that oversaw the drafting of the law on mass organisations was Abdul Malik Haramain of Partai Kebangkitan Bangsa (PKB). Haramain was quoted in the media as remarking that *'(..) from the beginning CSOs were in favour and against the Bill, given that it relates to the freedom of assembly, association and so forth. I am aware of the tensions that will arise'*.

Moreover, Nahdlatul Ulama and Muhammadiyah¹⁰¹ rejected the initial draft of the Bill. Yet, the House continued to engage with those that opposed the Bill. According to Haramain, the crucial points of discussion concerning the Bill were: the facilitation of empowerment of community organisations, including CSOs and Community Based Organisations (CBOs); the regulations on foreign institutions and dispute resolution with community organisations; and the prohibition of or sanctions on CSOs.

¹⁰⁰ The New Order regime refers to the years 1966-1998, when the second President of Indonesia, Suharto, was in power.

¹⁰¹ Nahdlatul Ulama is an Indonesian Sunni Islam movement, one of the largest Islamic organisation in the country. Muhammadiyah is an Indonesian Islamic organisation, with more than 20 million members.

Beyond the normal alliances

Together with KKB, Imparsial developed a strategy for approaching large groups that were outside of the normal circles of non-governmental organisations (NGOs) to strengthen the struggle. We approached groups, like Nahdlatul Ulama and Muhammadiyah, who rejected the Bill, as well as labour unions, who would, it turned out, also be affected by the Bill. In addition, KKB organised public discussions, press-conferences, press-briefings and lobbied political parties.

We also disseminate information about the upcoming Bill and the consequences it would have through our networks in other regions of Indonesia. The hope was that, even though the majority of KKB members were NGOs based in Jakarta, by disseminating the information more broadly the actions and protests would be carried out simultaneously in other regions.

This was based on a lessons learnt from the past, when we made the mistake of only focussing on the movement in Jakarta.

United Nations Special Rapporteurs

At the same time, FORUM-ASIA organised a consultation on human rights defenders (HRDs) in Asia, which was held in Bangkok in September 2011. The United Nations (UN) Special Rapporteur on the rights to freedom of peaceful assembly and of association, Maina Kiai, was also invited. As a member of

FORUM-ASIA, Imparsial attended the consultation and raised the issue of the plans of the Government and Parliament of Indonesia to replace the Law on Societal Organisation with a new Bill that would be much more restrictive of the freedom of association.

The UN Special Rapporteur took the report submitted by Imparsial very seriously. So in January 2012, Maina Kiai along with three other UN Special Rapporteurs, Margaret Sekaggya, the UN Special Rapporteur on the situation of human rights defenders, Heiner Bielefeldt, the UN Special Rapporteur on freedom of religion or belief, and Frank La Rue, the UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, issued a statement addressing the Government of Indonesia. The statement warned Indonesia that the *'Restrictive Bill threatens freedoms of association, expression and religion'*.¹⁰²

GENEVA (14 February 2013)
– A group of United Nations independent experts on freedoms of association, expression, and religion and on the situation of human rights defenders today warned that the Bill on Mass Organisations – due for vote later this week in Indonesia – threatens with undue restrictions the rights to freedom of association, expression, and religion. They urged Members of Parliament to amend the Bill to bring it in line with international human rights norms and standards.

'The State must ensure that any restriction on the rights to freedom of association, expression, and religion is necessary in a democratic society, proportionate to the aim pursued, and does not harm the principles of pluralism, tolerance and broadmindedness', stressed the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association, Maina Kiai. The expert noted that this legislative initiative runs contrary to the remarkable progress towards democratisation Indonesia has made since the past decade, which has paved the way for a flourishing civil society.

The Bill on Mass Organisations imposes the requirement on the founding of associations not to be in contradiction with Pancasila – the official State philosophy in Indonesia that consecrates the belief *'in the One and Only God'*.¹⁰³ It also stipulates that organisations have the duty to maintain religious values. *'These provisions can violate freedom of religion or belief',* stressed the Special Rapporteur on freedom of religion or belief, Heiner Bielefeldt. He further clarified that *'freedom of religion or belief has a broad application, covering also non-theistic and atheistic convictions.'*

Associations are not only restricted to limited categories of activities by the Bill, but also subjected to

vague prohibitions, including bans on conducting activities which *'endanger the unity and safety of the Unitary Republic of Indonesia'* and *'embracing, instigating, and propagating beliefs and religions conflicting with Pancasila.'*

'I am dismayed by these provisions; they are illegitimate and must be amended accordingly', Mr. Kiai highlighted, noting that the Government has also proposed to further ban *'activities which are the duty and jurisdiction of the law enforcers and government,'* which could be interpreted as preventing associations from uncovering instances of bad governance, including corruption cases.

'Associations should be free to determine their statutes, structures and activities and to make decisions without State interference', Mr. Kiai pointed out, warning that the Bill threatens associations with burdensome administrative requirements.

¹⁰² OHCHR, 'Indonesia: "Restrictive bill threatens freedoms of association, expression and religion," warn UN rights experts', 14 February 2013.

¹⁰³ Literally 'Five Principles', it comprises five principles held to be inseparable and interrelated: 1) Belief in the one and only God, 2) Just and civilised humanity, 3) The unity of Indonesia, 4) Democracy guided by the inner wisdom in the unanimity arising out of deliberations amongst representatives, and 5) Social justice for all of the people of Indonesia.

The Bill also allows the Government to oversee the administration of associations through the establishment of an information system, to be determined by regulations. *'The use of such a system could infringe on the autonomy of civil society organisations and on their rights to privacy and freedom of expression'*, said the Special Rapporteur on the promotion and protection of the rights to freedom of opinion and expression, Frank La Rue.

The Bill also significantly curtails the activities of foreign associations, which must obtain a permit from the Ministry of Foreign Affairs to operate, and whose activities must be in accordance with the philosophy of Pancasila as embedded in the legislation, should not disrupt the *'stability and oneness'* of Indonesia, and should not carry out *'practical political activities'* or fundraising or activities *'which disrupt diplomatic ties.'*

In addition, foreign nationals willing to (co)found an association face discrimination as they must, among other things, have lived in Indonesia for at least seven consecutive years and place Rp10 billion (over US\$1 million) of their personal wealth in the association.

'I am concerned that certain provisions in the Bill will hamper the legitimate human rights work of civil

society in the country, in particular of foreign societal organisations', said, the Special Rapporteur on the situation of human rights defenders, Margaret Sekaggya.

Finally, the Government may suspend associations without obtaining a prior court order. *'Let me stress that suspension of associations should only be sanctioned by an impartial and independent court in case of a clear and imminent danger resulting in a flagrant violation of domestic laws, in compliance with international human rights law'*, stated Mr. Kiai.

'We stand ready to provide technical assistance needed with a view to ensuring that the Bill meets international law standards', the experts concluded.

The deliberations on the Bill continued

However, the attention of the international community did not make the Indonesian Government back down. Instead, the deliberations on the Bill continued.

After months of delays and intense debate, the House of Representatives on Tuesday, 2 July 2013, passed into law the Mass Organisations Bill, which gave the Government greater control over public activities, including the power to disband an organisation deemed a threat to the State.

Out of the 361 Members of Parliament (MPs) who attended the plenary meeting on Tuesday, 311 voted for the Bill's enactment, saying that the country needed such legislation to empower local organisations and counter foreign intervention in the country through NGOs. 199 parliament members skipped the plenary.

The Great Indonesia Movement (Gerindra) Party, the National Mandate Party (PAN) and the Peoples Conscience (Hanura) Party were the only factions to oppose the bill, which activists have said could be used by the powers that be to silence political dissidents.

'I am aware of the criticism out there. This law may not satisfy all groups but this is the best we can do,' said Abdul Malik Haramain, who chaired the House's special committee deliberating the bill.

Religious groups, such as Muhammadiyah, the Indonesian Bishops Conference (KWI) and the Indonesian Communion of Churches (PGI), rejected the passage of the controversial Bill and were planning to challenge the newly passed law at the Constitutional Court.

The law placed the Home Ministry in charge of the Government's integrated information system to screen all mass organisations operating in the country, in coordination with related ministries as well as local administrations.

Speaking before the Parliament, Home Minister Gamawan Fauzi said that his ministry recently recorded 65,577 mass

organisations, the Law and Human Rights Ministry 48,866 organisations, the Social Affairs Ministry 25,406 organisations and the Foreign Ministry 108 foreign organisations. According to Gamawan, there were many unregistered organisations operating in the country that should be monitored. *'We need to manage all of these groups so that they can positively contribute to the country,'* he said.

Critics of the law insisted that it would only grant excessive state control over civil movements in the country.

The UN Human Rights Committee

In July 2013, Imparsial participated in the UN Human Rights Committee's review session in Geneva on the implementation of the International Covenant on Civil and Political Rights (ICCPR) by the Indonesian Government. During the review session, Imparsial submitted a report on: the violence against HRDs in Indonesia; issues related to West Papua; and the Ormas Law.

The UN Human Rights Committee expressed concern over Law No. 17/2013 which *'(..) introduces undue restrictions on the freedoms of association, expression and religion of both domestic and 'foreign' associations. The Committee is particularly concerned at the provisions in the law that introduced onerous requirements for registration, and the vague and overly restrictive requirements that such associations should be in line with the State's official philosophy of Pancasila,*

which propagates the belief 'in the One and Only God' (Articles 18, 19 and 22).¹⁰⁴

Therefore, the UN Human Rights Committee urged Indonesia *'to review the Law on Ormas to ensure that it is in compliance with the provisions of articles 18, 19 and 22 of the Covenant'*¹⁰⁵, as expounded by the Committee in its general comments No. 22 (1993) on the right to Freedom of Thought, Conscience and Religion and No. 34 (2011) on the Freedoms of Opinion and Expression.

Submission of the judicial review

In December 2013, Imparsial, together with several other organisations, among them Muhammadiyah, submitted a judicial review of the Law on Ormas, particularly Articles 2, 3, 8, 15, 16, 17, 18, 21, 23, 24, 25, 34, 40, 52, and 59.

We invited FORUM-ASIA to submit an amicus curiae to the Constitutional Court. FORUM-ASIA's critique of the law was as follows:¹⁰⁶

a. Vague and overbroad restrictive provisions

The international human rights law provides for certain legitimate restrictions to rights. However, as elaborated above, international human rights law sets out that these restrictions must be *'necessary'* for legitimate purposes, must not be overbroad, and must conform to the principle of proportionality.¹⁰⁷

In relation to this, the recommendation

made by the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association were particularly relevant and instructive, including: that such restrictions must have a legal basis; be prescribed by law, which implies that the law must be accessible and its provisions must be formulated with sufficient precision; and be necessary in a democratic society.¹⁰⁸

We found that a number of provisions in Ormas Law were vague and overbroad, instead of being formulated with sufficient precision, and could potentially be abused to violate the Right to Freedom of Opinion and Expression, the Right to Freedom of Association, and the Right to Freedom of Religion or Belief.

Articles 2 and 3 of Law No. 17/2013 stated that organisations must not conflict with the Pancasila ideology or the 1945 Constitution, while Article 59(4) prohibited organisations from holding, propagating and advancing any belief or teaching that was in conflict with Pancasila.

These vague and overbroad provisions in reference to Pancasila, which among other things consecrates the belief in *'the One and Only God'*, could potentially violate Article 18 of the ICCPR which *'protects theistic, non-theistic, and atheistic beliefs, as well as the right not to profess any religion or belief'*, as elaborated by the UN Human Rights Committee in its General Observation No. 22 (1993).¹⁰⁹

This concern was also raised by the UN Special Rapporteur on freedom of

religion or belief, Heiner Bielefeldt, who in a press statement in February 2013 pointed out that such provisions – which was then at its draft stage – ‘*can violate freedom of religion or belief*’.¹¹⁰

Meanwhile, Article 59(2) (e) of the Ormas Law broadly stipulated that organisations shall not engage in work that falls under the jurisdiction of law enforcement and the government. The Amicus submitted that this particular provision could potentially be abused by the authorities to restrict organisations working in legitimate areas such as monitoring corruption or advocating for security sector reforms, resulting in the possibility that such organisations may run afoul of the law.

Article 52 of Ormas Law imposed further restrictions on ‘*foreign*’ organisations, requiring them to adhere to Pancasila and prohibiting activities that disrupt the ‘*stability and oneness*’ of Indonesia, ‘*practical political activities*’ or fundraising, or activities ‘*which disrupt diplomatic ties*’.

Any legitimate restriction on the Rights to Freedom of Association and Freedom of Expression must adhere to the principles of necessity and proportionality, as elaborated by the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association¹¹¹ and in the UN Human Rights Committee’s General Observations No. 34.¹¹² The vague and overbroad restrictions imposed under the Ormas Bill, particularly under Article 59 did not adhere to these principles under international human rights norms and standards.

b. Discretionary sanctions and burdensome administrative requirements

Law No. 17/2013 vested discretionary administrative sanction powers to government officials, who may suspend organisations that contravene Articles 21 and 59 of the law without any prior court order (Article 60). This could potentially leave organisations vulnerable to arbitrary imposition of sanctions and restrictions.

¹⁰⁴ UN Human Rights Committee, Concluding Observations on Indonesia (2013), CCPR/C/IDN/CO/1.

¹⁰⁵ Ibid.

¹⁰⁶ FORUM-ASIA, Amicus Brief on Indonesia’s Ormas Law, 24 March 2014.

¹⁰⁷ UN Human Rights Committee, General comment no. 34, Article 19, Freedoms of opinion and expression, 12 September 2011, CCPR/C/GC/34.

¹⁰⁸ UNHRC, Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association (21 May 2012), A/HRC/20/27.

¹⁰⁹ UN Human Rights Committee, CCPR General Comment No. 22: Article 18 Freedom of Thought, Conscience or Religion (30 July 1993), CCPR/C/21/Rev.1/Add.4.

¹¹⁰ OHCHR, ‘Indonesia: “Restrictive bill threatens freedoms of association, expression and religion,” warn UN rights experts’, 14 February 2013.

¹¹¹ UNHRC, Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, 21 May 2012, A/HRC/20/27.

¹¹² UN Human Rights Committee, General comment no. 34, Article 19, Freedoms of opinion and expression, 12 September 2011, CCPR/C/GC/34.

The UN Special Rapporteur on the rights to freedom of peaceful assembly and of association, Maina Kiai, in a press statement in February 2013 stated that *'suspension of associations should only be sanctioned by an impartial and independent court in case of a clear and imminent danger resulting in a flagrant violation of domestic laws, in compliance with international human rights law'*.¹¹³

The Ormas Law was also problematic because of the unduly prescriptive rules on registration and burdensome administrative requirements under Articles 15-18 of Law No. 17/2013. Overly onerous demands of registration, such as submitting work-plans and organisational statutes under Article 16, which could potentially hinder the ability of particular groups such as informal networks, CBOs and social movements to legally register under the law.

Any rules on legitimation and registration of groups should require the submission only of information which is strictly necessary to ensure sound operations and good governance. The UN Special Rapporteur on the rights to freedom of peaceful assembly and of association also noted that *'associations should be free to determine their statutes, structures and activities and to make decisions without State interference'*.¹¹⁴

Conclusion

Finally, a panel of nine judges of the Constitutional Court (MK) partially granted the judicial review of Law on Ormas Number 17 Year 2013 filed by Muhammadiyah and Coalition for the

Freedom of Association (KBB), including Imparsial. From a total of 21 articles reviewed, the Constitutional Court cancelled ten articles, namely Article 8, Article 16 paragraph (3), Article 17, Article 18, Article 23, Article 24, Article 25, Article 34, Article 40 paragraph (1), and Article 59 paragraph (1) a. By doing so, the role of the state to limit the space for organisations was reduced.

'Article 8, Article 16 paragraph (3), Article 17, Article 18, Article 23, Article 24, Article 25, Article 34, Article 40 paragraph (1), and Article 59 paragraph (1) a of the Law on Ormas are contrary to the Constitution 1945 and do not legally binding', said the Chairman of the Constitutional Court, Hamdan Zoelva when reading the decision in the courtroom of Constitutional Court on Tuesday, 23 December 2014.

¹¹³ OHCHR, 'Indonesia: "Restrictive bill threatens freedoms of association, expression and religion," warn UN rights experts', 14 February 2013.

¹¹⁴ UNHRC, Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, 21 May 2012, A/HRC/20/27.

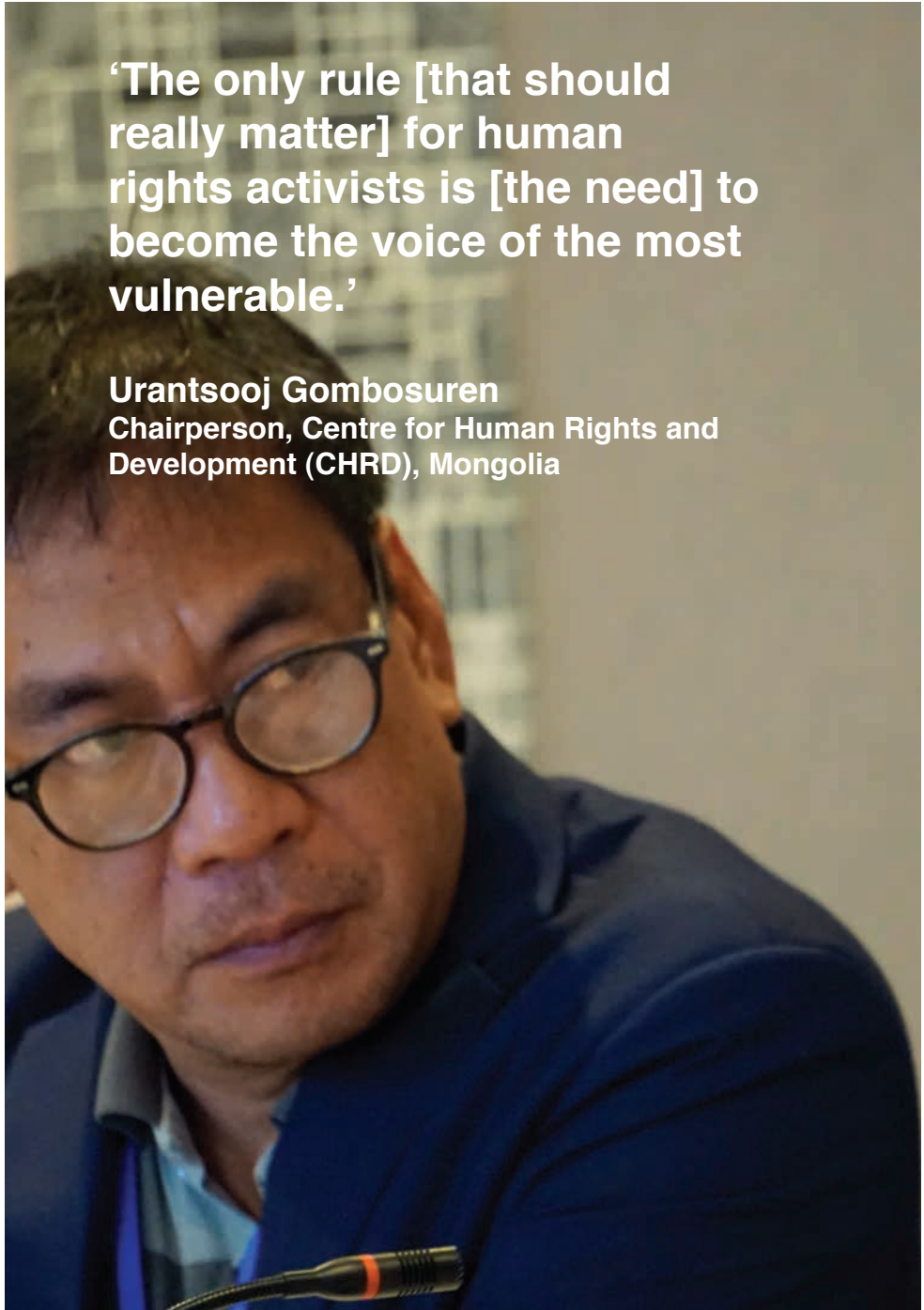
Poengky Indarti, Executive Director, Imparsial

Poengky Indarti is the founder and Executive Director of Imparsial since 2010. Prior to Imparsial, she was the Head of the Labour Department and Fundraising Department of Indonesian Legal Aid Foundation (YLBHI) and staff of the Fundraising Department of the Commission for Disappearance and Victims of Violence (KontraS). Both, as well as Imparsial, are FORUM-ASIA member organisations.

Poengky has a Master of Laws from the International Human Rights Law Department, Northwestern University School of Law – Chicago and is a member of the Board of Democracy Alliance for Papua (ALDP) and Chairperson of Indonesia Scholarship and Research Support Foundation (ISRSF).

‘The only rule [that should really matter] for human rights activists is [the need] to become the voice of the most vulnerable.’

Urantsooj Gombosuren
Chairperson, Centre for Human Rights and
Development (CHRD), Mongolia





A 14-Year Struggle for Justice for Torture Victims Still Continues

The story of People's Watch, India

By Henri Tiphagne, Mathew Jacob and Shivani Lal

In 1993, the Governments of Tamil Nadu and Karnataka set up a Joint Special Task Force (JSTF) to capture Veerappan, a dacoit who used to operate over a stretch of 6,000 sq. km of mountainous landscape covering the borders of Tamil Nadu, Karnataka and Kerala in Southern India. A series of bombings and attacks by Veerappan's gang in 1993, that left 22 people dead including five police personnel of Tamil Nadu Police, was the reason for the constitution of the JSTF by the administration. By the time of his death, in an encounter executed by JSTF, he was alleged to have killed 124 persons, poached 200 elephants for their ivory (estimated worth \$ 2.6 million), and smuggled 10,000 tonnes of sandalwood (estimated worth \$ 22 million).

The events that unfolded thereafter, led to gross human rights violations of innocent civilians over the decade long hunt and eventual encounter of Veerappan in 2004, under suspicious circumstances at the hands of JSTF. This case paints a contrasting picture of one of the many struggles won by the human rights movement, where justice was delivered in India, through a flawed and insensitive administration. The apathetic attitude and ignorance of the system came forth during this struggle.

Caught in the middle

Almost as soon as the JSTF was constituted, instances of state sponsored terror, torture, enforced disappearances, extra-judicial killings and other forms of human rights violations were being observed, inflicted by the JSTF personnel on the poor and largely illiterate people who inhabited the region's villages – places like Hanur, Nallur, Santhanapalayam, M M Hills, Mettur and Chinnappallam – and worked as agricultural labourers. Under the disguise of investigating and interrogating villagers to nab Veerappan, the JSTF systematically intimidate and tortured the villagers, alleging them to have been supporting and aiding Veerappan. JSTF personnel justified their illegal detention and questioning of these villagers by saying that they belonged to the same caste as Veerappan. At the same time Veerappan was allegedly not sparing the lives of those assisting the police investigations against him either. Innocent villagers were in this way caught between the JSTF and the forest brigand.

Brutal abuse was inflicted by JSTF personnel, including fake encounters, disappearances, custodial rapes and deaths, torture by electric shocks, unlawful imprisonment and wilful deprivation of food and water, leaving many of the villagers highly traumatised, with a very large number of them even turning mentally ill.

Over the period between 1993 and 1996, around 50 persons disappeared without a trace. Others testified to severe forms of torture, including being hung from the ceilings upside down, while being interrogated and even being urinated upon. In some cases, they were brutally beaten and had chili powder rubbed on their wounds. Female victims were reportedly gang raped continuously for several days, and were refused treatment by the local hospital for being branded as Veerappan supporters.

Failed by the system

The blatant human rights violations and sufferings of the villagers were only reported in the media for the first time in 1997-1998. Who could the villagers turn to when the police refused to even register First Information Reports (FIR)? The public system had completely broken down in the region, there were no roads, schools, courts, hospitals or even post offices. When the newly established National Human Rights Commission (NHRC) was supposed to step in, it failed to take cognisance of the issue under Suo Motu action (motion taken by NHRC on its own rather than on a complaint being filed). Did the system believe in providing justice to victims and witnesses? Or did the NHRC, a statutory body, believe in keeping silent and providing impunity to the perpetrators? It cannot be said for sure. But the persistent apathy definitely led to many more killings and disappearances, while those who survived lived without dignity.

Civil society organisations (CSOs) and non-governmental organisations (NGOs)

provided the necessary accompaniment to the marginalised and excluded, who sought justice but struggled on their own. Civil society was required to bridge the gaps where the legal system fell short or outright failed to deliver on its responsibilities.

By 1998-1999, NGOs and numerous human rights defenders (HRDs) began to write complaints to the NHRC regarding the abuse and torture faced by the villagers in the JSTF operation region. The complaints were filed on behalf of the villagers, who were detained illegally, without any specific charges and were languishing in Mysore Central Jail without trial for over six years. Complaints were also filed on behalf of 50 men and 12 women, arrested under various provisions of the former Terrorist and Disruptive Activities (Prevention) Act (TADA). The NGOs and HRDs urged the NHRC to intervene, under Section 12 (b) of the Protection of Human Rights Act 1993, and to take the matter to the Supreme Court.

The Campaign for Relief and Rehabilitation

In early 1999, six NGOs from Karnataka and Tamil Nadu – People’s Watch, the Society for Community Organisation Trust (SOCO Trust), the Tribal Association of Tamil Nadu, the People’s Union for Civil Liberties (PUCL) of Karnataka and Tamil Nadu, South India Cell for Human Rights Education and Monitoring (SICHREM), and the Human Rights Cell of the Indian Social Institute – formed ‘the Campaign for Relief and Rehabilitation of TADA detainees from M

M Hills in Karnataka and Tamil Nadu’.

The campaign began to comprehensively document cases of violations through visiting and conducting fact finding missions in affected villages of the region, and recording videos of testimonies from victims. People’s Watch lawyers prepared about 250 written affidavits, translated these into English, and then classified them in various categories according to the nature of violation perpetrated. With this evidence, the campaign approached the NHRC yet again to take action.

The campaign had now set out to build a movement driven by the citizens to pressure the NHRC to take action. The strategy was to document cases and evidence, along with organising marches, protests, demonstrations and conferences. Victims and witnesses were at the forefront of this movement. Political parties extended a helping hand and local media was engaged to support as well.

The campaign did receive its share of intimidation and harassment by the police and JSTF personnel in this period. Intelligence officers stood outside the halls, while victims testified, recording the names of participants and taping public statements. In April 1999, three days before a conference in Salem district, a local police inspector arrested four of the organisers from their homes in the middle of the night.

In spite of the threats and intimidations executed by the JSTF in retaliation to the campaign, branding it as fake

and connivance against them, a large number of journalists, lawyers, political leaders, victims and their families, HRDs and regular people attended the demonstrations and conference in Salem.

Two-Member Panel of Enquiry

The NHRC, after a series of struggles and advocacy by civil society, decided to form a ‘Two-Member Panel of Enquiry’ to examine the cases and submit recommendations to the commission on necessary or urgent actions to be carried out. On 28 June 1999, the commission ordered for the panel to be set up, and appointed Former High Court judge A J Sadasiva as Chairman, with C V Narasimhan, former director of the Central Bureau of Investigation, assisting as the second member.

On 23 August 1999, a speedy legal intervention was sought from the Chairperson of the NHRC under Section 12 (b) of the Protection of Human Rights Act 1993, with regard to the persons languishing in Mysore Central Prison for periods ranging from four to six years under TADA. The communication pointed out that the human rights violations arising out of legislation like TADA had already been commented upon by NHRC. Up until then, the Sadashiva Panel, seemed to only have existed on paper. Even after all this, the enquiry panel only fully commenced its operations in January 2000.

The panel held its first two sittings in January and March 2000, but it refused to acknowledge cases of encounter

killings which were filed by the campaign with the Tamil Nadu State Human Rights Commission. The panel justified, on technical grounds, that they were not mandated to work on them. Thus, the mandate of the panel excluded the instances of the most heinous offences from its jurisdiction on the basis of disingenuous technicalities.

Right before the panel was about to constitute its third hearing, Mysore Central Jail filed a writ petition in Karnataka High Court seeking a stay on panel proceedings, questioning its jurisdiction. Quite evidently, these were tactics used by the administration to create unnecessary delays and obstacles for the NHRC, as well as for the campaign. Hence the third sitting was delayed further.

Meanwhile, the abuses faced by the villagers had come to Veerappan's attention and in an interesting turn of events, Veerappan kidnapped a film actor, Rajkumar. On 25 August 2000, in the wake of ransom negotiations, Veerappan forced the Governments of Tamil Nadu and Karnataka to publicly promise Rupees 100 Million (Rupees 50 Million each) as interim compensation for the victims of human rights violations.

On 29 September 2001, the TADA court delivered its judgment acquitting 107 out of 121 defendants. The Supreme Court ultimately handed down death sentences to four among the convicted. In its written decision, the TADA court observed that the prosecution had roped in many accused on the basis of confessions only, absent of any other

tangible evidence. For the Sadasiva Panel, the TADA ruling destroyed the JSTF's credibility, and bolstered victims' allegations that they had been taken into custody on a much earlier date than mentioned in their records, kept in illegal custody for a long period where they were subjected to humiliating treatment and torture, and later produced in court on false charges under TADA, merely to legitimate their arrest.

The Sadasiva Panel did not take any action, let alone hold hearings, for another 20 months. The panel finally held its third sitting on 6-8 March 2002 at the M.M. Hills in Karnataka, when the pending writ petition was dismissed by the court. The panel thereafter devoted at least five sittings to depositions recorded by JSTF officials.

The Enquiry Panel's Report

The sittings of the panel ended on 13 November 2002 and the follow up process continued till July 2003. On 2 December 2003, the panel submitted its report to the NHRC with recommendations for actions to be taken by the NHRC. The report was not made public. The commission kept holding on to the report, claiming that it was waiting for responses from the State Governments of Tamil Nadu and Karnataka. The campaign swung into action again, advocating for the report to be released to the general public. A delegation from the campaign travelled to New Delhi to demand the release.

Meanwhile, the JSTF had found and killed Veerappan in an encounter

on 18 October 2004. Immediately, the Government of Tamil Nadu and Karnataka announced gallantry awards to JSTF personnel, overlooking the charges of committing heinous human rights violations. Henri Tiphagne, Executive Director of People's Watch, flagged this issue and wrote letters to the Chief Ministers and the NHRC, arguing that according to the NHRC's own guidelines regarding '*encounter deaths in the course of police action*', investigations into all encounter deaths must occur before the involved officers could be rewarded. '*No out of term promotion or gallantry rewards shall be bestowed on the concerned officers so soon after the occurrence*'¹¹⁵, the commission had declared. However, the NHRC failed to take notice of this too.

Finally, in October 2005, the report was released. The Sadasiva Panel's report was found to be utterly insensitive towards the victims, who had been now waiting for eight years, hoping for some form of justice to be delivered to them. The report took on the tone of victims shaming and blaming. The report accused the NGOs of provoking victims to cook up false, exaggerated cases, and preparing victims to claim compensation. The panel blamed the victims for being party to NGOs' ulterior motives.

Yet, the report claimed to not be biased towards either party saying that '*aggressive police action in the course of anti-Veerappan operation (..) even bona-fide action, would have generated a climate of ill-will, distrust, frustration and anger, enveloping the tribes as well as policemen in their mutual interaction. It would only be natural in such situations*

that each side comes with exaggerated and even false allegations against the other side, merely to settle scores and keep the heat on.'

The report further went on to discredit and ridicule the female victims of sexual harassment and their testimonies. It kept working towards identifying various circumstances in which they could undermine the credibility of their testimonies, rather than looking into the allegations from the victim's perspective. For example, it did not find the testimony of rape to be credible where the victims did not produce a witness to the alleged rape or where the victim's husband failed to testify to the rape. A rape victim, Thangamal was taken hostage at the JSTF headquarter and was raped by the JSTF Chief Walter Devaram himself for three days continuously. The panel refused to believe her testimony, because she failed to identify him by name.

Follow-up to the Report

The State Governments of Tamil Nadu and Karnataka did not seem to take notice of the NHRC report, nor its recommendations, during this time. No action was taken by either Government towards providing compensation or any form of justice to the victims. The State Governments also failed to provide a response in this regard to the NHRC. Many deadlines lapsed in this process and the NHRC generously and patiently kept extending them.

¹¹⁵ <http://nhrc.nic.in/documents/Death%20During%20the%20course%20of%20Police%20Action.pdf>.

Finally, in December 2006, the NHRC summoned the Chief Secretaries of both the States for a consultation, and the Chief Secretaries assured to pay compensation to the victims as promised earlier.

At last, on 17 January 2007, the NHRC announced compensation for 89 victims, from both the states, among them 84 from Karnataka, after being assured by the State Governments that they would respect and adhere to the recommendations given by the Sadashiva Panel in its report. The commission provided one to Rs 500 Thousand to the victims based upon the degree of abuses they faced. Rs 500 Thousand went to next of kin of 36 persons killed in encounters, and Rs 200 Thousand to each of the three women the panel had found to have been *'detained and sexually abused, but not raped'*.

The panel also made a few namesake suggestions and recommendations to the State Governments for the future. Keeping in mind the political pressures and climate, it did not take any strong positions or suggested any actions against the perpetrators, apart from providing compensation to the victims. The NHRC's and state administration's attitude remained insensitive, apathetic, and illusory towards the sense of justice and relief.

It was finally in January 2014 that the Supreme Court of India passed a judgement commuting the death sentences of the four convicts in this case under TADA, due to delay in mercy plea decisions. The journey for justice

for these people that started in 1997 only partly ended in January 2014, 17 years later!

Beyond the rulings

It is simple doggedness and perseverance of sorts that is required on the part of HRDs to continue onwards in such cases, and still end up with very little success. Institutions also lose their steam in such long drawn processes, as did the NHRC in this case, when many years after an interim order of compensation it finally paid to the victims' families. A later Bench of the NHRC found it convenient to close the case with no reference whatsoever to the complainants in the case. The closure is now being challenged in court.

Human rights monitoring and legal interventions cannot be undertaken in solitude by HRDs without rehabilitation being undertaken simultaneously. If there is any example of human rights rehabilitation that has been undertaken in India, it has only come from civil society. Rehabilitation undertaken by Peoples' Watch in this special case, was done in collaboration with the United Nations Voluntary Fund for Victims of Torture for several years, who provided financial assistance to undertake economic development programmes with the families of victims.

In addition, special educational assistance was provided to the children of the victim's families to ensure that they would not drop out of school and would continue their university studies. One of them ended up as People's Watch's own

lawyer in Madurai before the Madurai Bench of the Madras High Court. Another handful became social workers, two of whom presently work with People's Watch.

Present scenario/long term changes

According to the National Crime Records Bureau (NCRB) data, 51,120 complaints were lodged during the year 2013 alone against police personnel for committing human rights violations. A total of 1,250 police personnel were sent to trial after investigation and framing of charges during the year 2013. Many cases, 412 of the ones filed against police personnel, were either withdrawn or disposed of otherwise. Trials were completed in only 154 of the police personnel cases, out of which 101 were acquitted and 53 were convicted.

In a recent case of arbitrary detention, custodial torture and encounter killings of 20 labourers from Tamil Nadu by the Andhra Pradesh Red Sanders Special Task Force, the NHRC intervened in the matter actively and swiftly. The NHRC issued interim orders for protection of the witnesses, conducted an independent investigation, and called for specific documents and interim compensation up to Rs. 800 Thousand.

The orders issued by the NHRC were stayed by the Andhra Pradesh High Court. However, the actions of the NHRC reflect the maturity of the institution. It has definitely travelled miles since 1993, but remains million miles away from what is expected of it.

Civil society, over the past two decades have engaged closely with the NHRC and advocated strongly for the institutions to take action on serious State crimes, which are now coming to light. The NHRC continues to be in the shackles of the Government of the day, giving complete non-compliance to the Paris Principles. The NHRC has also politically distanced itself from civil society, which is calling for the ratification of the UN Convention against Torture (UNCAT). Reform of the NHRC, and the ratification by India of UNCAT continue to be among the main challenges for civil society, which is why it is collectively lobbying and advocating for that.

The way forward

India is the largest democracy in the world, and also one of the few countries in the world which has not ratified the UNCAT from 1997. 155 UN Member States have ratified the UNCAT. India has not passed any domestic law that will enable it to ratify the convention yet.

India's reason to justify its refusal to ratify or pass a domestic law, is that it is supposed to have good enough State Laws that can efficiently manage the torture crimes in the country, which is contrary to the Government's statistics. The current acting Chairperson of the NHRC, a former judge of the Supreme Court of India, defended the country's position related to UNCAT in this manner during the Asia Pacific Forum of National Human Rights Institutions (APF) meeting in Mongolia in 2015.

Perhaps, one of the landmark steps taken as of yet to combat torture in India, was the passing of the Protection of Human Rights Act, that came into force in September 1993. This Act provided for the establishment of the Human Rights Commission at the Centre (National Human Rights Commission) and at each and every state in India. However, even though the commissions were created to be completely independent, they only possess recommendatory power. The law governing the commissions makes it dependent on the Central Government for all practical requirements, such as appointments, manpower and finances.

Instead of adopting new laws to combat terrorism, India continues to function under regressive laws and is even passing new bills that, rather than preventing and prohibiting torture, are inflicting torture and harassment to target certain groups in society. Many of these laws are used against HRDs to threaten and restrict their work. Fabricated charges against HRDs have left many of them languishing in prison for many years.

Laws that indirectly legitimise torture are in the pipeline. The draconian TADA and the Prevention of Terrorism Act (POTA), the Gujarat Control of Terrorism and Organised Crime (GCTOC) Bill 2015, which await the President's assent, make confessions secured in police custody admissible as evidence before a court of law.

It is time for the NHRC in India to get itself geared up to develop a law to protect human rights in India. The

Protection of Human Rights Act from 1993 needs urgent changes to live up to peoples' expectations. The NHRC India is also getting ready for its next re-accreditation in 2017, and it is time for the present Government, along with Parliament, to get ready for the global scrutiny of its institution in tune with India's demand for membership of the UN Security Council. India will also be getting ready for its third Universal Periodic Review (UPR) in 2017. We can only hope that this will lead to new Indian legislation that really protects and promotes human rights and fundamental freedoms.

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‘We are the next generation [who will] build our countries and also communities (..) we don’t think only about personal problems, we think about social problems.’

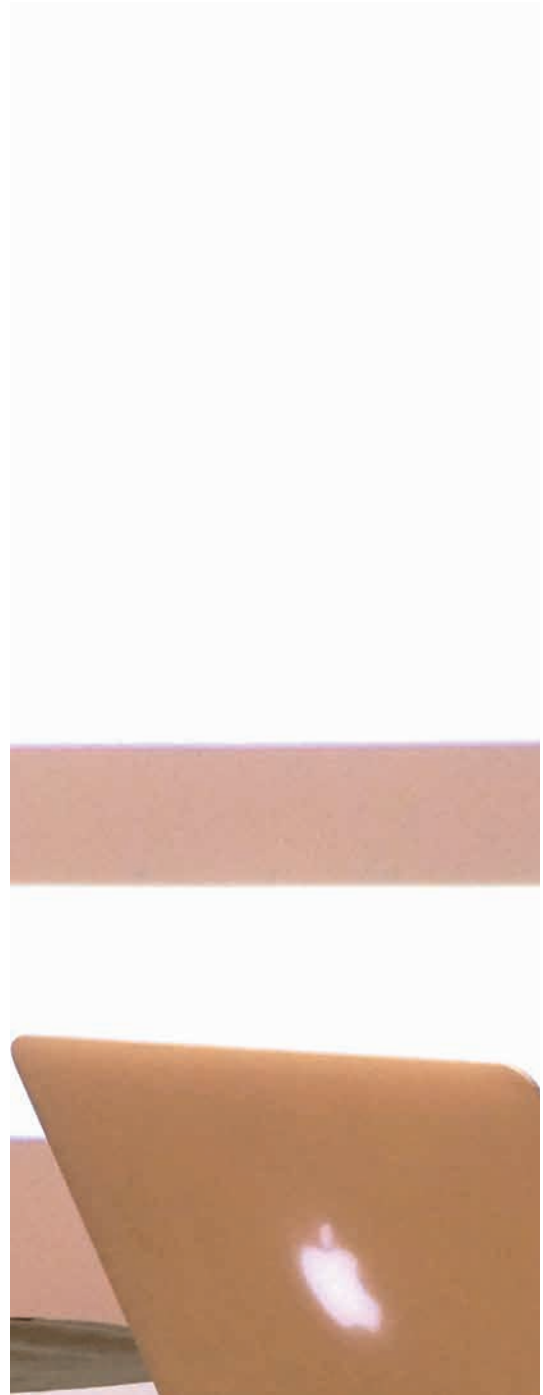
**Chhan Sokunthea
Head of Women and
Children’s Rights Section,
Cambodian Human Rights
and Development Association
(ADHOC), Cambodia**



‘Look at your surroundings, look at your family, your friends. When you see there are (..) injustices, when you see arbitrary or (..) inhuman treatment which has to be treated (..), you begin to think [about] human rights (..). This is the beginning of your commitment.’

Rafendi Djamin

First Representative of Indonesia to the ASEAN Intergovernmental Commission on Human Rights (AICHR)





The Citizens' Alliance for the General Election (CAGE) 2000 Blacklists Corrupt Candidates

A story from the People's Solidarity for Participatory Democracy (PSPD)

**By Taeho Lee, Secretary General,
PSPD, South Korea**

*'Let's Change Old Politics with Citizens'
Power'*

The most powerful slogan in the 16th parliamentary elections of South Korea in 2000 was *'Let's Change Old Politics with Citizens' Power'*. Indeed, the biggest winner of the first vote of the new century was the voter. A number of corrupt and incompetent politicians were defeated by a campaign led by the Citizens' Alliance for General Elections (12 January 2000-22 April 2000), a coalition of nearly 1,100 civic groups, thanks to the overwhelming support of citizens.

Background

In the 1990s, civic groups focused their election activities on voter participation and monitoring, believing that a fair election and citizens' participation would ensure wins by pro-democracy forces and political reform. But their hopes were crushed in the face of a stark, outdated political structure.

In past elections, both ruling and opposition parties mobilised huge amounts of illegal funds. Politicians had colluded to foil attempts to rewrite laws governing elections and political funding. Law enforcement authorities

had also lacked the determination to tackle political irregularities. Moreover, parties' nomination of candidates was far from democratic. Opaque nomination procedures often gave party candidacy to corrupt and incompetent figures. Parties put candidates' loyalty to the party leader over their ability to make laws and deliver campaign pledges. What mattered most to politicians was not voters' trust and judgment, but the confidence of their party leaders.

Citizens had grown disenchanted with politics. In such a political environment, voter participation and fair elections fell short of achieving a real electoral democracy. It was time for civic groups to go beyond the clean election movement. They needed to find innovative, relevant, even extreme ways to impact the political scene and show the full power of voters. Against this backdrop, the Citizen's Alliance for General Elections declared the start of the blacklist movement ahead of the 16th parliamentary elections to give citizens an opportunity to mete out justice to lawmakers.

Parliamentary inspection of the administration in 1999 became a direct reason for the establishment of the Citizens Alliance for the General Election 2000 Blacklists Corrupt Candidates. In 1999, 40 civil society organisations (CSOs) established a *'people's alliance to monitor the parliamentary inspection*

of the administration'. They formed different teams with specific areas of expertise to be able to do so.

They had planned to deploy their members to monitor 14 different committees of Parliament and choose the best and the worst Members of Parliament (MPs). However, nine out of 14 committees refused to have monitoring teams in their meetings saying that *'we cannot approve that civil society organisations rate members of the parliament'*, and two committees only allowed monitoring team in some of their meetings.

At the time, 95 percent of the people agreed to the necessity of people monitoring the parliamentary inspection of the administration. However, the National Assembly acted in a high-handed manner, and expressed its displeasure and explicitly refused the monitoring to take place.

By the end of the parliamentary inspection of the administration, it became obvious that the conflicts between political parties and civil society were about political rights rather than the ratings of individual MPs. The CSOs who had been involved with the monitoring therefore agreed to expand their monitoring efforts to the elections.

Main challenges

The blacklist movement hit several snags from the start. The biggest was institutional barriers. At the time, the Election Law banned any organisation – with the exception of those of party-

backed candidates and registered campaign workers – from election campaigning or activities to defeat particular candidates (Article 87 on the prohibition of social organisations' intervention in elections). In addition, both politicians and civic groups were banned from endorsing or opposing candidates before the campaign period began (Article 59 on the prohibition of premature campaigning). These provisions outlawed any civic campaign from opposing particular politicians and prohibited them from making any remarks during the periods of election and candidate nomination. To wage the blacklist movement, the alliance had to either pressure the legislature into amending the Election Law or disobey the law.

The civic groups declared that should the *'poisonous'* provisions remain unchanged before the elections, they would break the law in order to justly exercise their constitutional right to vote.

The declaration enraged politicians. Even before the alliance's official announcement, the media reported on the blacklist campaign, sparking anger among politicians. They called the move *'political terrorism'* and threatened to sue civic leaders for violating the Election Law. Their reaction backfired. Politicians' fierce resistance met with increasingly severe public criticism.

Public opinion overwhelmingly supported the blacklist movement as a vital and legitimate movement. Just ten days after the movement's proposal was issued, 412 organisations across the country

had signed up, meaning that almost all members of the clean election movement had joined the blacklist campaign. The alliance encompassed the nation's leading civic and religious organisations, including the People's Solidarity for Participatory Democracy (PSPD).

Main strategies and activities

The alliance's strategy could be summed up as a combination of a blacklist movement and political reform. The foremost goal was to weed out undesirable politicians through citizens' monitoring of party nominations and then active campaigning to defeat them in the elections. The alliance set a two-stage strategy. The first was executed during the nomination period from January to February. The group announced the first blacklist of politicians pressuring parties to avoid picking them as candidates. The second step was taken during the official campaign period between late March and 15 April. It unveiled a second blacklist targeting party nominees and campaigned intensively to have them defeated in the elections.

Another goal was to overhaul the political system that restricted voter participation and allowed the political establishment to monopolise elections. The two most urgent tasks were: to persuade the public of the legitimacy of the blacklist movement; and to push for the revision of electoral and political laws before the movement kicked off. The alliance decided to concentrate on the goal of getting the law revised in February and March. If it failed, the next step would be civil disobedience.

Fortunately, some clauses, including Act 87, were revised through a bipartisan agreement ahead of the parliamentary elections. The revision stipulated that social groups, with the exception of those receiving government subsidies, could carry out election campaigns during the campaign period. But only campaigns through news conferences, Internet pages and in-house newsletters for members were allowed. Printed materials, banners, street campaigns and assemblies were still banned. In other words, direct contact with voters and mass rallies were still outlawed, as well as electioneering before the official campaign period. After a long debate, the alliance chose a varied approach. It decided to use several means that were not seen as 'assemblies', such as telephone discussions with voters and one-man street rallies, while holding assemblies, even though these were illegal, shortly before the elections, for which alliance leaders were later fined.

The campaign plan

The alliance received proposals from participating organisations on how to decide on undesirable candidates. Each group would make sure that the criteria had enough voter support to affect the outcome of the elections and that they had convincing evidence. In the end, it was decided that decisive criteria to be blacklisted were: corrupt activities; violations of election law; anti-human rights activities and destruction of democracy and constitutional order; insincerity in law-making and activities against the (National) Assembly and electorate; positions on reform bills and

policies; suspicious behaviour or basic qualification for politicians; and failure to perform civic duties, such as military service and paying taxes.

Politicians would be blacklisted if their misdeeds were confirmed and classified under the criteria, even if they had been punished lightly or ruled not guilty in the past. The alliance decided to judge past wrongdoings retroactively in accordance with the latest political law provisions and civic groups' proposed revisions. To minimise controversy, the alliance sent politicians copies of materials unfavourable to them so that they could defend themselves. Legal advisers including lawyers supporting the campaign reviewed legal matters including libel.

The final list was reviewed by the 100 Voters Committee, a sort of jury consisting of civic group members, and approved by a meeting of representatives from participating organisations. Voters committees existed in 12 regional chapters and three religious groups, too. In making up the list, the alliance ruled out political considerations. Though it consisted of progressive groups, they agreed that the movement should not act as a judgment on political views.

The first blacklist was announced on 22 January and 22 February. It aimed to block party nomination of 102 figures. Of them, 44 failed to get candidacy, with some voluntarily withdrawing. The rest ran for election either as party nominees or independently. The second blacklist was announced on 3 April, ten days

before the elections, aiming to ensure the defeat of 86 candidates, including 22 independents.

Support from the public

The alliance carefully designed promotional programmes to gain greater public support. First, it conducted a survey on whether citizens approved of the blacklist campaign. In a poll just after the movement's launch, about 85 percent of respondents supported it. About 85 percent also said they would back the campaign even if it was illegal under the current Election Law.

Theoretical and legal legitimacy was also important. An advisory group of 150 professors in political science, sociology and law presented the theoretical basis for the movement. Its legal advisers and other lawyers' organisations filed a petition with the Constitutional Court against the Election Law provision that banned the blacklist drive, and provided counter-arguments against politicians' claims of libel.

It was not easy for the media to disclose the names because of fierce opposition from the politicians on the list. But under strong pressure from public opinion, not only liberal but also conservative newspapers and public broadcasters reported it. The alliance also formed a cyber-team to communicate with Internet users. Use of the Internet was already widespread and various online media outlets were popping up. The campaign garnered explosive support online, to which the movement's overall success was attributable. In late March, the

alliance began a cross-country bus tour and collected signatures to promote voter participation in the elections. Some 330,000 citizens signed up, promising to vote and consider the blacklist when casting their ballots.

On 3 April, the alliance unveiled the final list and launched a ten-day drive to defeat blacklisted candidates, especially zeroing in on 22 big-name politicians. The alliance used 'shadow candidate' tactics. For example, it dispatched a renowned human rights lawyer to head the campaign against a candidate allegedly involved in torture as a prosecutor. The effect of the symbolic contrast was as powerful as that of several mass campaign rallies.

Achievements and limitations

Of the 102 on the nomination blacklist, 44, either failed to win party nomination or gave up candidacy. Of the 86 on the second list, 59 lost elections, including a number of party big-wigs. The movement particularly targeted 22 influential politicians, of whom 15 were defeated. The results in Seoul and nearby areas were more dramatic with 19 of the 20 blacklisted losing elections.¹¹⁶ Fresh wind blew through Korean politics.

The success of the campaign stemmed from a combination of political events. Citizens' desire for political reform was as strong as ever, especially after the financial crisis of late 1997. Public distrust in political leaders' ability to deal with the crisis and anger about corruption by the privileged elite were ever fiercer. But politicians did not even understand

the seriousness of the situation, let alone carry out reforms. While ignoring a flood of corporate bankruptcies, mass unemployment and other simmering social problems, lawmakers abused their immunity to sabotage investigations into corruption in what was derisively called a '*brain-dead*' and '*bullet-proof*' National Assembly. The blacklist drive, though led by civic organisations, was in fact a citizens' resistance movement.

Another major factor in its success was the strength of the nation's civic movement that had built up since the June 1987 democratic uprising. Diverse civic groups concerned with the environment, women's rights, local communities, political reform and fighting corruption expanded rapidly through the 1990s and reached their peak in 2000. In addition, civic groups sought solidarity based on their shared experience of the pro-democracy movement under the dictatorship. It would have been impossible for more than 1,000 groups scattered across the country to agree on standards and form an alliance for the blacklist campaign without their shared history of hardships and pursuit of a common agenda.

The Internet also played a crucial role, providing new tools and forums for political communication. Restrictive measures in the Election Law were unable to gag the dynamic communication of the Internet. The aspiration for reform among the generation behind the pro-democracy movement and the younger Internet-savvy people sustained the blacklist movement and altered the form and content of Korean politics drastically.

However, the blacklist movement was not free from disputes, with complaints coming from both conservatives and progressives. Conservatives compared the movement to China's Communist Red Guards, accusing it of one-sided attacks and abusing the power of public opinion. Such criticism was raised mainly by the opposition Grand National Party (GNP) and spread by conservative media. Many members of the GNP were involved in corruption and military coups. Their argument was strengthened when the then liberal ruling party supported the blacklist campaign, judging that its candidates were not threatened by the movement.

But the movement never used political powers and the blacklist was designed only to help voters make an informed judgment. Moreover, its protagonists strived to exclude any political considerations and the result was not necessarily disadvantageous to the opposition party. In fact, GNP candidates won in most of the party's traditional strongholds. Progressives criticised the movement for focusing on individual politicians, rather than structural reform. They also claimed that the movement was so preoccupied with maintaining political neutrality that it neglected to do what was needed to help progressives advance in politics.

This argument was also less than convincing. The movement was an effort to pave the way for long-stalled political reform, and indeed added critical momentum to pull down the privileges of political conservatives

that had been embedded in the way parties, elections and political funding were run. Furthermore, in the wake of the movement, new progressive forces became much better placed to enter politics.

Conclusion

The movement rode on a wave of citizens' anger at crooked politics and created a crisis in the political establishment. Battered by the movement, politicians became painfully aware that they were far behind the times and could not survive without fundamental reforms. It dealt a serious blow to the structure of corruption and collusion among old parties and considerably weakened the influence of their corrupt bosses. Reforms of electoral, funding, parliamentary and party systems began in earnest.

The creation and disclosure of records of parliamentary activities was also enhanced and the screening of politicians' assets and the monitoring of their legislative activities became standard procedure. After the parliamentary elections, the National Assembly launched a special committee on political reform and began work to amend political laws.

The blacklist movement especially acted as a catalyst for substantial changes to party nomination procedures. For

¹¹⁶ Seung-nyong Lee, 'Morning After Blacklist Campaign', *Korea JoongAng Daily*, 16 April 2000

the presidential elections two years later, the ruling party chose its standard bearer through primaries in which both party members and general citizens voted. A one-person, two-vote system was introduced for general elections, allowing voters to cast ballots for their favoured party, as well as their preferred candidate. With the new system, parties and their policies were now judged by voters separately from candidates. The system allocated parliamentary seats in proportion to the votes each party won, in effect lowering the barrier for new parties to enter politics.

Most importantly, the campaign helped spur voters' voluntary and creative participation in politics. Voter participation advanced beyond the blacklist movement. Open nomination systems gave rise to a political supporters' movement. The new form of participation often triggered political storms that catapulted formerly marginalised politicians to the centre stage, as shown by the rise of the Roh Moo-hyun administration. The blacklist movement stirred a fresh and dynamic wind of change to Korea's electoral and political culture in the early 2000s.

Taeho Lee, Secretary General, People's Solidarity for Participatory Democracy (PSPD), South Korea

Taeho Lee is the Secretary General of People's Solidarity for Participatory Democracy (PSPD), a FORUM-ASIA member organisation. He has been a Coordinator of PSPD since 1995. After joining PSPD he was responsible for the anti-corruption movement and especially the protection of whistle blowers who disclosed corruption of arms contracts.

After the establishment of the Center of Peace and Disarmament of PSPD in 2003, he has organised various projects concerning disarmament and the democratic control of security powers. His efforts for peace and disarmament include, among others, a campaign against the War on Iraq and Afghanistan (2003), a campaign against the production of the Korean helicopter and a movement against the establishment of the naval base in Jeju Island, South Korea.

**‘We need to establish
accountability (..) we need the truth,
without it I don’t
think we can move
forward.’**

**Shahindha Ismail
Executive Director, Maldivian
Democracy Network (MDN),
the Maldives**







‘The most important thing is (..) to have an impact. It is not only about writing a report and leaving after, you have to bring it back to the society.’

Ichal Supriadi

Executive Director, Asian Network for Free Elections (ANFREL)

chapter 4 THE FUTURE OF HUMAN RIGHTS IN ASIA

Asking people what they believe the priority challenges or opportunities for human rights in Asia are, is both impossible and important at the same time.

On the one hand, it is impossible to predict the future. Asia is such a vast region that it is difficult to generalise. And there are so many issues that are all inter-related, that it is difficult to separate them. Deciding early on what the issues of the future are, might even close our eyes for new developments.

On the other hand, looking to the future to foresee certain trends and developments, should be a key component for planning, monitoring and evaluation of any organisation. Even more so, when attempting to prevent humanitarian crisis or developing early warning mechanisms.

The following chapter presents an overview of issues and possible ways forward as they were identified by the various people that gave input to this publication. They did so through their participation in meetings, by being interviewed or through written submissions. Obviously the overview is not comprehensive. The priorities and trends were subject to the opinions of those particular people that were involved. More significantly, the clustering and summarising of these

inputs was done by the editors of this book.

The following should therefore not be seen as a conclusive or final overview of all the challenges that Asia has to face in the coming years, nor of the possible developments which might help in combating them, but as input to the discussion on the future of human rights in our region.

The first part of the chapter introduces the key challenges that were identified. Some of them are new, most of them are not. The second part of the chapter looks at opportunities and requirements that might contribute to the improvement of the human rights situation in Asia.

The first part is significantly longer than the second. Most people that contributed were fairly pessimistic. However, that does not mean they were throwing in the towel. On the contrary, all the people that were interviewed are fighting for human rights in Asia. Many have been doing so for many years, decades. They are not giving up.

1. Key Challenges for Human Rights in Asia

Looking towards the future, most experts that provided input to this project painted a bleak picture. Describing how progress and regress related to human

rights in Asia tends to come in waves. Many indicated we seem to be flowing backwards at the moment.

Backtracking on some of the human rights progress that was achieved, was highlighted across a range of issues, specifically women's rights, as well as a reinterpretation of international commitments. Reviewing the many challenges the region is and will be facing in the coming time, the following nine themes were highlighted repeatedly.

a. Enforced disappearances, extra-judicial killings and a culture of impunity

Potentially the most devastating trend that was identified is the perceived increase in enforced disappearances and extra-judicial killings, which is being hidden by a culture of impunity and fear. Human rights defenders (HRDs) and reporters have long been the targets of these horrific ordeals. A new group, though, that is increasingly being victimised are bloggers. Clearly no one should have to worry for or pay with their lives for standing up for human rights. Addressing this trend should therefore be a priority everywhere.

b. Shrinking space for civil society

Directly related to the above described trend, and by far the most mentioned, is that throughout Asia there seems to be shrinking space for civil society. Obviously, the more authoritarian the regime, the worst this trend is. However, unfortunately it was also noted that several countries, that claim to be democracies, are increasingly cracking

down on civil society.

In different places across the region this phenomenon is implemented through different means, however, it seems that strategies are also copied from one place to another. Bad ideas seem to spread like viruses.

One of the principal tools through which Governments in the region have been silencing civil society, has been the criminalisation of dissent. Threats and abuse of power, as well as the adoption of laws and regulations, that limit the Freedom of Expression (FoE) and Freedom of Assembly and Association (FoAA) of those that are critical of the ones in power, have become common practice in many countries across Asia.

Several regimes have decided to openly target non-governmental organisations (NGOs). New restrictive laws regulating NGOs, include: obligations to register and constantly report on activities and finances; restrictions on funding from abroad; and limits on who NGOs are allowed to associate with, like international institutions, agencies and processes, including the Universal Periodic Review (UPR) of the UN Human Rights Council (UNHRC).

Human rights organisations have been fined, prosecuted and expelled based on these laws. Not only does this represent a blatant violation of their rights to FoE and FoAA, it represents a diminishing of democratic space and an undermining of their political rights.

Many of these arbitrary regulations have

also been aimed at silencing media. Both traditional and online media have been physically and legally at risk. Having a vibrant and diverse media landscape is essential in any country, and a key component of a functioning democracy. It is a worrisome trend to see this being actively countered in so many places in Asia.

c. National security discourse and militarisation of society

One of the discourses that is increasingly being heard is the justification of the above described crack down on civil society and other forms of human rights violations based on national security. Under the guise of protecting the safety and security of the nation, the rights and freedoms of people are sacrificed.

Obviously this practice is most prominent in those countries in the region that are still suffering from armed conflict. Asia is host to some of the longest-running violent struggles in the world, including several relating to the right to self-determination of groups that have long been repressed.

While the relation between peace and human rights has long been recognised, this has not led to the realisation that peace, human rights and sustainable development are interlinked to the extent that neither can be reached without realising the other. In a similar fashion, reconciliation and learning from the past have rarely been considered a priority in post-conflict countries in the region.

The current militarisation of society is

not limited to countries that are directly affected by armed conflict though, it is also seen in many places that are supposedly at peace. Real, perceived or created threats of terrorism, powerful neighbours or crime are used to justify the securitisation and militarisation of society. Defence spending has been increasing throughout the region. Increases in one country trigger similar responses in neighbouring countries further stimulating an arms race. Current tensions, in particular in East Asia, are likely to advance this trend in the coming years.

Civilian oversight over the military and security sector has always been limited. Enhances in regional and international military cooperation further limit democratic control over the sector. Combining this reality with the fact that in all Asian countries the spending on defence consumes a substantial amount of all Government revenue, should be considered a serious violation of political rights. In countries where the military still has complete or covert control over the Government their influence over society extends to not just political, but also economic power.

Counter-terrorism arguments are an integral part of the national security discourse. The doctrine of fear that has inspired anti-terrorist laws across Asia is used to violate human rights on a daily basis.

d. Flawed democracies and good governance

When asked about the future of human

rights in Asia, several participants also reflected on the many flawed democracies across the region. Good governance and transparent institutions are still a distant dream in many countries. Restricting the right to information and press freedom were indicated as closely linked to the limitations of Asian democracies.

The importance of the rule of law was highlighted by many as well. A properly functioning and independent judiciary needs to be a key component of the rule of law. While it was indicated that gains have been made in relation to the adoption and ratification of international and domestic declarations, institutions and laws; implementation remains problematic in many places in the region. It was pointed out by several participants that in some countries there have been active attempts to undermine or hollow out existing human rights mechanisms. Arguments that dispute the universality of human rights are often used to justify such actions.

Another issue that was highlighted as being of great importance, but also a challenge for human rights in Asia, was elections. There have been positive developments related to elections in certain countries, including an increase in the participation of different political parties, the involvement of civil society, and the relatively peaceful transfer of power.

However, in other places elections have become increasingly flawed. This does not merely relate to the voting itself, but to the entire electoral cycle. The ability

of people to exercise their right to vote freely is being curtailed in many ways, including: obstacles to register to vote; intimidation and use of bribes; and refusal to allow international observers.

e. Marginalised groups

Many people in Asia face the violations of their human rights on a daily basis. There are certain groups in society though that face additional challenges only because of who they are.

Women continue to be confronted with larger obstacles when it comes to the realisation of their human rights compared to men. Even in the most progressive parts of the region, women are still at a disadvantage. However, in many other places their rights are being violated to the extent that they are turned into less than secondary citizens.

There has been some progress when it comes to the setting of standards, in particularly stemming from the Beijing Platform for Action, the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW), and other international instruments. However, implementation has been disappointing. More lamentably, some Governments in the region have been consciously trying to undermine the commitments that were made in the past. Some experts even doubted whether the gains made through the Beijing Platform for Action in 1995 would have been possible under the current leadership in the region.

However, within and among civil society progress has been made, which has and will continue to improve the position of women in Asia. This centres on the recognition within the human rights movement that women's rights are human rights. An example of this is the inclusion of domestic violence in the human rights agenda for the region. This shift of mind-set is crucial for equality to be reached.

Another group that has long been recognised as at a greater risk of having their rights violated are indigenous people. Across Asia indigenous people continue to face conflicts related to land and self-determination, among other things. Most notable is that many of these conflicts are further exacerbated by large scale development projects that threaten indigenous communities and their life-styles.

A group that is relatively new in its political mobilisation in Asia is the lesbian, gay, bisexual, transgender, intersex, and questioning (LGBTIQ) community. By no means new in society, their integration in the regional human rights movement remains difficult, unfortunately even from within the movement itself. LGBTIQ people face serious human rights violations on a daily basis, and the protection and promotion of their rights should be at the top of the list of priorities.

Both migrants and refugees, and religious minorities were identified as groups that face additional challenges related to human rights too. More about

their situation will follow later in this chapter.

f. Radicalisation and polarisation

Radicalisation and polarisation, both within and between countries, were seen by many as another worrisome trend in Asia. While in many instances this is linked to religion, other forms of fundamentalism – based on ideologies or national identities – are on the rise too.

Human rights violations, including violence and killings, in the name of protecting religion or religious sensitivities are intensifying. Incitement of hatred and polarisation are at the basis of all such incidents. Religious minorities, women and LGBTIQ people are particularly under threat. However, those pertaining to the religious majority groups find their right to Freedom of Religion or Belief (FoRB) restricted too, if merely by having their right to choose or change taken away.

The politicisation of religion and the religionisation of politics are particularly problematic. Legislation on hate speech, incitement, blasphemy and defamation of religion is being used to restrict or violate human rights in the name of protecting religion or religious sensitivities. At times State authorities are reluctant to bring those responsible for abuses of FoE and FoRB – including physical attacks and killings – to justice. This can be due to the fear of being portrayed as against religion themselves or the risk of losing political support from members of their constituencies, including religious or nationalist groups. In many cases, States

have tacitly supported the actions of non-state actors, including extremist factions, which has resulted in the further exacerbation of rights violations.

The blurring of the distinction between religion and ethnicity are resulting in exclusionary nationalistic identities. Leading minority groups to being marginalised and targeted even further.

However, these forms of radicalisation and polarisation are not limited to religion. Similar processes can be seen based on ideology or national identities. Particularly the polarisation between countries, among others triggered by territorial disputes, is cause for concern in the region.

g. Economic justice and inequality

From its beginning FORUM-ASIA recognised the interconnectedness between development and human rights. The right to food, health, housing or work, to name a few, are all basic human rights. While progress has been made when it comes to the sheer number of people in Asia who have these rights realised, the magnitude of the population in the region is so large – more than half of the world's population lives in Asia Pacific – that many are still left behind. More so, the inequality gap and the consequences of belonging to the 'have-not's' are becoming more dire.

Economic growth has been unequal among the different countries in the region. Globalisation and free-trade have created a competitive market in which many Asian economies largely

rely on cheap labour. To stay ahead, this means that labour needs to consistently become cheaper. Violations of labour rights are an unmistakable result of this. Particularly women are victims of this in many countries.

Human rights related challenges that HRDs in Asia have long campaigned against remain. This includes corruption, land-grabbing and the intrusive projects of extractive industries. However, the human rights movement has become more aware of the need to expand its work to address the role of businesses and corporations. Particularly globalisation and multi-country trade agreements have contributed to this. This has led to the creation of a global, parallel legal system, beyond the scope of national legislation. Human rights violations related to this cannot be addressed by only engaging with Governments. The human rights movement will need to expand with whom it engages and enter the world of global industries and trade.

h. Environmental and climate justice

Undoubtedly, environmental and climate related justice are of increasing importance for people in Asia. The struggle for resources, in particular land and water, is becoming more intense. Many conflicts, and subsequent human rights violations, are linked to the fight for land and access to natural resources. Long-standing disputes over ancestral land, as well as resistance to big development projects that infringe upon the rights of local communities, are further intensified.

This is further exacerbated by the degradation of the environment and the consequences of climate change. Asia houses some of the countries most vulnerable to global warming and climate change. Floods, desertification, mudslides and rising sea-levels are threatening the areas and communities that people live in.

At the same time, Asia also hosts some of the most populous nations in the world. Combined with the above mentioned climate change induced risks, the prospect of huge numbers of environmental refugees is very real.

i. Migration and human trafficking

The world is currently facing an unprecedented flow of displaced people. Asia is no exception. On the contrary, some say that the numbers of refugees and migrants, as well as their treatment is among the worst in the world.

The most common reasons for migration in the region are: socio-economic disparity; lack of employment opportunities; threatening or unstable political situations; and armed conflicts. Increasingly migrants and refugees in Asia are using dangerous and risky routes, including over sea. Many of these are not being reported, in particular when it comes to urban refugees. Irregular migrants are exploited or fall in the hands of human traffickers. The seriousness of such practices has most recently been exposed in the discovery of mass-graves.

Once migrants and refugees arrive in

their temporary or final destination, they face discrimination, detention and further exploitation. The overall majority of them have no access to justice, education, employment or health services.

There is a serious leadership crisis with regard to migration in the region. Neither sending nor receiving countries take responsibility. Many countries in the region have not signed nor ratified international treaties on migration, including the 1951 Refugee Convention and the Stateless Convention. More so, most countries lack national legislation to protect refugees, while regional frameworks are weak or non-existent.

Asia has seen an increasing securitisation of migration. Many Governments speak about how migrants are a risk to national security. Governments demonise refugees and migrants as people who take jobs from local people, and bring terrorist ideologies or ideas, and so on. Little attention is given to the human rights of migrants. More so, few people talk about the positive things these migrants bring to their new homes.

Migrants – both cross-border and rural-urban – and refugees are among the most vulnerable groups in any society. More so, for fear of being deported or detained, they do not dare to stand up for their rights. The probability of increased migrant flows in the coming years is high. This means migration and human trafficking needs to be a priority for human rights in the region.

2. Windows of opportunity to look out for

In addition to asking what people considered to be the main challenges or threats to human rights in Asia, participants were also asked what windows of opportunity or contributing factors they saw to improve the human rights situation in the region. While by no means exhaustive, the following are some of the points that were raised.

- *People need to know their rights*

Potentially the most important thing to improve the human rights situation in Asia is for people to know their rights. To know what they can claim and what they are entitled to. Once people's knowledge and awareness about their rights are increased, they can be more critical of their Governments, and of the interpretations and implementation of their rights, including of those policies that sacrifice human rights in the name of national security, religion or economic growth. A new generation of HRDs needs to be created, one that will stand up to repression and lead a new people's uprising.

- *People's solidarity*

Related to the above mentioned point, many hailed the solidarity that existed among Asian peoples, and the rest of the world, in the 1980's and 1990's. There was a perception that people were united against the violations of human rights in different places across the region, such as East Timor, Burma, Sri Lanka and Nepal. The inspiration and strength that human rights activists from such places

gained from regional and international solidarity should not be underestimated. The need to regain such regional solidarity and potentially even the need to (re)create and promote a sense of Asian identity, was mentioned by many.

- *Communication tools and media*

Obviously communication is crucial to both these approaches. The array of communication tools at our disposal in comparison to 25 years ago is staggering. The possibilities of using Information and Communication Technologies (ICT) for human rights work are essential to be able to exchange information, collaborate across boundaries and raise awareness among people.

The role of the media – both traditional and social media – is essential in this. The power of both forms of media to influence and shape public opinion is unprecedented. Politicians have long realised this, which is why many countries in Asia have or are developing different laws and legislation to both control the media – papers, radio and TV, but also the arts and entertainment – and regulate cyber space.

Both these channels are crucial for the human rights movement to get its messages and information out. Prioritising freedom of the press and countering cyber space regulations that restricts freedom of speech should be a priority. Collaboration between civil society and the media – two camps that do not always trust each other – is highly important to improve human rights in Asia.

- *Institutions, publications and books*

Over the last decades much has been learned about and related to human rights work. Different experiences in campaigning against human rights violations have been documented. This body of knowledge, in the form of academic and research institutions, publications, books, documentaries and training materials, is there for all of us to use and learn from.

An increasing number of people study human rights in or on Asia. While the mere studying of human rights can never replace actually getting involved in the struggle, their knowledge can be very helpful. They should be included and called upon to support the fight for the protection and realisation of human rights.

- *Declarations and treaties*

In comparison to 25 years ago, many more States in Asia have ratified and signed on to a number of human rights related declarations, treaties and conventions. These represent international commitments to respect, protect and realise human rights.

Implementation is obviously the important part, and also the part that leaves much to be desired across the region. However, they represent commitments and tools that should be used and utilised. Governments should be called upon to honour their commitments, and international institutions should be approached for support if they do not.

The rate of ratification of human rights agreements has stalled in recent years, and crucial agreements have still not been signed and ratified by a number of countries in Asia. Still, those that have been signed or ratified present an opportunity, a tool that should be used.

- *National, Regional and International Justice Mechanisms*

In addition to treaties, declarations and conventions, many relevant regional and global justice mechanisms and institutions have been created over the last decades. Regionally, the ASEAN Intergovernmental Commission on Human Rights (AICHR) and the ASEAN Commission on the Promotion and Protection of the Rights of Women and Children (ACWC), and globally institutions such as the International Criminal Court (ICC) and the Universal Periodic Review (UPR) process of the UN Human Rights Council (UNHRC) are a recognition of the importance of human rights. Not all of these institutions have been able to live up to the expectations they created when they were originally established though.

On a national level, an increasing number of countries in the region have established National Human Rights Institutions/Commissions (NHRIs). There are great differences in the scope, mandate, powers and relevance of these different NHRIs. This has led to the experiences that HRDs in the region have had when engaging with these institutions being very unequal.

Still, whatever the experience may be, the fact is that these institutions and mechanisms exist. They represent a recognition of the need to promote and protect human rights. It is up to the human rights movement to make sure that these institutions function in a way that is useful for people's daily lives.

- *Corporate Social Responsibility (CSR)*

Many people in the consultation process placed importance on the role that businesses and corporations have in relation to human rights. It is therefore not surprising that Corporate Social Responsibility (CSR) was recognised as an opportunity for HRDs.

Different campaigns to urge corporations to act responsibly and to respect and protect human rights have seen different levels of success. Multinational businesses, particularly those operating in developing countries, are called upon to respect the rights of both the people that work for them, and of those in whose environment they operate.

Consumers have an important role to play here. Information on the conduct of businesses should be made public by HRDs, including specific options for consumers on what to do.

Another suggestion that was made was to promote international solidarity among labour forces, potentially even using global strikes to demand the protection and realisation of labour rights.

- *Human Security, Developmental Justice and the Sustainable Development Goals (SDGs)*

At the same time, there has been increasing recognition of the interconnectedness of human rights with peace and sustainable development. The distinction between the three is seen as artificial. More so, socio-economic rights of people are at the basis of sustainable development, while the right to peace has gained acceptance across the globe. When people live with armed conflict or war their human rights are violated constantly and consistently, while living in poverty guarantees basic human rights not being met.

Concepts like human security and developmental justice thus should be seen as instruments to promote human rights, security and development cohesively and holistically. They also force the human rights movement to assess and attempt to address the root-causes of human rights violations, and assure that this is done through a long-term and sustainable approach.

The recently adopted Sustainable Development Goals (SDGs) have recognised this reality as well. Asia Pacific has been modestly successful at fulfilling the predecessors of the SDGs, the Millennium Development Goals (MDGs). The MDGs, which were adopted in September 2000, focused primarily on making an end to poverty, hunger and disease. In Asia Pacific, it is estimated that 13 of the 21 MDG targets were realised. Mostly these were in the areas of: decline in poverty; access to

water; and decline of both maternal and under-five mortality rates.

Other targets proved to be unattainable, while the sheer number of people in the region has assured that much remains to be done. Many still live in disastrous circumstances without having their basic human needs and rights met.

The SDGs, which have been set for the coming 15 years with the hopes of being realised in 2030, differ quite significantly from the MDGs. Where the MDGs consisted of eight goals worked out through 21 targets, the SDGs cover 17 goals and are ambitiously setting out to realise 169 targets.

More significantly, in assessing the MDGs it became clear that a major obstacle had been the failure to address the root-causes of poverty and inequality. Conflict-affected countries, for example, were among the least successful in realising the MDGs. This is why from the very initial drafting process the SDGs attempted to address such root-causes. Among others, this has led to the inclusion of peace and justice in the SDGs. Looking at the SDGs, goal 10 – reduce inequality within and among countries – and goal 16 – promote justice, peaceful and inclusive societies – will be particularly relevant for Asia Pacific.

Given that the SDGs were adopted by all 193 UN Member States, they too present an opportunity to promote human rights in correlation with peace and development.

- *A new, young human rights movement*

Finally, all people, who participated in some way or another in the collection of inputs for this publication, agreed to the need to grow and strengthen the human rights movement in Asia. A new and young generation of HRDs needs to be capacitated and supported to lead the movement. With them new energy and ideas will come, which is crucial to be able to counter constantly changing strategies of those who are violating human rights.

However, this growing of the movement does not end with youth. It is also needed to engage and collaborate with many stakeholders that have not always been natural allies. These include: media and reporters; international institutions that are not specifically focused on human rights, like the UN's Children's Fund (UNICEF), UN Women, the UN Development Programme (UNDP) or the UN Human Security Unit; and businesses and corporations.

3. Conclusion

Clearly the array of issues and challenges that have been prioritised for the future of human rights in Asia are many. This list is not exhaustive. Many more issues could and should be added. According to the many people we talked to, Asian human rights is at a low point at the moment. However, there are also many opportunities and possibilities to make a difference to improve the lives of people across the region.

What is important is that all the people that contributed to the above overview, were willing to do so, and believed in the exercise. Even though they identified many challenges, they have not given up entirely. They still believe there is a future for human rights in Asia.

‘(..) You don’t teach the community, you learn from the community (..) when you engage with the community, when you progress (..) their issues, then you understand how hard it is and your perspective changes.’

Sevan Doraisamy
Executive Director, Suara Rakyat Malaysia (SUARAM), Malaysia



Short Message Service (SMS) Blast: An Innovative Movement for Greater Human Rights Challenges A story from the Commission for the Disappeared and Victims of Violence (KontraS)

**By Rei Firda Amalia, International
Desk, KontraS, Indonesia**

'In more theoretical terms, social movements require ongoing collective power that is, the ability to mobilize collective action – to effectively confront power elites,' (Claus & Wiesenthal, 1980).

In today's world positive changes for democracy and human rights cannot be achieved by any single actor, not by any single activity, nor by any single organisation. Change will come when all in society that want it stand together hand in hand, willing to collaborate together in order to achieve the desired situation. Democracy and human rights cannot be exclusively for only some people, some organisation, or some part of the country. They need to be enjoyed by all, fought for by the entire society in a collective effort. In Indonesia, this situation is both a challenge and an opportunity for civil society organisations (CSOs) who work for human rights, such as the Commission for the Disappeared and Victims of Violence (KontraS).

Participation in human rights advocacy and campaigns

For us, challenges come in many forms. One of them is the lack of wider participation for human rights advocacy and campaigns. The people who participate in our campaigns and advocacy are mostly the same people who already participated in our previous activities. There are two reasons behind this problem: first, the lack of understanding of or even willingness to learn about human rights among the general public; and second, those people who are willing to participate do not know how to contribute to human rights advocacy or campaigns.

KontraS – a leading human rights organisation in Indonesia – has been trying to address that particular challenge by using various different tools, including Twitter, Facebook, YouTube, SoundCloud, websites, and now Short Message Service (SMS) blasts. The question is, why are such tools, like SMS blasts, significant for strengthening the human rights movement?

SMS blasts

This article will specifically explain one of the newest strategies used by KontraS; the SMS blast as a new campaign tool for human rights. Obviously, to some SMS blasts may sound out of date compared to other communications tools, such as WhatsApp, LINE, Google Talk (GTalk) and more. However, SMS texts are still widely used in many remote areas of Indonesia away from Java, which do not have strong mobile phone coverage. Thus, as a communication tool SMS messages are still important in order to reach a wider audience and to spread news.

In some situations, SMS blasts can be used as an easy way to campaign. The advantage is that the target audience, the SMS receivers will instantly receive the message directly to her/his phone. KontraS used this SMS blasts campaign tool for the first time in mid of 2013.

Bill on Mass Organisation

At that time, Parliament was trying to rush the Bill on Mass Organisation to be passed, which would limit CSOs through several key restrictions, such as: the prohibition to develop and disseminate theories or ideologies that are contrary to Pancasila;¹¹⁷ banning engagement in activities that endanger the integrity of the country; and forbidding activities contrary to the Constitution (Article 50, paragraph 2 of Mass Organisation Law).

Rejection of the Bill was coming from various parties, both from religious groups such as Muhammadiyah – the

second largest Islamic organisation in Indonesia – from researchers from various organisation, including the Indonesian Institute of Science (LIPI), from CSOs working on different issues, and the wider public. The Mass Organisation Bill equated a diverse group of CSOs under the same strict regulations. From radical groups that use violence and intimidation as their tools to achieve their interests, to organisations that have non-violence as their core principles and values, under the Bill they were all considered to be the same.

Direct message to Marzuki

The Coalition for Freedom of Assembly – which KontraS was also part of – was established shortly after the Government formed a Task Force on Mass Organisation in October 2011. From the very beginning the main aim of the Coalition was to reject the Bill on Mass Organisation.

The day before the Plenary Session would be held in the House of Representatives, KontraS, together with the Coalition for Freedom of Assembly, set out a last ditch campaign. At that time, KontraS asked the all citizens to send a short message directly to Marzuki Ali – who served as Speaker of the House of Representative from 2009 to 2014. The message was concise

¹¹⁷ Literally 'Five Principles', it comprises five principles held to be inseparable and interrelated: 1) Belief in the one and only God, 2) Just and civilised humanity, 3) The unity of Indonesia, 4) Democracy guided by the inner wisdom in the unanimity arising out of deliberations amongst representatives, and 5) Social justice for all of the people of Indonesia.

and clear, demanding the House not to authorise the Bill.

The first kick off message came from the Coordinator of KontraS:

'I am Haris Azhar, from KontraS. With his message I would like to ask you, Marzuki Ali, and the House of Representatives that you lead, not to pass the Mass Organisation Bill tomorrow.'

This short message was sent a day before the Plenary Session. It was followed by many, many more, all carrying the same message, showcasing the public support for the campaign. Interestingly, the short messages did not only come from Indonesian citizens, but also from people from across Asia. To some journalists, Marzuki Ali confessed that he received short messages regarding the Mass Organisation Bill from India, Malaysia and many other countries. All the messages he received were demanding the Parliament not to pass the bill.

Freedom of Assembly and Association

To gain more participation regionally, KontraS invited the members of FORUM-ASIA to participate in the campaign. This initiative came after we considered that, according to a Freedom House report, the Freedom of Assembly and Association (FoAA) had not been fully realised throughout Southeast Asia.¹¹⁸ It seemed that FoAA, while one of the fundamental freedoms, was not a priority for some of the Southeast Asian countries. The report, for example,

categorised Burma still as not free, while it made quite significant progress. Other Southeast Asian countries, such as Indonesia before the Mass Organisation Bill was enacted, were still categorised as free. Most Southeast Asian countries were categorised as partly free.

Recognising that restrictions on FoAA were a common problem in Southeast Asia, KontraS raised the problem faced by Indonesian CSOs as a regional problem and invited all the members of FORUM-ASIA to get involved in the campaign as a form of international solidarity.

Voices from outside of Indonesia

The enthusiasm from many segments of society showed that the public rejection of the law was strong. People from outside Indonesia also became involved. For example, Nalini Elumalai, a prominent human rights defender from Malaysia, whose organisation is also a member of FORUM-ASIA, sent the following SMS to the Speaker of House:

'Att. Mr. Marzuki Ali, we send you this note to voice our opposition towards the Ormas Bill, as it will unduly constrict the space that civil society organisations can operate in and seriously erode the hard-won democratic space that exists in Indonesia today. We therefore urge you to postpone the passage of the Ormas Bill. Thank you for your attention.'
Nalini Elumalai, Suara Rakyat Malaysia (SUARAM), MALAYSIA¹¹⁹

However, Marzuki Ali was not open to the participation from the rest of the region. With a narrow definition of sovereignty, Marzuki Ali interpreted the messages from other Asian countries as forms of foreign interference in domestic business. His reply therefore said:

'This is my country, no one can intervene.'

SMS reply from Marzuki Ali to Nalini.

The involvement from across the region was highlighted by several prominent media. In an interview with Liputan 6, Marzuki said that all the messages that had come from the rest of the region were forms of foreign intervention in Government affairs. He also stated that many non-governmental organisations (NGOs) in Indonesia affiliated themselves with foreign agents, as evidenced by this action.

Challenges and opportunities

Marzuki Ali's statement about the SMS messages, including those sent by foreign citizens, reflected the Government's perspective that mass organisations, politically active citizens, and critical public opinion are threats. The Government has not been able to see the positive side of the SMS blasts. It has not been able to consider an increase of public participation when it comes to issues of public policy – particularly policies, laws and regulations related to fundamental rights, such as FoAA – as a good thing.

Aside from that, SMS blasts have their own challenges. Some of the lessons we

learnt are as follows. Firstly, the words used must be clear and concise, in accordance with the space provided by a text message. The clarity of the message delivered is determined by the choice of words used. Secondly, when an SMS is intended to raise public participation, they need to be followed up by a phone call to make sure the explanation is clear. In the case of a lawsuit on the Election Law, for example, most of the data was identified as incomplete, so to confirm the data was clear it was repeated to the public concerned by phone. Last but not least, SMS blasts are quite expensive. In our case, for example, every message targeted around 9,000 people.

Meanwhile, on the positive side, a few opportunities also need to be highlighted. First, SMS blasts can reach many people who would like to get involved with and participate in an attempt to progress human rights, including those who are and those who are not familiar with social media and the Internet. Second, when it comes to the geographical scope and reach of SMS blasts, including remote areas, other communication methods are less effective. Third, with one message a massive audience can be reached by using a SMS blast.

It is crucial to evaluate tools, such a SMS blast, to determine their role in helping to mainstream human rights in relation to specific public policies or decisions made by policy makers.

¹¹⁸ <https://freedomhouse.org/report/freedom-world/freedom-world-2013> Accessed on 7 October 2015.

¹¹⁹ Liputan6, 'Marzuki Alie Dapat SMS dari Malaysia, Diduga Intervensi RUU Ormas', 24 June 2013.

The future of SMS blasts

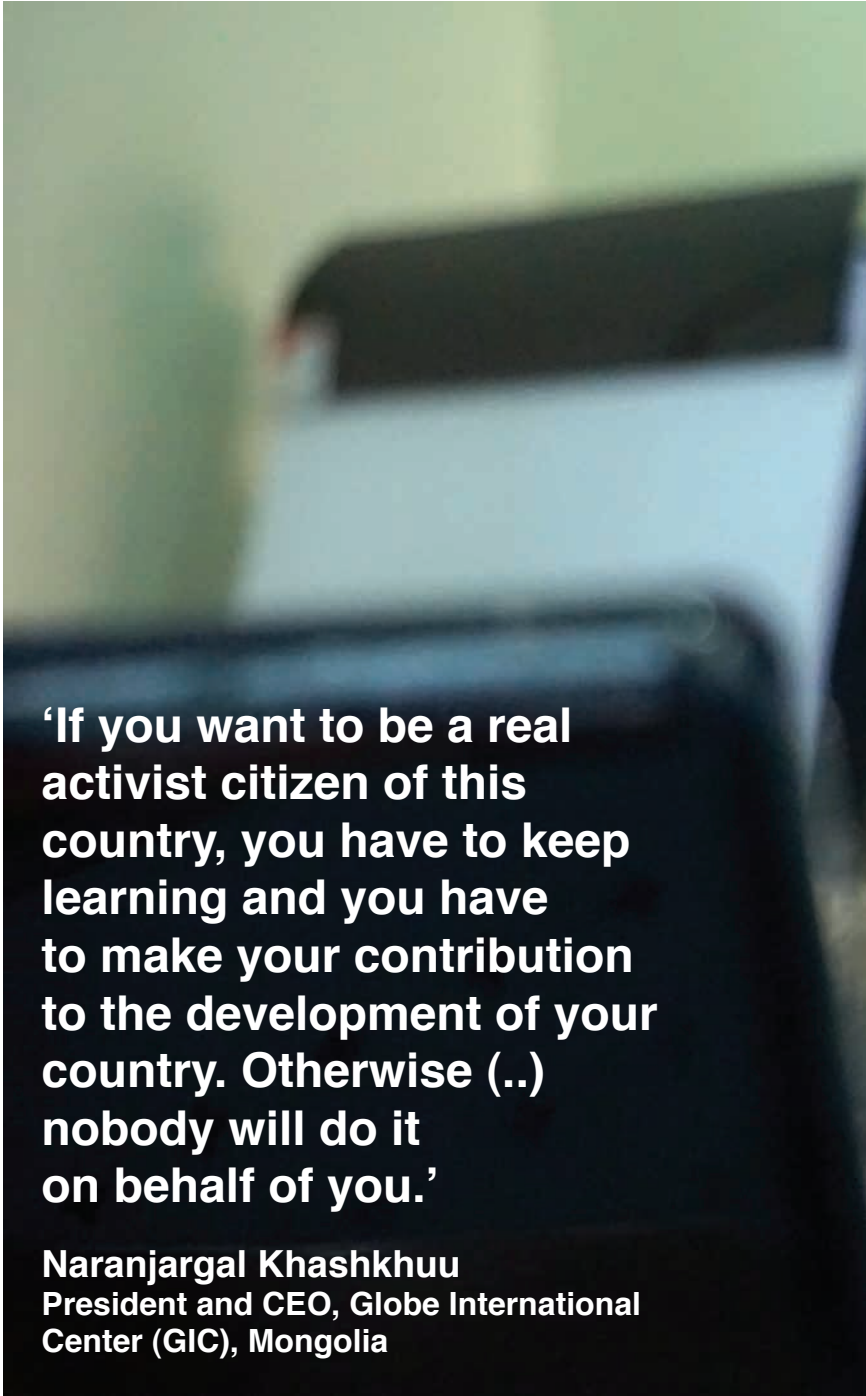
Considering that many CSOs are based in the big cities, SMS blasts can be considered a good alternative to gain wider support from both the people from the periphery areas, as well as from across the border. They present an ability to connect directly with the targeted people. It is an easy way to communicate with people from many different levels in society.

SMS blasts are one of the different communication methods that allow for a massive group of people to be reached all over a country. Something that is very convenient, particularly in such a large country as Indonesia. However, since the development of new technologies is moving faster and faster, in the near future inevitably new technology will replace the conventional SMS blast.

In the end the increase in public participation, as happened in this campaign to reject the Mass Organisation Bill, is what matters. People from the grass-roots, periphery areas, and from across the borders, could all easily participate in this campaign. By using a simple tool, like an SMS message, a local organisation, like KontraS, and a regional network, like FORUM-ASIA, were able to collaborate to promote and protect human rights.

Rei Firda Amalia, International Desk, KontraS, Indonesia

Rei Firdha Amalia works for the International Desk of the Commission for the Disappeared and Victims of Violence (KontraS), since March 2013. She studied International Relations and Affairs at Padjadjaran University (Unpad) in Indonesia. Before joining KontraS she worked as Project Officer with KOMDIS Mengajar, Jatinangor.

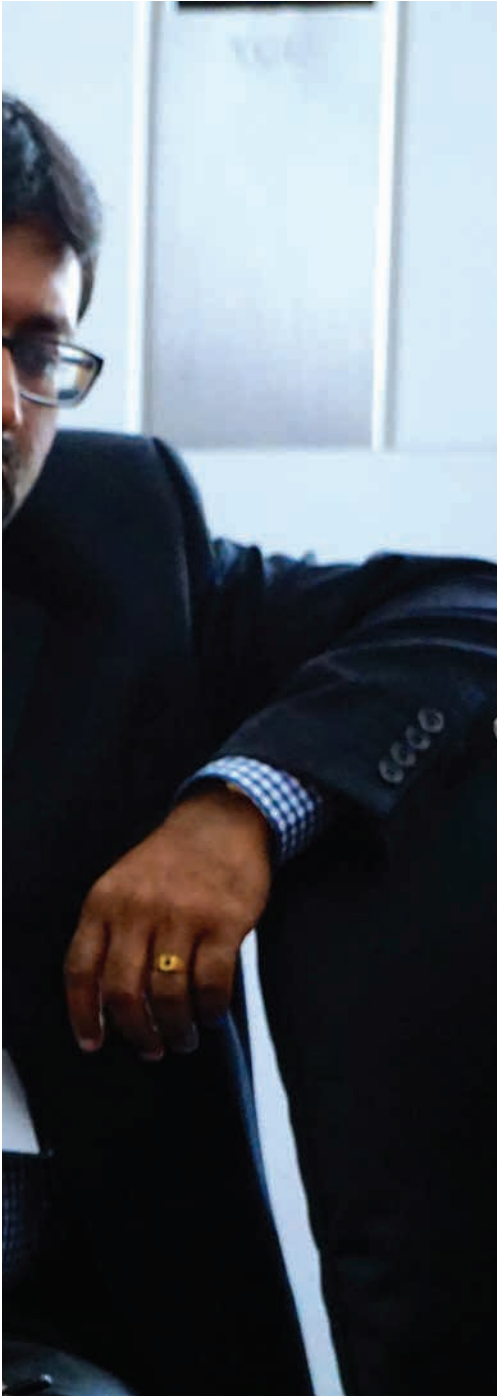


**‘If you want to be a real
activist citizen of this
country, you have to keep
learning and you have
to make your contribution
to the development of your
country. Otherwise (..)
nobody will do it
on behalf of you.’**

**Naranjargal Khashkhuu
President and CEO, Globe International
Center (GIC), Mongolia**







‘The work for democracy and human rights is not a sprint or a dash, it’s a marathon. And (..) it’s important that we prepare ourselves for the long haul.’

Jose Luis Martin (Chito) Gascon
Chair, Human Rights Commission of the Philippines

A Terrorist or a Victim? The story of two Muslim Ustas from Yala

By Chalida Tajaroensuk, Executive Director, People's Empowerment Foundation (PEF), Thailand

On 25 May 2003, the Thai Embassy in Phnom Penh reported that the Cambodian Government had arrested two Muslim Ustas from Yala Province, Thailand. Ustas Abdul Azi Haji Chiming and Ustas Mohammed Yalaludin Mading were suspected of having been involved in acts of terrorism, specifically suspected of plotting the bombing of the Embassies of the United Kingdom (UK) and the United States of America (USA). The two Ustas were brought before a Cambodian Court on 28 May 2003.

Abdul Azi Haji Chiming and Mohammed Yalaludin Mading

The two Ustas worked at the UM-Al-Qura Institute, a Muslim religion school, in Kangsadan Province, Cambodia. The initial two years they only worked as teachers, but after two years Abdul Azi was promoted to be the school treasurer.

Suspected of plotting a terrorist attack

Hambali, who was regarded a key member of Jemaah Islamiah, an Asian militant group suspected of having ties with Al-Qaeda, was arrested in Thailand in 2003. He was suspected of being

involved with the 2002 Bali bombings. He was also suspected of plotting the earlier mentioned terrorist attack on the UK and US Embassies in Phnom Penh, and convicted in absentia.

Abdul Azi was arrested on charges of transferring money to Hambali, while Mohammed Yalaludin was arrested on charges of communicating, by mobile phone, with Hambali. Both were given life sentences under Article 3 of the Law on Punishment of the Acts of Terrorism.

Terrorists or victims?

The National Human Rights Commission (NHRC) of Thailand went to observe the trial at the Criminal Court. They attempted to assist the two Ustas, but failed to do so.

The wives of the two Ustas came to FORUM-ASIA to ask for help. It caused a lot of discussion, and was a difficult decision for the organisation. At the time, there was an ASEAN Ministers Meeting (AMM) being held in Singapore, and rumours soon circulated that FORUM-ASIA was going to support convicted terrorists.

Obviously this would greatly affect FORUM-ASIA, its work, but also its donors. Eventually, the organisation, under the leadership of the then Executive Director, Anselmo Lee, decided that I would conduct a fact-finding mission on the condition that the trip would be supported by a diplomat.

I succeeded to convince Ambassador Surapong Jayanama, from Thailand,

to lead the trip. The renowned Thai Buddhist Nun, Khun Mae Chee Sansanee, one Muslim lawyer and two family members of the Ustas also joined.

The fact-finding mission

The fact-finding team met with many different stakeholders in Cambodia, including organisations, lawyers, international and local non-governmental organisations (NGOs), the Thai Embassy, and Muslim groups. And also visited the two Ustas in jail.

From our fact-finding, we found that the two Ustas had indeed been involved, but had not had the intentions they were suspected of. Abdul Azi had indeed transferred money to Hambali, but only because Hambali had left 3,000 US Dollars with him before going on a trip to the provinces. He had asked for the transfer several times, since he needed the money while on his trip. Mohammed Mayaludin had indeed bought the mobile from Hambali, for a very cheap price. Both denied knowing that the person who came to stay with them at the UM-Al-Qura Institute was in fact Hambali. Hambali called to and from the institute many times using an old number, which had once belonged to Mohammed Mayaludin.

Getting involved

FORUM-ASIA decided to take on the case. It wrote a report on what had happened, and submitted it to various Government Departments. For several years, I would visit the wives of Abdul Azi and Mohammed Mayaludin, and

would meet with the Thai Embassy in Cambodia. Upon return from my trips, I would visit the Ministry of Foreign Affairs in Bangkok and update them on my findings.

We brought a Cambodian lawyer to Yala to update the Muslim community about the case, and also brought him to meet with Cambodian prisoners in Thailand, as well as with the Ministry of Foreign Affairs of Thailand.

After six years the Thai Government succeeded in realising an exchange, where the two Ustas were traded for two Cambodians who had been sentenced to death in Thailand. Abdul Azi and Mohammed Mayaludin were sent back to Thailand on 7 July 2009.

Now, years later, Abdul Azi works in Trangkanu, Malaysia, while Mohammed Mayaludin teaches Islamic studies at a Muslim school in Yala.

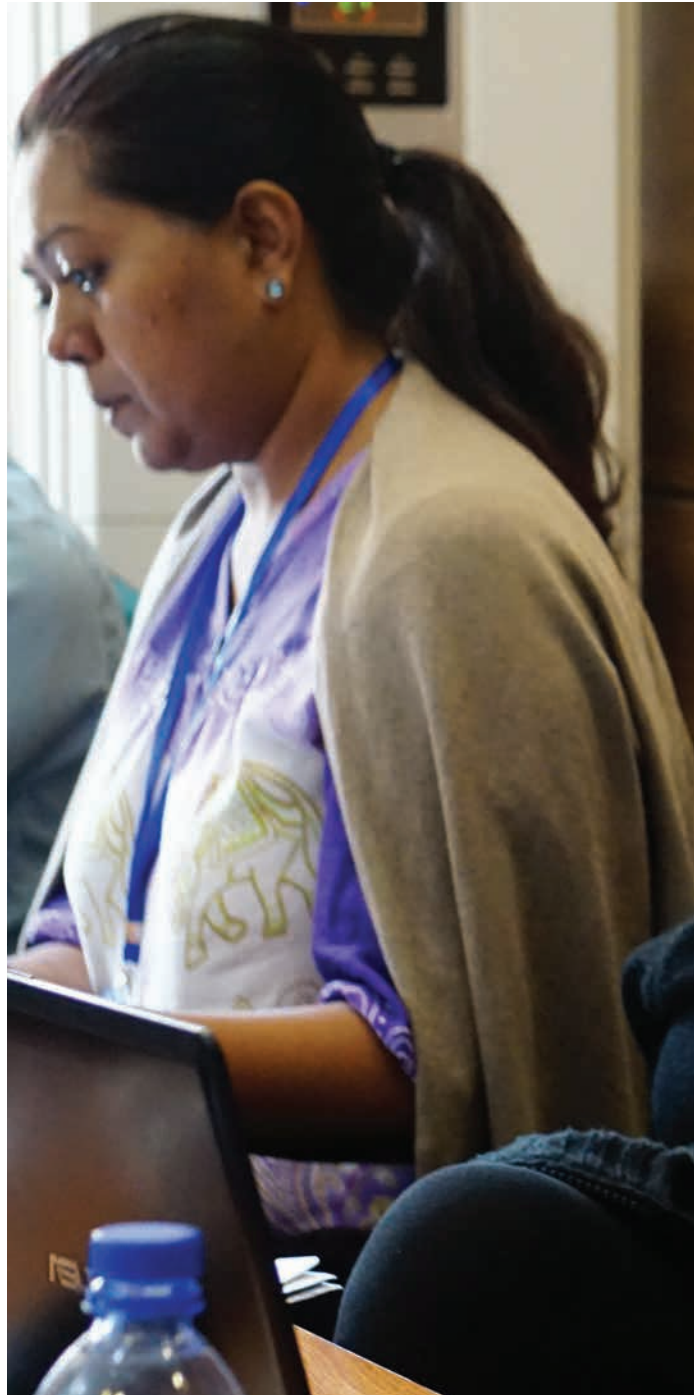
FORUM-ASIA received a thank you letter from the Thai Ministry of Foreign Affairs in June 2009.

Chalida Tajaroensuk, Executive Director, People's Empowerment Foundation (PEF), Thailand


Chalida Tajaroensuk is the Founder and Executive Director of the People's Empowerment Foundation (PEF), based in Thailand. She started her human rights activism when she was a student. She has worked for many years for various human rights organisations, among them FORUM-ASIA.

‘We need more solidarity and more energy (..) we have to encourage young generations to join our boat.’

Poengky Indarti
Executive Director, the
Indonesian Human Rights
Monitor (Imparsial), Indonesia





A photograph of a conference room. The background is a dark wood-paneled wall. In the foreground, a green chair is visible, and on a table in front of it, there is a clear glass and a blue plastic water bottle. The text is overlaid on the wood paneling.

‘Human rights is a global perspective and global value, and therefore it should not be influenced by the geo-political.’

Makoto Teranaka
Secretary General, Joint Movement for
National Human Rights Institution and
Optional Protocols (JMNOP), Japan



Rights' Victory over Surveillance

The story of the victory over the Government Communications Headquarters (GCHQ) of the United Kingdom (UK)

**By Muhammad Arsalan Ashraf,
Research Associate, Bytes for All,
Pakistan**

The right to privacy is a fundamental human right, and is central to the maintenance of democratic societies. Significant to human dignity, the right to privacy reinforces Freedom of Expression (FoE), right to information, and Freedom of Assembly and Association (FoAA). This right is explicitly recognised under the international human rights regime; for example Article 12 of the Universal Declaration of Human Rights and Article 17 of the International Covenant on Civil and Political Rights.

From the perspective of human rights and justice, these thoughts serve as the absolute foundation of privacy practice and policy. In reality, this is not the case. Powerful Governments that project their countries as global benchmarks of human rights, justice and equality are often found in gross violation of their own principles and ideals, let alone international standards.

Digital surveillance enables state and non-state actors to infringe on the privacy of individuals, organisations and Governments, which affects other fundamental rights; such as when the surveillance of human rights defenders (HRDs) or journalists leads to self-censorship, which is the worst form of

censorship. Surveillance may only be justified when it is prescribed by law, necessary to achieve a legitimate aim, and proportionate to the aim pursued.¹²⁰

Background

The Government Communications Headquarters (GCHQ) is a British intelligence and security organisation responsible for providing signals intelligence (SIGINT) and information assurance to the British Government and armed forces. Based in 'The Doughnut', in the suburbs of Cheltenham, it operates under the formal direction of the Joint Intelligence Committee (JIC) alongside the Security Service (MI5), the Secret Intelligence Service (MI6) and Defence Intelligence (DI).

After the National Security Agency (NSA) – of the USA – scandal broke in early June 2013 and the Guardian newspaper reported that the NSA was collecting the telephone records of tens of millions of Americans, the UK-based charity Privacy International (PI) studied the operations of GCHQ closely and found that the UK intelligence service had infected millions of devices to spy on citizens and gather personal data.

To be able to address these violations and demand an explanation from the Government, it is not possible to just file a complaint, like with a regular court. It is

necessary to apply to a secretive judicial body called the Investigatory Powers Tribunal (IPT). The IPT has exclusive jurisdiction over the mass surveillance programmes of the Government and other public bodies, making it the only judicial body with the power to investigate the conduct of MI5, MI6 and the GCHQ. The IPT will only rule whether a surveillance is lawful. There is no avenue to appeal, other than to take a case to the European Court of Human Rights.

Actions

A 30-page legal complaint¹²¹ was filed with the IPT by PI along with other groups including Bytes for All (B4A), Pakistan, American Civil Liberties Union, the Canadian Civil Liberties Association, the Egyptian Initiative for Personal Rights (EIPR), the Hungarian Civil Liberties Union, the Irish Council for Civil Liberties, and the Legal Resources Centre in South Africa.

The PI-led alliance took the stance that the Snowden¹²² leaks contained ample evidence about GCHQ spying on people in clear violation of the European Convention on Human Rights.¹²³ The convention's Article 8 guarantees the right to privacy and Article 10 the right to FoE, freedom to hold opinion and to receive and impart information and ideas without interference by public authorities, and regardless of frontiers.

Bytes for All Role

B4A is a human rights organisation and a research think tank with a focus

on Information and Communication Technologies (ICTs). B4A played an active role in facilitating PI in this case and joined the global advocacy campaign for the safeguard of rights. The objective was to hold the United Kingdom (UK) Government accountable for spying on Pakistani data generated by the Government of Pakistan, companies and individuals. The momentum gained through the joint initiatives of PI and B4A was further intensified by Amnesty International and the National Council of Civil Liberties (Liberty)¹²⁴ when they agreed to become complainants in this case.

Ruling paves the way to the European Court of Human Rights

In February 2015¹²⁵, the IPT ruled that GCHQ acted unlawfully in accessing millions of private communications collected by the NSA up until December 2014. It marked the first time that

¹²⁰ <https://en.necessaryandproportionate.org>.

¹²¹ <https://www.privacyinternational.org/sites/default/files/PI%20Hacking%20Case%20Grounds.pdf>.

¹²² Edward Joseph Snowden is an American privacy activist, computer professional, former CIA employee, and former government contractor who leaked classified information from the US National Security Agency in 2013.

¹²³ http://www.echr.coe.int/Documents/Convention_ENG.pdf.

¹²⁴ <https://www.liberty-human-rights.org.uk/tags/national-council-civil-liberties>.

¹²⁵ http://www.ipt-uk.com/docs/Liberty_Ors_Judgment_6Feb15.pdf.

the Tribunal ever ruled against the intelligence and security services in its 15 year history.

GCHQ's mass surveillance systems violated the fundamental rights of non-governmental organisations (NGOs) in two separate ways, according to the IPT. In the first instance, EIPR's communications were intercepted, accessed and then unlawfully retained for materially longer than permitted. In the second, LRC's communications were intercepted, and then unlawfully selected for examination in contravention of GCHQ's secret procedures that were not followed in this case. Over the past decade, GCHQ and the NSA have been engaged in an illegal mass surveillance sharing programme that has affected millions of people around the world.

In April 2015, PI and several other human rights organisations sued the UK Government in the European Court of Human Rights for employing mass surveillance methods for illegal spying on individuals within its borders and around the world. This petition filed by PI, B4A, Amnesty International, Liberty, and other partners was in response to the ruling by the IPT.

The case has already been appealed in the European Court of Human Rights on the points of law that we felt were unjust. Courts can take a while, so it is likely that no hearing and final judgment will be made until 2016.

Many aspects of the decision of the IPT remain unclear. Due to concerns about national security, more details about why it was deemed necessary and proportionate to spy on the civil liberties organisations were not made public. Likewise, further details surrounding the errors made by GCHQ, including what caused them or whether they have been fixed, remain a secret.

Muhammad Arsalan Ashraf is working as Research Associate in Bytes for All, Pakistan. He works on various projects including digital safety and security. His twitter is @arsalanashraff.

Additional sources

BBC.com: Legal complaint filed against GCHQ 'hacking' (<http://www.bbc.com/news/technology-27394658>)

Dawn.com: Tribunal hears challenge to UK surveillance (<http://www.dawn.com/news/1119182/tribunal-hears-challenge-to-uk-surveillance>)

Privacy International: What to Know: GCHQ On Trial (<https://www.privacyinternational.org/node/239>)

Privacy International: Victory! UK surveillance tribunal finds GCHQ-NSA intelligence sharing unlawful (<https://www.privacyinternational.org/node/485>)

Privacy International: Privacy International calls on Europe's top human rights court to rule on British mass surveillance (<https://www.privacyinternational.org/node/555>)



A photograph of a person sitting at a wooden desk in a meeting or conference room. The person is wearing a light-colored, vertically striped button-down shirt and is holding a pen, writing in a notebook. On the desk in front of them is a clear plastic water bottle with a blue cap and label. There are several sheets of paper and a blue folder or notebook on the desk. The background is a wood-paneled wall. Overlaid on the left side of the image is a quote in white text.

**‘Without active
civil society
organisations you
don’t get lasting and
sustainable human
rights changes.’**

**Rosslyn Noonan
Former Chief Commissioner,
New Zealand Human Rights
Commission, and Former Chair,
International Coordinating
Committee of National
Institutions for the
Promotion and
Protection of
Human Rights
(ICC)**

The Dilemmas of a Social Movement

The story of the Sunflower Movement

By E-Ling Chiu, Secretary General, Taiwan Association for Human Rights (TAHR)

The Sunflower Movement in Taiwan in 2014 was a protest driven by a coalition of students, academics and civic groups against the Government. It led to an increase in political awareness and political participation, mainly of a new, young generation of Taiwanese. More so, it resulted in the formation of more movements, political parties and stronger engagement with existing civil society.

Background

The Sunflower Movement was, contrary to what some might believe, not only about China. It was the result of an accumulation of grievances of the people with the national Government. Before March 2014, many human rights violations in Taiwan were not recognised or addressed by the Government.

a) The Factory Workers

The case of the factory workers in 1996, for example. They did not receive their salaries for months nor their severance pay, because their boss closed the factory without informing them, after which he escaped to another country. After a long time of protesting, the Government had to pay the salaries to

the workers on behalf of the boss.

In 2012, the Ministry of Labour sued the factory workers and asked them to return the payment the Government had provided in 1996 with interest. The Government argued that the payment had been a loan. Affected elder workers staged a hunger strike in front of the Ministry of Labour, but received no response. Then they started to protest in every place where President Ma showed up, but the Government still did not stop the lawsuit and refused to respond the appeal of the workers.

b) The Media

Another example happened in 2012. A pro-China media company, which was one of the biggest newspaper companies in Taiwan, wanted to merge with a big cable broadband company. Many non-governmental organisations (NGOs), journalists, scholars and students groups condemned the proposal, fearing it would give them a monopoly over the media, and would affect the freedom of the press and the freedom of speech of reporters. It encouraged many young people to organise in students groups in many different universities, which resulted in many protests.

c) Evictions

Meanwhile, more and more forced evictions happened in Taiwan. One of the most famous cases was that of the Wang family in Taipei city. The Government demolished the family's legal and cosy house for the building of a company. Many students and young people, who

wanted to protect the Wang family's home, gathered in front of the house. They were all arrested by the police.

Another famous case is that of Dapu in Miaoli County. The police destroyed the rice-field, which were just ready for harvest. Because of the image of destroyed rice-fields, many people gathered in front of the building of the Office of the President to protest against the many forced evictions and land-grabbing in Taiwan. An elderly grandmother even committed suicide because of the land-grabbing.

After a meeting with the Ministry of Interior, the Vice-President promised that four families could remain in the Urban Project area. However, one of the four families, the Chang family, saw their drugstore demolished by the local Government in July 2013. After that, the father of the Chang family committed suicide. In August 2013, students and young people occupied the Ministry of Interior, pasted stickers with protest slogans on it, made graffiti and stayed until the second day.

All these cases show the anger of the Taiwanese people and how it continued to increase, till it got to a boiling point.

Breaking point

The increase in trade between Taiwan and China, led to the Taiwanese Government signing more and more free trade agreements with the Chinese Government. However, human rights perspectives were totally neglected in the drafting of these agreements.

For example, the potential raise in unemployment after opening the labour market was not considered at all, nor was it discussed whether there might be an effect on the Taiwanese people's freedom of speech and privacy rights if the telecommunication industry would exchange information with their counterpart in China. Also the personal liberty, freedom of movement and the right to a fair trial of Taiwanese people in China were not protected.

After the Taiwanese Government signed the Cross-Straits Economic Cooperation Framework Agreement (ECFA)¹²⁶, NGOs organised an alliance to monitor the process. In the past, NGOs in Taiwan did not pay too much attention to economic and trade agreements. So in the beginning, it was very difficult for NGOs to analyse the agreements, and it was also difficult to explain the issues to the public.

Later Taiwan and China started to negotiate another free trade agreement related to the service industry. More and more people started to get involved in the civil society organisation (CSO) alliance, and it resulted in a new alliance called the Anti-Black Box Movement.¹²⁷

¹²⁶ The Economic Cooperation Framework Agreement (ECFA) was a preferential trade agreement between the Governments of China and Taiwan which was signed on 29 June 2010. The main purpose of the agreement was to diminish tariffs and commercial barriers.

¹²⁷ The Anti-Black Box Movement was driven by a coalition of students and led to the storming of the Ministry of Education in July 2015. The protestors opposed intended curriculum textbook revisions and criticised the new history curriculum guidelines for being 'de-Taiwanised' and modified to be more China-centric.

Scholars and volunteers provided a lot of assistance in the form of analysis and info-graphics to help the NGOs to spread awareness about the issue to people. Also, because of the lack of transparency during the drafting process of the agreements, NGOs urged Parliament to review the texts of these free trade agreements carefully and hold public hearings.

However, since the majority of the Parliament was held by the ruling party, the Kuomintang of China (KMT), the KMT Members of Parliament (MPs) always supported the ruling party's policy. On 17 March 2014 one of the KMT MP, Mr. Chang Ching-Chung, who was the Chairman of the Review Meeting on that day, after intermission, passed the controversial agreement within 30 seconds and then closed the meeting. After that, NGOs started to sit in front of the Parliament to protest the undemocratic process, and held an assembly that same night.

The Sunflower Movement

Around 9 o'clock on the same day, 17 March 2014, during the night event, some students and activists crossed the handrail of the Parliament, and opened the doors. Then many people, who participated in the night event, started to go into the Parliament building and sat in front of the main meeting room where the agreement had been passed.

Then someone broke the window of the meeting room. Everyone went in and occupied the room. Journalists also came immediately to report the news.

In the beginning, the police still tried to open the door. Since there were too many people, including journalists and some Democratic Progressive Party (DPP) MPs, it was difficult to disperse all.

After the first night passed safely, more and more people gathered outside the Parliament building, including university students from the Central and Southern parts of Taiwan. Many people showed their support by providing things. Farmers sent rice, food, fruits, noodles, vegetables, and sunflowers. Lawyers organised and provided legal aid for the protesters. University Professors came, changed their class rooms for the Parliament and asked students to discuss what was going on.

Challenges and solutions

More and more people arrived, but the meeting room was not big enough to contain all the people. NGOs started to organise speeches and discussion groups outside the Parliament. Since the Parliament building crossed two streets, the protest separated over three locations. One was on Ji-Nan Road, the other was on Ching-Dao Road, and the third one was in the main meeting room of the Parliament.

Because of the space separation, the connection and communication between the three parts was difficult. Some volunteers, who were specialists in computer engineering, came to help, and a broadband internet company came to provide assistance. They set up webcasts for the three different places. Additionally, that way, the people who

could not attend the protests every day, could be updated on the situation through the Internet.

There were many people who had never participated in any social movement before. The Sunflower Movement was their first experience. Many of them had a lot of questions, emotions and thoughts they wanted to share with others. So we started to reduce the one-direction speeches, and encouraged people to register for speaking or even singing on the stage. People also organised to discuss other, related issues, such as trade agreements with China, what democracy was, what kind of parliament we wanted, what kind of economic development we wanted, what kind of future we wanted, and much more. NGOs also provided 'non-violent protest training' to the public.

Movie directors, documentary makers, film companies, alternative singers and music bands contacted us to provide related films or documentaries to screen to the public at night. Many people voluntarily organised to maintain the social order at night. Chefs organised to cook for the people who stayed up all night. Doctors and nurses scheduled voluntary shifts to prevent people from getting sick during the protest. During these days, the protest functioned as a small country.

Escalation

NGOs and student groups organised a daily meeting called 'core decision making meeting' which was composed of ten NGOs and ten student

representatives. The meeting decided the protesters had four demands: 1) withdraw the passed trade agreement; 2) the Parliament should pass a 'monitoring regulation for all the agreements between China and Taiwan' and make sure that all these agreements will be reviewed by Parliament; 3) President Ma and the head of Executive Yuan should apologise to the public; and 4) the Constitution should add more human rights articles that respond to and in line with the situation in Taiwan.

Again there was no response from the Government. More and more people wanted to escalate the conflict. On the evening of 24 March, some people organised an action. They placed quilts over the barricades of the Executive Yuan, and crossed the gate. People started to sit in the square of the Executive Yuan. Some even broke the window of the building and sat inside. Many people, who sat around the Parliament, started to move to the Executive Yuan. More and more people gathered in the Executive Yuan and asked the Government to respond. At midnight, more and more police came. The police started to disperse the journalists and people. Some police started to use batons to beat people, since the order from the top level was to clear out the masses before dawn. Many people got severely injured, including doctors who were providing medical services inside.

After 24 March, people felt more angry and disappointed in the Government. Some people even said they wanted to occupy the Office of the President. At the

same time, people started to feel tired and were in shock after the events of 24 March.

The NGOs had another meeting. They tried to organise another event on 30 March to show the will of the people to the Government. On 30 March, more than 500,000 people gathered around the President Office's building peacefully to show the Government they were angry.

On 6 April, the head of Parliament released a statement that promised Parliament would not process any more agreements between China and Taiwan until the 'monitoring regulation' would be passed.

On 7 April, the core-decision-making meeting decided to stop the occupation. However, many people could not accept this, since not all the requests had been achieved. On 8 April, NGOs suggested to hold a public dialogue forum on Ji-Nan Road to discuss the future and further possible actions. On 9 April, students started to clean the meeting room of the Parliament and the streets around it. Finally, on 10 April, NGOs and students held a closing event on Ji-Nan Road in evening and all people left before midnight.

Result

In the past, because of the effect of the White Terror period,¹²⁸ people were afraid to talk about politics or public issues. People who protested on the street were seen as mobs that were disturbing the social order. The exception were student

movements who were seen as pure and virtuous and got lots of support from society. In the past, there were not so many people who cared about social policy or public issues. Most people thought they could not do anything to change the existing policy or the inequality anyway.

However, after the Sunflower Movement, more and more people wanted to participate in NGO or social movement activities, and wanted to become volunteers. It is very important, especially for young people, to be aware that participating in public affairs is our right.

Along with political awareness, many people formed new political parties to join next year's Parliamentary election campaign.¹²⁹ They seek a new form of politics. It is inspired by the idea that the old politics were controlled by the wealthy and the influential, who only cared about their own personal interests. They were not concerned with human rights.

Some of the new NGOs organised a campaign for the revision of the Referendum Act, and requested the threshold to be lowered. This New NGO Alliance demanded constitutional reform. In the past, constitutional reform had only been discussed and decided on by the two main political parties, not by the people. The New NGO Alliance called for constitutional reform from the bottom-up to create a platform where a lot of people could discuss the issues.

Another major result was that Parliament started to review and discuss the Monitoring Regulation on Agreements between China and Taiwan. Some people started to look at and analyse the free trade dynamics in the broader context of the world, rather than only focus on the issues with China.

Thanks to the Sunflower Movement more people started to get involved with NGOs and social movements. While at the same time, the analysis and discourse within NGOs related to economics and politics became deeper and more profound.

The Sunflower Movement created a situation in which NGOs from different backgrounds worked intensely together 24/7. While it strengthened the understanding and trust between some NGOs and individuals, it also created discontent and conflicts between others.

Lessons learnt

- *Many people need to be allowed to be part of decision making*

The core-decision-making meeting was criticised by some for only allowing a few people to decide about the movement. To involve more people in the meeting is important. Some students were critical, because they could not analyse things the way NGOs and Professors did, which caused them to always feel their opinions were not emphasised in the meeting. However, it also poses a dilemma. If everything is discussed openly on the street with anyone being able to have a say, even unknown people, it becomes

challenging to deal with unreasonable suggestions without hurting people's feelings.

- *Different people, different motivations*

The other issue was that people joined the movement for very different reasons. Some people were there because of their concerns over China, others joined because they felt disappointed by Parliament for neglecting 'due process' and transparency. Some joined just because they wanted to support the students, and others joined because of their overall concerns with free trade and the economic development.

This made it difficult to discuss priorities and strategies with so many diverse people; how to make sure the movement would not become a 'hate China' populism event? Or how to prevent it from becoming violent? All of this requires training to gain skills on how to deal with so many people with so many different opinions.

- *Deciding when to stop*

Deciding when to finish the occupation was a very difficult decision. Maybe we should have discussed it with more people on the street? Since there were many people on the street every day, rain or shine, it was understandable that

¹²⁸ From 1949 to 1987 the Kumonitang Government imposed martial law on Taiwan. This time was marked by the prosecutions, imprisonment and execution of those that truly or were perceived to be opposing the Government, and is thus known as the White Terror period.

¹²⁹ To be held in 2016.

they were not happy about only being informed, rather than being given the chance to participate in the discussion and decision. Many people felt hurt or betrayed after the decision was taken to end the occupation. It will take time to mend the cracks between the people.

- *What to do when the Government keeps silent?*

Finally, after all the efforts, the many days and the masses of people, there was still no response from the Government. If the Government keeps silent, if there is no response to the protest, what other ways are there to put further pressure on the Government to give a response? Unfortunately, it is still a question for us today.

Long-term change

Since the Sunflower Movement only happened in 2014, at the time of writing¹³⁰ it has just been one year, making it difficult to see what the long-term consequences will be of the efforts. Still some changes have already happened in the last year.

More and more people have been willing to participate and attend different protests. Some even became volunteers in NGOs.

However, the Assembly and Parade Law still have not been revised. The police even tried to use criminal law to sue people who participate in protests.

Many new NGOs and new political parties have been created. It shows that more people, especially young people, want to discuss and participate in politics.

During the session where Parliament discussed constitutional reform, young people tried to push for the right to vote to be lowered from 20 to 18 years old. Unfortunately this demand was unsuccessful, because it was boycotted by the majority party, KMT.

During the elections for Mayors in September 2014, the ruling party lost in most of the cities, winning only in six out of 22 cities. It shows that people started to show their anger through their vote. It has encouraged more people to have confidence to form new political parties to run in the elections for Parliament which are to be held in January 2016. Even though the current parliamentary electoral system is more favourable to the big political parties.

Conclusion

The circumstances and tide of events of the Sunflower Movement led to an increase in political awareness and engagement with national politics, mainly of a new, young generation. Political participation, however, is still hindered by the Government, particularly when it comes to protests and demonstrations.

Still, the Sunflower Movement highlighted the strength of civil society. It showed the possibilities to generate change and influence the political landscape of your own country. As long as civil society grows stronger, more active and more energetic every day, people will voice their demands more often. And one day the national institutions will change.

**E-Ling Chiu, Secretary General,
Taiwan Association for Human Rights
(TAHR)**

E-Ling Chiu was involved as a coordinator of the non-governmental organisations on Ji-Nan Road during the Sunflower Movement, as well as a co-organiser of the 30 March event.

She is currently the Secretary General of the Taiwan Association for Human Rights (TAHR), a FORUM-ASIA member organisation, Executive Board Member of the Covenants Watch, Taiwan, and Executive Board Member of the Taiwan Alliance to End Death Penalty. Previously she was Executive Board Member of the Asia Pacific Refugee Rights Network (APRRN).

¹³⁰ September-October 2015.



‘At the end of the day humanity does prevail. (..) We need to be able to strengthen that and say: let’s talk about humanity first, politics come as last.’

Anoop Sukumaran

Former Executive Director, Asia Pacific Refugee Rights Network (APRRN)

Organisational PROFILES

BANGLADESH

Ain O Salish Kendra (ASK), Law and Mediation Center

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About:

Ain o Salish Kendra (ASK) is a national legal aid and human rights organisation, established in 1986. Its goal is to create a society based on equality, social and gender justice and rule of law. It seeks to generate an environment for accountability and transparency of governance institutions. Initial work was limited to providing free legal services to the disempowered. Target groups were women, working children and workers in Dhaka city.

Over the last 28 years, ASK has developed a comprehensive approach to promotion, protection and prevention in the area of legal assistance and human rights.

ASK strategies are to:

- Promote human rights awareness and community activism,
- Offer legal aid through mediation and litigation, while survivors are given psycho-social counselling,
- Investigate human rights violations and document them supplemented by research, which together lead to media campaigns to defend human rights, and
- Undertake public interest litigation for law and policy reform.

ASK's advocacy is carried out both at the national and international level. ASK is committed to attaining gender equality in every sphere of life. ASK's strategies focus specifically on protecting women's rights. Concerns for civil and political rights are expressed through legal aid to victims/survivors of arbitrary arrests, preventive detention, and by taking a stand on unlawful evictions, extra-judicial killings, torture and death in custody, condition of prisoners and interests of religious and ethnic minorities.

ASK has no political affiliation and adopts a non-partisan approach in defence of human rights. It is a membership based organisation with 26 general members – 17 women and nine men. A nine member executive committee is constituted currently by seven women and two men, who meet regularly to decide on policy matters. The general members meet once a year. It has consultative status with the United Nations Economic and Social Council (UNECOSOC).

Madaripur Legal Aid Association (MLAA)

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About:

Madaripur Legal Aid Association (MLAA) was established in 1978 and is a rights-based organisation in the legal and human rights sector of Bangladesh. It has a vision for establishing peace, justice and harmony in the community through various initiatives. MLAA upholds the philosophy that justice must be easily and equally accessible to every citizen in a society governed by the rule of law. MLAA believes in integrity, justice, governance, and accountability in the way it works with oppressed, vulnerable and deprived people.

Areas of work:

MLAA began by providing free legal assistance in the formal courts, a service that it still provides today. It upholds human rights through: encouraging legal literacy; human rights education; and advocating for law and policy reform to make justice accessible to all. MLAA started its journey in Madaripur, Shariatpur and Gopalgong districts and gradually expanded its working area to other parts of the country, now covering 12 more districts.

Main lines of work:

MLAA's strategic plan is to develop the capacity of different local stakeholders by linking micro issues with the macro level. Strategic emphasis is given to creating easy access to justice for the disadvantaged through strengthening and promoting human rights and policy reform in this field.

Activities include:

- Free Legal Aid: MLAA provides free legal aid services to the disadvantaged who are victims of human rights abuses, who are on trial or in custody, and cannot afford a lawyer to defend them or are deprived from access to justice,
- Dispute Resolution through Mediation and activation of UP judicial system: MLAA facilitates and resolves disputes locally through mediation, and through the Village Court & Arbitration Council of Union Parishad, as an alternative to the formal justice system,
- Human Rights Education: MLAA provides human rights education to strengthen the knowledge and skills of human rights activists to promote and protect human rights,
- Advocacy and Networking: MLAA advocates for law and policy reforms to make justice accessible for the poor and the disadvantaged.

Odhikar

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About:

Odhikar was established in 1994.

Odhikar's vision is to see a society where every person can enjoy their rights and live a life with respect and dignity.

Odhikar's mission is to:

- Promote human rights through awareness building, documentation, fact finding, monitoring and research,
- Advocate and lobby for the incorporation and ratification of various international instruments by the Government, and also for the enactment of human rights friendly laws and necessary amendments of existing laws,
- Fight against impunity and work for the prevention of extrajudicial killings, enforced disappearances and torture,
- Foster mass awareness on rights and duties,
- Strengthen the human rights movement and establish participatory democracy and good governance in Bangladesh,
- Incorporate gender sensitivity in strategic planning of all programmes and projects in consultation with human rights defenders (HRDs) and network

members,

- Mobilise and network between the activities of its members, and enhance institutional capabilities of individual groups, organisations and agencies on human rights issues,
- Advocate, lobby and campaign for people's participation in governance, and introduce participatory democracy,
- Monitor national and local Government elections to ensure a free and fair electoral process and ensure voter's right to participate, and
- Facilitate mass awareness raising events on national and international days that create positive images of work.

Areas and main lines of work:

- Documentation and fact finding of human rights violations,
- Campaign against torture,
- Campaign against enforced disappearances,
- Monitor places of detention,
- Election monitoring,
- Human rights defenders training programme,
- Advocacy and networking on human rights issues,
- Research and publication,
- Organising seminars, workshops on different issues relating to human rights,
- Lobbying with policymakers, and
- Media campaign.

Resource Integration Center (RIC)

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About:

The Resource Integration Center (RIC) was established in 1981 and is mainly a human rights organisation. RIC focuses on advocating for the vulnerable, older people of Bangladesh. RIC was first established by a group of politically left activists in 1981. In the mid-1980s Abul Haseeb Khan, the key figure of the democratic Anti-Erahsad movement, joined RIC and transformed the organisation to support the process of people's empowerment to strengthen the positive human rights trends nationally.

RIC organisational direction has always been led by human and women rights activists. The previous chair of RIC was Hamida Hossain, a leading human rights activist in Bangladesh. The current chair is the well-known female researcher Rozana Akhter who is also a member of Bangladesh's environment movement Bangladesh Poribesh Andolon (BAPA) and other forums of women rights activism.

Areas of work:

RIC's work led to the establishment of a 'Forum for the Rights of Elderly Bangladeshi' and strengthens advocacy on older people's issues. RIC established the older citizen committee to defend older people's human rights in Bangladesh. RIC also works on the rights of the urban poor population, access to justice, child rights and also other development issues.

Main lines of work:

- Establish older people human rights issues,
- Support the Forum for the Rights of Elderly Bangladeshi' secretariat, publish newsletter, develop policy brief, keep solidarity and network with the actors who engage internationally on older people's human rights,
- Provide input to the Older People Association (OPA) which works to defend human rights, and
- Other: i) Reform in Public Services for the wellbeing of Slum Dwellers in Dhaka city, ii) Access to Justice through Community Legal Services, iii) Social Accountability for Better Access to Safe Water and Sanitation – CARTA project means citizen monitoring, and iv) Strengthen households' efforts to withdraw child labour in the informal sector.

BURMA

Equality Myanmar (EQMM)

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About:

Equality Myanmar (EQMM), formerly known as the Human Rights Education Institute of Burma (HREIB), was established in 2000. The organisation facilitates a broad range of human rights trainings, advocacy programmes, and research and documentation projects which target civil society organisations and grassroots communities while engaging with local authorities, Government ministries, Members of Parliament and the Myanmar National Human Rights Commission (MNHRC). EQMM aims to contribute to the establishment of a peaceful, tolerant, and democratic society built on respect for dignity and human rights for all in Myanmar.

EQMM was initially established in northern Thailand in 2000, but re-established itself in Myanmar in 2013 and moved all operations and offices to Myanmar. For the past 15 years, EQMM has been working tirelessly to create a culture of human rights in Myanmar through education, capacity development and advocacy work.

EQMM's education initiatives utilise a learner-centred, non-formal approach, which emphasises transformative learning that occurs at three levels: cognitive, attitudinal and behavioural. Collaboratively, these stages function to empower the people of Myanmar to identify and analyse the social problems in their communities and subsequently initiate rights-based solutions in response. EQMM's human rights education modules are developed

and updated within the framework of Myanmar's social, cultural, and political context in order to ensure the human rights principles' relevance, usefulness, and applicability. Providing training participants with practical tools to follow-up on human rights abuses strengthens both their autonomy as well as their capacity for social transformation and civic engagement. Annually, EQMM provides human rights trainings to approximately 1,600 direct participants.

EQMM also plays an active role in carrying out and coordinating a wide range of advocacy campaigns to raise awareness about the human rights situation in Myanmar at local, national, regional, and international levels. EQMM has extensive experience in building, supporting and participating in a strong network of organisations and actors across different sectors and levels of Myanmar society and empowers civil society actors to engage in advocacy at the national, regional and international level.

Additionally, the organisation produces human rights educational materials, audio/visual tools, and other multimedia resources to address the lack of human rights information available in Burmese and ethnic languages. The resources, including TV episodes, booklets, posters, animations, and magazines, provide those who cannot attend traditional face-to-face trainings with an opportunity to learn about various human rights issues.

CAMBODIA

The Cambodian Human Rights and Development Association (ADHOC)

Address: No.3, St. 158
OukgnhaTroeng Kang, Beng Raing,
Daun Penh, Phnom Penh, Cambodia
Website: www.adhoc-cambodia.org
Organisational e-mail:
adhoc@forum.org.kh
Phone: +855-23 218653
Fax: +855-23 217229
Contact person: Thun Saray (President)
saraythun@gmail.com

About:

The Cambodian Human Rights and Development Association (ADHOC) is a registered local, non-profit, non-partisan, independent and non-governmental organisation. The country's oldest human rights organisation, ADHOC was established in 1991 by a group of former political prisoners and is tasked to address the absence of basic human rights in Cambodia. ADHOC's presence in every Cambodian province and its outreach to all districts through provincial staff and volunteer activists are unique among Cambodian human rights organisations.

Areas of work:

ADHOC aims at bringing about positive changes in Cambodia's legislative framework and institutional policy and practice in order to progress towards its goal of a society where human rights and law are properly respected.

Main lines of work:

ADHOC's work is divided into three programs: the Human Rights Programme, the Land and Natural Resources Rights Programme, and the Women's and Children's Rights Programme. A fourth programme was created to implement new mediation (Alternative Dispute Resolution, or ADR) activities.

Each programme is under the responsibility of a Head of Programme. ADHOC's internal architecture is thus clearer, with these four programmes, plus the Khmer Rouge Tribunal (KRT) Project, being assisted by an Administrative Section and a Financial Section, under the supervision of the President and the Secretary General.

Cambodian League for the Promotion and Defense of Human Rights (LICADHO)

Address: # 16, St. 99, Boeung Trabek,
Phnom Penh, Cambodia - Mailing
address: P.O. Box 499, Phnom Penh,
Cambodia

Website: www.licadho-cambodia.org

Organisational e-mail:

contact@licadho-cambodia.org

Phone: +855-23 727 102 or +855-23
216 602

Fax: +855-23 727 102 or +855-23 217
626

Contact person: Naly Pilorge (Director):
contact@licadho-cambodia.org

About:

LICADHO was established in 1992. It

is a national Cambodian human rights organisation which protects civil, political, economic and social rights in Cambodia and promotes respect for these human rights by the Cambodian Government and its institutions. LICADHO is therefore an advocate for the Cambodian people and a monitor of the Government through wide ranging human rights programmes.

Areas of work:

LICADHO's primary activities of monitoring, intervention, documentation and advocacy aim to render government officials accountable and to promote transparent and fair systems in civil society. LICADHO pursues its mandate through its two main programmes, with its headquarters in Phnom Penh supporting 13 provincial offices throughout the country. The two main programmes of LICADHO include the Monitoring & Protection Programme and the Promotion & Advocacy Programme.

Main lines of work:

In the context of the Monitoring & Protection Programme, LICADHO monitors State violations and women's and children's rights. Furthermore, it provides medical assistance and social work, prison monitoring and paralegal and legal representation.

In the context of its Promotion & Advocacy Programme, LICADHO supports unions and grass-roots groups and networks, it provides information and conducts public advocacy and outreach.

INDIA

Center for Social Action
Documentation Research and Training
(ADHIKAR)

Address: Head Office - 113/2526,
Khandagiri Vihar Bhubaneswar-30,
Orissa; Pin- 752054, India

Website: www.adhikarindia.org

Organisational e-mail: adhikar@sify.com;
shramik_adhikar@rediffmail.com

Phone: +91-674-2384731

About:

Vision: ADHIKAR works to achieve a balanced society free of exploitation and based on human values of love, peace, freedom, and equality. A society where social and economic justice are ensured and each human being regardless of cast, creed or religion can exercise her/his basic fundamental rights in a dignified manner and feels herself/himself to be instrumental for her/his socio-economic development in an atmosphere of social harmony.

Mission: Our mission is economic and political empowerment of the marginalised and deprived communities in the rural and urban area of Orissa through ensuring an effective, flexible and responsible financial service system and safeguarding the fundamental human rights which will help these helpless people towards a just and meaningful living.

Area of work:

ADHIKAR is an organisation, registered in 1991, which is committed to the social cause of protecting human rights of the poor, particularly rural women. It is a voluntary organisation involved in a multitude of activities with a relentless and selfless serving attitude, committed to integrated community development through a process of empowering rural people in general and women, in particular.

Main lines of work:

- To build sustainable organisations for the poor people of Orissa,
- To make livelihood efforts more feasible,
- To expand outreach in order to extend poverty eradication efforts through various empowerment processes including extension of Micro Finance, and
- To make people aware of their genuine social and human rights.

Dalit Foundation

Address: C-58 (Basement), South Extension Part II, New Delhi -110092; India

Website: www.dalitfoundation.org

Organisational e-mail:
fundraising@dalitfoundation.org;
admin@dalitfoundation.org

Phone: +91-2626 5071, 72

Fax: +91-2626 5072

Contact person: Santosh Kumar Samal (Executive Director):
santosh@dalitfoundation.org

About:

Dalit Foundation was established in 2003 and is an Indian non-governmental organisation committed exclusively to the eradication of caste discrimination and towards the empowerment of Dalits and other marginalised communities. Dalit Foundation has its genesis in the search for providing support for people involved in the Dalit communities' struggle for equality. The institution is based on the view that setting up a foundation which focusses on communities living in extreme poverty and facing acute caste-based discrimination, would accelerate the process of change in the lives of Dalit communities. The aim is to build the capacity of our partners in order to execute effective grass-roots level interventions. We are also committed towards building a strong line of leadership for the Dalit Movement. Hence, through our programmes we have engaged with the Dalit youth and Dalit professionals from diverse fields. Dalit Foundation is committed to pursuing innovative ideas that will help broaden the outreach and accomplish an egalitarian, casteless society.

Area of work:

Dalit Foundation aims to eliminate caste-based discrimination in all its manifestations by strengthening institutions and individuals at the grass-roots level. It promotes strong Dalit leadership, especially women, to address social injustice. To accomplish our mission, Dalit Foundation provides small grants, fellowships and opportunities to

exchange experiences of community-based organisations, individuals and networks working towards social change. An important part of this strategy is continuous focus on capacity building programmes for the grass-roots level partners. This assistance leads to the formation of strong leaders from the Dalit and other marginalised communities in South Asia.

Main lines of work:

- Eradication of untouchability and caste discrimination,
- Abolition of Manual Scavenging system,
- Reduction in atrocities and violence, especially against women,
- Promote advocacy and leadership skills of Dalit youth and women,
- Effective use of SC/ST[POA]Act, Domestic Violence Act, RTI etc.,
- Access to land and livelihood through different Government welfare programmes, and
- Access to education and implementation of RTE in schools.

Geographical Coverage so far as follows:

20 states of India namely: Andhra Pradesh, Bihar, Chhattisgarh, Gujarat, Haryana, Himachal Pradesh, Jharkhand, Karnataka, Kerala, Maharashtra, Madhya Pradesh, Orissa, Punjab, Rajasthan, Tamil Nadu, Telengana, Uttar Pradesh, Uttarakhand and West Bengal. Two Union Territories namely: Delhi and Pondicherry.

Friend's Association for Rural Reconstruction (FARR)

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Organisational e-mail:
farrkalahandi@gmail.com

Phone: +91-66 7023 0150; Mobile: +91-943 707 1862, +91-943 707 6858

Fax: +91-66 7023 0150

Contact person: Aradhana Nanda (President) and Dolamohan Singh Babu (Project Director)

Banglar Manabdhikar Suraksha

Mancha (MASUM)

Address: 40A, Barabagan Lane (4th Floor); Balaji Place, Shibtala; Police Station-Srirampur, District-Hooghly; West Bengal; India PIN- 712203

Website: www.masum.org.in

Organisational e-mail:
masumindia@gmail.com

Phone: +91-33-26220845

Fax: +91-33-26220843

Contact person: Kurity Roy (Secretary):
kurityroy@gmail.com

About:

Banglar Manabdhikar Suraksha Mancha (MASUM) is based in West Bengal and was established in 1997, to form a platform for human rights activists based in West Bengal. The organisation pinpointed its initiatives to address custodial torture and other tortures committed by police or state parties including forced eviction and capital punishment. Based on a loose organisational structure, MASUM has only a few dedicated activists. MASUM

is working closely with National Human Rights Institutions (NHRIs) and United Nations Special Procedures. It provides legal and medico-psychological aid to the victims of families.

Areas of work:

Primarily MASUM focuses on custodial torture, extra judicial killings, procedural violations and persistence of impunity.

Objectives are to:

- Strive for a free, equal and just society,
- Advocate for a free, functional and people centric Criminal Justice System,
- Champion complete Freedom of Expression (FoE),
- Prevent and reduce torture from our society,
- Advocate for a decent livelihood, living, equitable education and development for all,
- Concert efforts to protect environment with its inhabitants,
- Challenge obnoxious socio-religious practices,
- Champion gender equality in every sphere of economic and social life,
- Demand equal dignity to diverse sexual preferences, and
- Develop constructive partnerships.

Strategies to realise the vision are to:

- Provide human rights awareness among all sections of society,
- Promote human rights campaigns,
- Initiate a people's movement against all forms of torture perpetuated by the State and its machinery,

- Broaden human rights networks with different rights based organisations,
- Ensure civil society interventions for torture and human rights violation cases,
- Lobby and advocate constantly against torture and human rights violations,
- Protect the rights of the marginalised section of society,
- Promote gender equality in every sphere of life,
- Document human rights and torture related information,
- Empower people by providing human rights related information,
- Provide livelihoods support,
- Make civil society aware of torture,
- Pressure the State to act in a more responsive and accountable manner in case of torture and other human rights violations,
- Use legal and meta legal recourse, and
- Regularly send complaints to United Nations (UN) bodies.

People's Watch (Centre for Promotion of Social Concerns)

Address: No: 6, Vallabhai Road, Chokkikulam, Madurai – 625 002, Tamil Nadu, India

Website: www.peopleswatch.org
Organisational e-mail: info@pwtn.org

Phone: +91-452-2539520,
Fax: +91-452-2531874

Contact person: Henri Tiphagne
(Executive Director):
henri@pwtn.org

About:

People's Watch was established in 1995. For over 20 years People's Watch has fought for the protection and promotion

of human rights in the Southern State of Tamil Nadu. In the past decade, People's Watch shortened its name from 'People's Watch Tamil Nadu' as it broadened its focus to national concerns. People's Watch has expanded its activities beyond human rights monitoring and reporting. Today, it pursues a holistic approach to championing human rights through a wide range of activities, from pursuing legal solutions on behalf of victims to sheltering victims in a rehabilitation centre, to teaching younger generations a human rights curriculum and building a citizen's movement for Human Rights of 'ALL RIGHTS for ALL PEOPLE'.

Vision:

A society free from human rights violations and discrimination. This society is to be built through cultivating a human rights culture and building a participatory democracy.

Mission:

To protect human rights through monitoring human rights violations, interventions and building solidarity with people's struggle for human rights, and to promote a human rights culture through education of the larger community.

Areas of work:

People's Watch, Tamil Nadu – a programme unit of the Centre for Promotion of Social Concerns concentrated its activities on human rights violations. Two years after its establishment it was realised that there

must be legal interventions on behalf of victims. In addition to this, victim rehabilitation, monitoring, medical, psychological and vocational help to the victims is also needed. Meanwhile, campaigning for human rights, and human rights education in schools became matters of concern. People's Watch now has expanded its work all over India through the Human Rights Defenders Alert (HRDA) and the Working Group on Human Rights in India and the United Nations (WGHR).

Main lines of work:

- Human Rights Monitoring,
- Human Rights Intervention and/or various commissions to make the state accountable,
- Human Rights Campaigns,
- Human Rights Defenders Alert - India (HRDA),
- Citizens for Human Rights Movement (CHRM),
- Rehabilitation Centre for Torture Victims (RCTV),
- Media and Publications,
- Documentation Centre,
- Institute of Human Rights Education (IHRE),
- Helpline,
- Educational Aid,
- All India Network of NGOs and Individuals working with National and State Human Rights Institutions (AiNNI), and
- Discussion Forum.

People's Vigilance Committee on Human Rights (PVCHR)

Address: SA 4/2 A Daulatpur, Varanasi

– 221002, India

Website: www.pvchr.asia and blog:
www.pvchr.net

Organisational e-mail:

pvchr.india@gmail.com

Phone: +91-9935599333

Contact person: Lenin Raghuvanshi
(Founder and CEO): lenin@pvchr.asia

About:

People’s Vigilance Committee on Human Rights (PVCHR) was established in 1996 as a membership based human rights movement in Varanasi (Uttar Pradesh), one of the most traditional, conservative and segregated regions in India. PVCHR works to ensure basic rights for marginalised groups in Indian society, e.g. children, women, Dalits and tribes to create a human rights culture based on democratic values. PVCHR ideology is inspired by the father of the Dalit movement, Dr. B. R. Ambedkar, who struggled against Brahmanism and the caste hierarchical system that prevails in India. In 1999, PVCHR formed the public charitable trust Jan Mitra Nyas (JMN) to monitor and evaluate activities, to operate a bank account and to enable the organisation to have official clearance for receiving grants.

Areas of work:

We highlight the voice of weavers at the national and international level. We also empower groups to speak out and bring forward their issues and challenges. We build a democratic structure for the ‘Voiceless’ to enable access to the constitutional guarantees promoting a human rights culture.

PVCHR uses accurate investigation and documentation of human rights violations connected with advocacy, publication and networking on a local, national and international level. We established the Activist Knowledge Center for the creation of non-violent and democratic communities.

Main lines of work:

The PVCHR had categorised its work under five comprehensive programmes as per the organisation’s strategy 2015-2018:

- Comprehensive programme for survivors of torture and organised violence;
- Comprehensive programme for model villages and model blocks;
- Comprehensive programme for women and children;
- Programme for national lobby, campaign and advocacy; and
- Programme for international solidarity, partnership and networking.

South India Cell for Human Rights Education and Monitoring (SICHREM)

Address: #. 35, Anjanappa Complex, Hennur Main Road, Lingarajapura, Bangalore- 560084; India

Website: www.sichrem.org - Blog: <http://sichrem.wordpress.com>

Organisational e-mail: contact@sichrem.org, msichrem@gmail.com

Phone : +91-80-25473922 / +91-80-25804072

Fax: +91-80-25492856

Contact person: Mathews Philip (Executive Director): mathews.ashok@gmail.com

About:

SICHREM was established in 1995. Its vision is for human rights to be household concepts. Its mission is to empower the disempowered groups of Dalits, tribes, women and children and to protect their individual and collective rights for a dignified life through concerted action, education and advocacy by civil society.

Objectives of the organisation are to:

- Maintain a documentation centre and disseminate information and other support services to human rights groups and activists, students and the larger public,
- Conduct fact-finding missions on human rights violations and conduct follow-up actions,
- Support the struggle for justice and the right to a livelihood for minorities and the underprivileged, and
- Network with rights groups and activists and explore areas of mutual support and common activities.

Organisational activities:

- SICHREM has established District Human Rights Centers in five districts of Karnataka (Kolar, Mysore, Hassan, Chamrajnagar and Haveri),
- Human Rights Helpline: Free legal counselling on matters of human rights,
- Provide legal counsel to victims,
- Monitor and document human rights violations,
- Investigate and intervene in serious human rights violations, and
- Provide human rights education.

INDONESIA

The Alliance of Independent Journalists Indonesia (AJI)

Address: Jl. Kembang Raya No. 6, Kwitang, Senen, Jakarta Pusat 10420; Indonesia

Website: <http://aji.or.id/>

Organisational e-mail: sekretariat@ajiindonesia.or.id

Phone: +62-21-3151214

Fax: +62-21-3151261

Human Rights Working Group (HRWG) - Indonesia's NGO Coalition for International Human Rights Advocacy

Address: Jiwasraya Building, Lobby Floor, Jl. RP Soeroso No.41, Jakarta Pusat 10350; Indonesia

Website: Facebook: www.facebook.com/HRWG.Indonesia,

Twitter: www.twitter.com/HRWG_Indonesia

Organisational e-mail: hrwg.indonesia@gmail.com; hrwg@hrwg.org

Phone: +62-21 314 3015

Fax: +62-21 314 3058

Contact persons: Muhammad Hafis (Programme Manager UN - OIC Advocacy) hafizmuhammad85@gmail.com; hafiz@hrwg.com

Daniel Awigra (Programme Manager ASEAN Advocacy) awigra2015@gmail.com

About:

The Human Rights Working Group (HRWG) was established in 2003 and is

a permanent coalition of Indonesian non-governmental organisations working on various human rights issues across the archipelago. HRWG is an independent non-profit organisation and does not have any political affiliation.

Area of work:

The area of work or issues that have been a concern of HRWG are human rights issues covering child rights, women's rights, urban poor, migrant labour rights, indigenous people's rights, lesbian, gay, bisexual and transgender (LGBT) rights, corruption and human rights, environment and human rights, in Indonesia and at the regional level through the Association of South East Asian Nations (ASEAN), at international level within the United Nations Human Rights Mechanisms and Independent Permanent Commission of Human Rights (IPCHR) of the Organisation of Islamic Cooperation (OIC).

Main lines of work:

- Increase the effectiveness of lobby and advocacy work on human rights issues in Indonesia and at the international level, and
- Ensure the implementation by the Indonesian Government (Executive, Judiciary and Legislative bodies at national, provincial, and local level) of constitutional and international human rights obligations.
- In conducting its programmes and activities, HRWG adheres to the following principles:
 - HRWG focuses on human rights with respect to advocacy on the struggle for

the right of self-determination according to Article 5, Vienna Declaration of 1993,

- HRWG adheres to international law in its advocacy,
- HRWG is part of the global human rights movement,
- HRWG upholds justice and gender equality, and
- HRWG is accountable to its members and the general public.

The Indonesian Human Rights Monitor - Inisiatif Masyarakat Partisipatif untuk Transisi Berkeadilan (Imparsial)

Address: Jl. Tebet Utara II C No. 25, Jakarta 12820; Indonesia

Webiste: www.imparsial.org

Phone: +62-2183786997

Fax: +62-2183787462

Organisational e-mail:

imparsial@gmail.com

Contact person: Poengky Indarti (Executive Director):
poengky1970@gmail.com

About:

Imparsial is a front line human rights organisation based in Jakarta, Indonesia, and was established in 2002.

Area of work:

- Security Sector Reform (SSR),
- Human Rights Defender Protection,
- West Papua,
- Anti-Death Penalty, and
- Pluralism.

Main lines of work:

- Alternative Policy,
- Lobbying,
- Public Advocacy, and
- Capacity Building.

Commission for the Disappeared and Victims of Violence - Komisi untuk Orang Hilang dan Korban Tindak Kekerasan (KontraS)

Address: Jln. Kramat II No. 7, Kwitang, Senen, Central Jakarta – 10420

Website: www.kontras.org

Organisational e-mail: kontras_98@kontras.org

Phone: +62-21-3919097,
+62-21-3919098

Fax: +62-21-3919099

Contact person: Haris Azhar
(Coordinator):
harisazhar@kontras.org

About:

KontraS was established in 1998 with the purpose to establish Indonesia as a just and democratic country where people are free from fear, repression and discrimination.

Mission:

- To promote political awareness of victims of abuse in order to fight for justice in Indonesia without regard to religious background, race, ethnicity, ideology, class, gender or sexual orientation,
- To fight for each person's right to be free from all forms of violence and repression, especially resulting from the

abuse of State power within the society,

- To fight for democracy and justice with other members of civil society, and
- To strengthen capacity to support a human rights agenda in civil society.

Area of Work:

KontraS works nationally, regionally and also internationally, addressing international issues through the international coalition.

Main lines of work: Advocacy and promotion of human rights issues and civil society's rights.

Indonesian Legal Aid and Human Rights Association (PBHI)

Address: Jl. Hayam Wuruk No. 4 SX-TX, Kebon Kelapa, Gambir, Jakarta Pusat 10120; Indonesia

Website: www.pbhi.or.id

Organisational e-mail: seknas.pbhi@gmail.com

Phone: +62-21-385-9968/+62-21-351-3526; mobile: +62-815-6020-314

Fax: +62-21-385-9970

Contact person: Suryadi Radjab
Totok Yulianto:
totokyuliyanto@yahoo.com

About:

Indonesian Legal Aid and Human Rights Association (PBHI) was established in 1998. Its vision is to realise a country that carries out its obligation to respect, protect and fulfil human rights.

Mission:

- To promote the values of human rights,
- To defend the victims of human rights abuse, and
- To educate members to become human rights defenders (HRDs).

Mission Statement: PBHI is dedicated to promoting and defending human rights without distinguishing based on tribal and ethnic, language, religion, skin colour, gender and sexual orientation, career and profession or political and ideology orientation.

Working Area: PBHI works in ten regions: DKI Jakarta, West Java, Central Java, Bali, South Sulawesi, West Kalimantan, Lampung, West Sumatera and North Sumatera.

Yayasan Sekretariat Anak Merdeka Indonesia (SAMIN)

Address: Soragan, Rt 02, Ngestiharjo, kasihan, Bantul, DIY; Indonesia

Website: <http://yayasan-samin.org>
Organisational e-mail: office@yayasan-samin.org

Phone: +62-274 530 6210

Contact person: Odi Shalahuddin
(President/Director):
odi@yayasan-samin.org

Vision:

The rights of children are respected, protected and fulfilled in an enabling socio-cultural environment where effective state mechanisms are adequately developed to address the rights of all children, as set forth in the

Convention on the Rights of the Child, as well as to redress any violations when occurred.

Established in 1987, SAMIN initially was intended to serve as a support organisation dealing with issues concerning child development. Through its first programme 'promotion of alternative education for children', SAMIN promoted issues related to child education, facilitated the formation of different action-groups and served as some national focal point for non-governmental organisations (NGOs) working on issues concerning child development in the country.

Over time, SAMIN has brought issues of particular concerns to light, among others: street children and child labour of different sectors (1988-1990), commercial sexual exploitation of children (1993-1994), sexual abuse of children and children in conflict with the law (2000-2005), and children affected by disasters (2006-2011). SAMIN has introduced new approaches such as right-based and system-based approaches to activism. In addition, SAMIN also introduced instruments for child's rights monitoring in the country.

SAMIN has been running a programme of social inclusion for vulnerable children and youth in four provinces in Indonesia.

Area of work: SAMIN works on child rights issues in eight cities/districts throughout five provinces of Indonesia.

Main lines of work:

- Child Protection,
- To develop a child protection network,
- To develop a working group on city/districts level to encourage the Government to provide access to services for the marginalised,
- Campaign, and
- Advocacy.

Indonesia Legal Aid Foundation - Yayasan Lembaga Bantuan Hukum Indonesia (YLBHI)

Address: Diponegoro Street 74, Central Jakarta, Indonesia 10320

Website: www.ylbhi.or.id

Organisational e-mail: info@ylbhi.or.id

Phone: +62-213929840

Fax: +62-2131930140

Contact person: Alvon Kurnia Palma
(Chairperson):
alvon@ylbhi.or.id

About:

'This building was intended to be the first monument in Indonesia for the struggle of law enforcement, truth and fair justice to all without discrimination of race, inheritance-based religion, political ideology or social and cultural background. From here, Legal Aid Defenders and Thinkers shall struggle with honesty and voluntary in line with the majority of the nation to not only defend cases related to the interests of the people but also shift the paradigm which had caused the people to be continuously marginalised, poor, in captivity, and abandoned. Also, from here, courageous, constructive and

responsible thoughts shall be developed as a sign of the freedom of delivering opinion and the emerge of the poor resurrection to claim the same rights implementations in law and justice in our mother land, Indonesia.' (unofficial translation of the epigraph stone in front of YLBHI Building, drafted by Abdul Rahman Saleh, when he served as Director of Jakarta Legal Aid Institute in 1981-1984).

Indonesia Legal Aid Foundation/Yayasan Lembaga Bantuan Hukum Indonesia (YLBHI) was established in 1970 with the vision and mission of establishing democracy and human rights, which lies upon a just, humane and democratic socio-legal system; a fair and transparent institutionalised legal-administrative system; an open political-economic system with a culture that fully respects human rights.

In realising its vision and mission, YLBHI keeps struggling for the fulfilment of the right to access to justice for the people by providing legal aid services, including: case handling; community legal resources empowerment; and research and policy advocacy that has resulted in advocacy for laws and rights of structurally poor, marginalised and abandoned communities.

YLBHI now has 15 legal aid (LBH) Offices that are scattered all across Indonesia, including in: Aceh, Medan, Padang, Palembang, Lampung, Jakarta, Bandung, Semarang, Yogyakarta, Surabaya, Bali, Makasar, Manado, Papua and Pekanbaru. This includes 5 LBH Posts in some of LBH Offices,

namely: Lhokseumawe, Meulaboh (Aceh), Asahan (Medan), Malang (Surabaya), and Merauke (Papua).

Legal aid beneficiaries of YLBHI, along with its 15 LBH Offices and five Posts, are focused on people from middle to low income levels. Namely farmers, labourers, urban poor, fishermen and coastal communities, vulnerable women and children, disabled and indigenous people. YLBHI together with its 15 LBH Offices and five Posts, receive more than 2,000 cases per year (in the last three years from 2010-2012 consecutively: 3,141 cases, 3,300 cases and 2,476 cases), with cases ranging from violations of economic and social rights, civil and political rights, vulnerable women and children (including with disabilities), and criminal and civil cases.

MALAYSIA

Education and Research Association for Consumers Malaysia (ERA Consumer Malaysia)

Address: No 24, Jalan SS1/22A, 47300 Petaling Jaya, Selangor, Malaysia

Website: www.eraconsumer.org

Organisational e-mail:

general@eraconsumer.org

Phone: +60-378764648 / +60-378774741

Fax: +60-378730636

Contact person: Prof Datuk Dr. Marimuthu Nadason (President)
Saravanan Thambirajah (Secretary General)

About:

The Education and Research Association

for Consumers Malaysia (ERA Consumer Malaysia) is a voluntary, non-profit and non-political civil society organisation. It was founded in the state of Perak in 1985 and subsequently expanded into a national organisation, which is now based in Kuala Lumpur. ERA Consumer Malaysia's programmes are designed and implemented to nurture alternative, people-centred, development initiatives at the community level through participatory accountable governance, socio-economic, sustainable agriculture and ecological endeavours to facilitate access and management of resources for people to develop their full potential and expand their choices in accordance with their needs and interests.

Aims and objectives:

(1) To educate the consumer regarding the following consumer rights:

- The right to basic goods and services which guarantee survival: adequate food; clothing; shelter; health care; education; and sanitation,
- The right to be protected against the marketing of goods or the provision of services that are hazardous to health and life,
- The right to be protected against dishonest and misleading advertising or labelling. And the right to be provided the facts and information needed to make an informed choice,
- The right to choose products and services at competitive prices with an assurance of satisfactory quality,
- The right to express consumer interest in, the making and execution of Government policy,

- The right to be compensated for misrepresentation, shoddy goods or unsatisfactory services,
- The right to acquire the knowledge and skills necessary to be an informed consumer, and
- The right to live and work in an environment which is neither threatening nor dangerous and live a life of dignity and well-being.

(2) To undertake independent, authoritative and balanced research on consumer needs and the requisite degree of consumer protection and assistance by tendering advice and making recommendations to the public, Government and the commercial sector.

(3) To set up a consumer resource centre by collecting data/ information and research material on current consumer issues.

(4) To disseminate information to the consumer through the publication of newsletters, newspapers, bulletins, price-lists and the like, and through the organising of workshops, seminars, conferences, lectures, exhibitions and talks, the screening of films and such other activities as may be necessary with prior approval of the authorities concerned.

(5) To maintain close relations with Government by submitting relevant research findings to the appropriate agencies.

(6) To engage in charitable causes/ activities consistent with the organisation vision and mission that includes:

- to facilitate financial assistance for students,
- to provide to charitable causes donations,
- to provide legal and psychology

counselling, and

- to enhance awareness, motivate and provide guidance for students.

Main lines of work:

Research, advocacy, empowerment, networking, documentation and sustainable practices for consumers.

Suara Rakyat Malaysia (SUARAM)

Address: No. 433A, Jalan 5/46, Gasing Indah, 46000 Petaling Jaya, Selangor, Malaysia

Website: www.suaram.net

Phone +60-377835724

Fax +60-377843526

Organisational e-mail:

suaram@suaram.net

Contact person: Sevan Doraisamy (Executive Director): ed@suaram.net

About:

In 1987, Malaysia witnessed one of its darkest moments in its history when Operasi Lalang was unleashed. The crackdown resulted in 106 persons being detained without trial under the Internal Security Act (ISA). Not only did this cause grave distress to the detainees and their family members, Operasi Lalang also generated a sense of indignation among many Malaysians who uphold human rights. After their release, several of these ISA detainees and their family members, lawyers, and social activists came together in 1989 to found Suara Rakyat Malaysia (SUARAM) with the vision to protect and promote human rights to realise a society that is just, equal, and democratic.

SUARAM is a non-governmental organisation established in 1989 to monitor and advocate for the respect of human rights in Malaysia. Through its consistent and uncompromising work, it has established itself as one of the key human rights organisations, one to which Malaysians turn for information and support.

Area of work:

SUARAM defends all aspects of human rights, especially: the right to trial, freedom from abuse of police powers and law enforcement agencies; freedom of expression and information; freedom of assembly and association; freedom of religion; the rights of minorities, refugees, asylum seekers, migrants and trafficked persons; and democracy.

Main lines of work:

- Right to trial – campaign against arbitrary detention and detention without trial, including support to victims and family members,
- Right to justice – campaigning for accountability of the police and other enforcement agencies, especially the setting up of the Independent Police Complaints and Misconduct Commission (IPCMC) and custodial death cases,
- Documentation & Monitoring – monitoring, documenting and researching violations of human rights in Malaysia, including the annual publication of the Human Rights Report,
- Local governance – campaigning for local democracy and good governance, especially for local council elections, freedom of information, and

anti-corruption, and

- Refugee protection – providing assistance and protection to individual refugees and asylum seekers. Also, campaigning for the recognition of refugees and Government policy changes in the treatment of refugees and asylum seekers.

MONGOLIA

Center for Human Rights and Development (CHRD)

Address: Building “Ok” Center, Youth Avenue 13, 8th Khoroo, Sukhbaatar district, Ulaanbaatar City, Mongolia 14190

Website: www.chrd.org.mn

Phone: +976-11-325721,

+976-11-319037

Fax: +976-11-325721

About:

The Center for Human Rights and Development (CHRD) works on projects aimed at achieving goals such as: improving national human rights mechanisms and structures; increasing foreign aid effectiveness; improving civil society’s contribution to Mongolia’s development; and ability to use international human rights mechanisms and instruments. Its work is organised based on:

- Combat human trafficking crime programme,
- Human rights advocacy programme, and
- Community based development programme.

Globe International Center (GIC)

Address: Diplomat 95 Complex,
Entrance 1, #5, Chingeltei District,
Ulaanbaatar-15141, Mongolia

Website: www.globeinter.org.mn

Phone: +976-11-324627;

Fax: +976-11-324764

Organisational e-mail: globemon@gmail.com; globenews@globeinter.org.mn;
globe@globeinter.org.mn

Contact person: Khashkhuu
Naranjargal (President):
hnananjargal@gmail.com; hnanan@globeinter.org.mn

About:

Globe International Center (GIC) is a non-membership, non-profit-making and tax-exempted non-governmental organisation, which was founded in 1999. Its mission is to sustain the Mongolian democracy, develop civil society, and disseminate information and knowledge. We carry out our activities under the motto: Knowledge is Power. The main strategic concept is 'We believe information makes changes. Informed people are powerful, so we strive to disseminate information using any means possible'.

Since its establishment GIC has implemented around 130 projects within its strategic programmes. Besides Ulaanbaatar, the Capital, we work in the 20 remote districts (soums) of eight administrative divisions (aimags): Bayan-Ulgii, Khovd, Khuvsgul, Uvs, Sukhbaatar, Uvurkhangai, Bulgan and Arkhangai.

Areas of work:

- Promote and protect freedom of opinion and expression; favourable media legal environment; organise trainings for journalists on specialised reporting; and monitor free expression violations.
- Promote the public's right to information; help local and national public agencies to increase their transparency and information openness through monitoring, training of public officials; and build monitoring skills for citizens.

Main lines of work are organised through the following strategic programmes:

- Supporting the Rights of Independent Media,
- Promoting Transparent Governance, and
- Empowering the Public through Media and Arts.

NEPAL

Community Self Reliance Centre (CSRC)

Address: Dhapasi-10, Kathmandu, Nepal

Website: www.csrcnepal.org

Organisational e-mail: landrights@csrcnepal.org

Phone: +977-01-4360486,
+977-01-4357005

Fax: +977-01-4357033

Contact person: Jagat Deuja (Executive Director):
deujaj@csrcnepal.org

The vision of the Community Self Reliance Centre (CSRC) is people with self-reliance and dignity. Its mission is to enhance the power of land-poor farmers leading land and agrarian reforms. Its goal is land for land-poor farmers and their secure livelihoods.

CSRC is a leading social development organisation in Nepal working to empower people deprived of land rights to lead free, secure and dignified lives. CSRC works in 54 districts of Nepal collaborating with a nationwide organisation of landless, land-poor and small-holder farmers to lead the Land and Agrarian Rights Campaign. CSRC's programmes have focused on: strengthening people's organisation; conducting evidence based policy advocacy for pro-poor land reform and inclusive land governance; developing frontline activists and community leaders; and supporting agro-based enterprises and livelihood initiatives.

Since its establishment in 1993, CSRC has helped more than 39,307 landless and tenant farmers to obtain entitlements for the land they had been cultivating for generations and helped them to achieve economic security, social dignity, livelihood security and citizenship. CSRC's work has led to major constitutional and policy reforms enabling land-poor people to claim and exercise their rights and helped to reduce the skewed power distribution that keeps landless farmers trapped in poverty.

CSRC is a rights-based organisation that believes in using non-violent methods

and legal processes to achieve its goals. The pioneering tools adapted by the organisation include: legal literacy; popular education; participatory rural appraisal; participatory consultative processes; stakeholder engagement and management; social mobilisation; non-violent advocacy and campaigns; participatory monitoring and evaluation; and gender and social audits.

Objectives:

- Organise and mobilise land-poor farmers enabling them in claiming and exercising land and agrarian rights with improved livelihoods,
- Advance pro resource-poor farmers land and agrarian rights policies and governance,
- Reduce gender inequalities in access to and control over resources, by strengthening women's right to land, and
- Strengthen CSRC as a well-governed civil society organisation and a leading knowledge and resource base for non-violent social movements.

Informal Sector Service Centre (INSEC)

Address: Syuchatar, Kalanki, Kathmandu, Nepal, P.O. Box 2726
Website: www.insec.org.np and www.inseconline.org

Organisational e-mail:
insec@insec.org.np

Phone: +977-1-4278770

Contact person: Bijay Raj Gautam (Executive Director):
bijaya@insec.org.np

About:

The Informal Sector Service Centre (INSEC) is a leading human rights organisation in Nepal, established in 1988. INSEC started with the objective of protecting the rights of people engaged in the informal sector. The organisation has significantly contributed in the protection and promotion of fundamental rights of people in virtually all sectors. INSEC has been involving itself in campaigns, awareness creation and education programmes for the promotion of 'all rights for all'. Monitoring, documentation and dissemination on human rights has been a trademark of INSEC. It has been publishing the Nepal Human Rights Yearbook since 1992 and operating its human rights based online news portal (www.inseconline.org) since 2004. Coordination and collaboration for the cause of human rights intervention is the backbone of INSEC's initiatives. INSEC has been part of many local, national and international networks working on different themes, like Human Rights Treaty Monitoring Coordination Centre (HRTMCC) or Nepal NGO Coalition for the Universal Periodic Review (NNC-UPR).

Areas of work:

Work areas of INSEC consist of core human rights, such as civil and political rights, economic, social and cultural (ESC) rights, and cross-cutting issues, like peace, democracy, and Human Rights Defenders (HRDs) among others. Rights of children, women and vulnerable communities, like Dalit, ex-Haliya, and ex-Kamaiya, are also among the work

areas of INSEC. INSEC initiatives vary from grass-roots to national, sub-regional and international levels. It has presence in all 75 districts across the country.

Main lines of work:

As a Research Action Organisation (RAO), INSEC applies a Human Rights Based Approach (HRBA) in all its initiatives. Guided by INSEC Strategy 2013-2018, INSEC has categorised its initiatives into two types i.e. programmes and projects. INSEC's programme priorities consists of four thematic areas:

- Human rights monitoring and documentation,
- Human rights awareness and capacity development,
- Promoting peace and strengthening democracy, and
- Human rights advocacy.

Under programme areas there are three components. (1) Monitor Human Rights and Provide Emergency Support to Victims, (2) Educate Local People on Rights and Duties, and (3) Make Authorities Responsive and Campaign and Advocacy for Human Rights Promotion. Periodically there are also other projects ongoing at INSEC.

PAKISTAN

Bytes for All, Pakistan (B4A)

Address: Islamabad, Pakistan

Website: www.bytesforall.pk

Organisational e-mail:

info@bytesforall.pk

Phone: +92-51 2110494-95 (9am - 5pm)

Contact person: Shahzad Ahmad
(Director) : shahzad@bytesforall.pk

About:

Bytes for All (B4A), Pakistan is a network of Information and Communication Technology (ICT) professionals and practitioners. B4A focuses on the relevance of ICTs and the implementation of ICT solutions for sustainable development and strengthening human rights movements in the country. B4A has been actively working since 2003 at the forefront of the Internet Rights movement and the struggle for democracy. B4A focuses on field projects and policy advocacy from the perspective of civil liberties, as well as on capacity building of human rights defenders (HRDs) on their digital security, online safety and privacy.

B4A strategic plan delivers in four key result areas (KRA):

- Securing digital rights and Freedom of Expression (FoE) for civil liberties,
- Strengthening digital security of human rights defenders (HRDs) and media professionals,
- Ending technology-driven gender-based violence, and
- Network building at the national, regional and global level.

B4A is a legally registered non-profit, non-governmental organisation with a mission focusing on ICTs for democracy, development and social justice. It operates across the country with activities ranging from capacity building, to networking and advocacy. B4A has also been part of some international coalitions and partnerships to advocate for digital rights across the globe.

The efforts of B4A are recognised globally in the areas of ICTs. It has won 'The Doughty Street Advocacy Award' at the Freedom of Expression Awards 2014, by Index on Censorship; 'Innovative Campaign Award' at Avon Communications Awards 2013: Speaking Out About Violence Against Women (for Take Back The Tech 2012 Pakistan campaign), and has been nominated for the Human Rights Tulip Innovating Justice Awards 2013.

Human Rights Commission of Pakistan (HRCP)

Address: Aiwan-i-Jamhoo, 107-Tipu Block, New Garden Town, Lahore-54600; Pakistan

Website: <http://hrcp-web.org>

Organisational e-mail:

hrcp@hrcp-web.org

Phone: +92-42-35864994

Fax: +92-42-35883582

About:

The Human Right Commission of Pakistan (HRCP) was established in 1987 as an independent non-governmental organisation. Since then it has developed to become an influential country wide human rights body. HRCP has established a leading role in providing a highly informed and objective voice on a national level in the struggle for the provision of human rights for all

and democratic development in Pakistan. HRCP's role in highlighting human rights abuses has been recognised not only on a national level but also internationally.

Besides monitoring human rights violations and seeking redress through public campaigns, lobbying and intervention in courts, HRCP organises seminars, workshops and fact finding missions. It also issues a monthly magazine, in Urdu, called Jehd-i-Haq, and an annual report on the state of human rights in the country, available in both English and Urdu.

The main office of the secretariat is in Lahore, while HRCP maintains a presence through branch offices in Karachi, Peshawar, and Quetta. Special Task Forces in Hyderabad, Sukkur, Multan, Turbat/Makran, and Gilgit report issues from their areas and attend important meetings and seminars on HRCP's behalf.

Mission:

To work for the ratification and implementation of the Universal Declaration of Human Rights and of other related Charters, Covenants, Protocols, Resolutions, Recommendations and internationally adopted norms by Pakistan. To promote research and studies in the field of human rights and to mobilise public opinion in favour of accepted norms through all available media and forums, and other activities, like holding conventions and publishing reports to further the cause. To cooperate with and aid national and international groups,

organisations and individuals engaged in the promotion of human rights, and to participate in meetings and conferences on human rights at home and abroad. To take appropriate action to prevent violations of human rights, and to provide legal aid and expertise to victims of those violations and to individuals and groups striving to protect human rights.

National Commission for Justice and Peace (NCJP)

Address: E 64/A, Street No. 8 Officers Colony Walton Road Lahore Cantt, Lahore, Pakistan

Website: www.ncjp-pk.org

Organisational e-mail:

admin@ncjp-pk.org

Phone: +92-042-36668692

Potohar Organization for Development Advocacy (PODA)

Address: House-33/B, Street-16, Sector F-7/2, Islamabad, 44000, Pakistan

Website: www.poda.org.pk

Organisational e-mail: info@poda.org.pk

Phone: +92-51 2609743

Fax: +92-51 2609742

Contact person: Sameena Nazir (Executive Director); Rahila Emmanuel (Program Coordinator)

About:

Potohar Organization for Development Advocacy (PODA) is a women's rights non-governmental organisation (NGO) working for the promotion and protection of human rights in rural areas of Pakistan since 2003. PODA's vision is a democratic society based

on education and gender equality for everyone. PODA's mission is to facilitate the empowerment of marginalised rural communities, children, women and youth through formal and non-formal education, legal empowerment and human rights advocacy to build a locally democratic and globally peaceful society.

Programmes:

- Annual Rural Women Conference,
- Agriculture and Small Business Education,
- Women's Rights Advocacy and Education,
- Democracy and Human Rights Education, and
- Children Rights Education.

Society for the Protection of the Rights of the Child (SPARC)

Address: Post Office Box 301, F -8, Islamabad, Pakistan

Website: www.sparcpk.org

Organisational e-mail:

pd1@sparcpk.org; info@sparcpk.org

Phone: +92-51 229 1553/ 9, +92-333 566 9068

Fax: +92-51 229 1680

Contact person: Asiya Arif

About:

SPARC was established in 1992 to promote and protect child rights all over Pakistan. It was a pioneer organisation in the field of child rights and in raising related issues that were previously not part of the national debate. It undertakes in-depth research in this area; has published several books and brochures;

drafted many laws, some of which have been adopted; and lobbies and advocates the rights of children, without discrimination. SPARC has consultative status with the United Nations Economic and Social Council (ECOSOC) and the UN Department of Public Information (DPI). It is also certified by the Pakistan Center for Philanthropy (PCP).

SPARC works all over Pakistan, except for Balochistan due to security concerns. It currently has offices in Karachi, Hyderabad, Peshawar, Abbottabad, Haripur, Islamabad, Rawalpindi, and Multan.

Main lines of work:

SPARC is concerned with all areas of child rights. However, it has developed an expertise in addressing issues, such as: child labour; bonded labour; juvenile justice; education; and violence against children, especially corporal punishment. It has twice presented alternative reports to the UN Committee on the Rights of the Child in relation to the implementation of the UN Convention on the Rights of the Child (UNCRC), and strongly advocates for its complete adoption in Pakistan. SPARC believes that Pakistan cannot progress unless the plight of the girl child is improved, and thus works in all avenues affecting girls. SPARC has its own Training Center and has imparted training to thousands of Government officials, media and non-governmental organisation personnel. SPARC has also established Centres for Street Children in Hyderabad, Multan, Rawalpindi, Sikandarabad and Peshawar.

THE PHILIPPINES

Philippine Alliance of Human Rights Advocates (PAHRA)

Address: 53-B Maliksi St. Bgy. Pinyahan, Quezon City, Philippines (1100)

Website: www.philippinehumanrights.org, Facebook account: philippinehumanrights, Twitter: @PAHRAhr, Skype: pahra1986

Organisational e-mail: pahra@philippinehumanrights.org
Phone: +63-2436-26-33; Mobile: +63-917 308 2409

Fax: +63-2433 1714

About:

Since its founding in 1986, the Philippine Alliance of Human Rights Advocates (PAHRA) serves as an advocacy centre and has been committed to work for the respect and promotion, protection and fulfilment of human rights. PAHRA is committed to work for the recognition and realisation of all human rights embodied in international instruments, such as the Universal Declaration of Human Rights, the International Covenant on Social, Economic and Cultural Rights, the International Covenant on Civil and Political Rights, the Declaration on the Right to Development, and the Universal Declaration on the Rights of the Peoples. PAHRA supports the implementation by the International Committee of the Red Cross of International Humanitarian Law embodied in Geneva Conventions and their additional Protocols.

In its quest for national sovereignty and respect for human rights, PAHRA shall promote and defend human rights in all their dimensions of civil, political, social, economic and cultural, including developmental and environmental concerns, and equally address the rights of women, children, indigenous peoples and the Moro people in international human rights instruments. PAHRA has been steadfast and consistent in principle and practice for the universality, non-discriminatory and non-selectivity of human rights.

Areas of work:

Comprehensive human rights issues, civil and political rights and economic, social and cultural rights, including business and human rights, security sector reform, climate justice, human rights based approach (HRBA) and human rights defenders (HRDs) protection.

Main lines of work:

- Advocacy centre for sectoral and thematic human rights advocacy concerns of members,
- Documentation and monitoring of rights and violations,
- Medical and psycho-social relief and rehabilitation,
- Capability building (training, mentoring),
- Public advocacy,
- Policy advocacy, and
- Engagements with National Human Rights Institution (NHRI) – executive, legislative and judiciary.

Current projects:

Building blocks to human rights localities with the Lady Mayors Association; and the Pampanga monitoring mechanism on extra-judicial killings, enforced disappearance, torture and other human rights violations.

PILIPINA Legal Resources Center (PLRC)

Address: 44 Narra St., Nova Tierra, Lanang, Davao City, 8000 Philippines
Organisational e-mail: pilipinalegal@yahoo.com

Phone: + 63-82 234 3711; mobile: +63-917 701 9873

Fax: +63-82 234 3711

Contact person: Isabelita Solamo
Antonio: isabelita_solamo@yahoo.com

About:

The PILIPINA Legal Resources Center (PLRC), founded in 1982, is a social development agency which implements development programmes concerning women and the law. Its founders are members of PILIPINA, the Filipino national feminist movement. Over the years, PLRC has engaged in legislative and policy advocacy, legal literacy, organisational development, research, technical support and publication. PLRC also works with various local, national and international networks on women, law and development programmes.

Areas of work:

Women's rights as human rights; peace; women in politics; gender

mainstreaming; research on legal and judicial reform of the Shari'a Court System; ethnicity/multiculturalism/development work in Mindanao; policy research; developing gender focused research methodologies; participatory popular education & training; successor generation mentoring; development law; Muslim customary practices/ religious laws/ statutory law; and reproductive rights and Lesbian, Gay, Bisexual and Transgender (LGBT) rights.

Project examples among various others:

ISLA Verde Project

PLRC connected the informal settlers of the Davao City's coastal danger areas to the city's policy making structures and legislative committee for housing, for relocation plans and design of relocation areas. The homes in these coastal areas were very recently destroyed by storm surges and the monsoon.

Poverty Studies in Davao Province and Surigao del Norte

PLRC is currently conducting a poverty baseline study in Davao province and Surigao del Norte with Millennium Challenge Account- Phil and the Ateneo de Naga's Research Center.

Networking

PLRC actively works with PILIPINA Davao, Mincode, Philssa, Code NGO, Coalition for Sexual & Bodily Rights in Muslim Societies (CSBR).

Task Force Detainees of the Philippines (TFDP)

Address: No. 45 Saint Mary Street,
Cubao, Quezon City 1109 Philippines

Website: www.tfdp.net

Organisational e-mail:
tfdp.1974@gmail.com

Phone: +63-24378054 /9950246

Fax: +63-9113643

Contact person: Emmanuel Amistad
(Executive Director):
ecamistad@yahoo.com

About:

TFDP began under a dictatorial regime. In the late 1960s, there was increased people's action and struggle against the unjust economic and political order in the Philippines. At that time, only the elite decided the fate of the peoples and the nation, while the majority lived in misery and did not participate in the making of decisions affecting their lives.

It was in 1974 that the Association of Major Religious Superiors of the Philippines (AMRSP) established the Task Force Detainees of the Philippines (TFDP) to assist political prisoners, at a time when most organisations were banned. The AMRSP reflected on a survey which showed the presence of political prisoners in all regions of the country. The political detainees, most of who were subjected to torture, had families who were placed under surveillance and from whom money was extorted purportedly to facilitate better treatment and/or their release from detention.

TFDP then provided moral and spiritual support to the political prisoners, assisted them in their material needs, documented their situation as well as worked for their just trial and quick release. Prisoners, on various occasions, conducted hunger strikes to push for better jail conditions and immediate actions for their release. TFDP was always present with support. Relatives were eager to have sisters or nuns with them when visiting the detainees in the jails, since it seemed that some respect to the nun's habit still prevailed in the military ranks.

Although TFDP started as a response specifically among Catholics in political detention, many Protestants, Muslims and even non-believers later joined it and participated in its work for political prisoners. TFDP's experience with prisoners attracted supporters and drew many others to the organisations vision, mission and commitment.

What started primarily as work for political prisoners in Manila gradually became activities not only for political prisoners but for victims of other civil and political rights violations in all the regions of the country. Thus, TFDP became a national human rights institution documenting human rights violations, assisting the victims in their material and legal needs as well as campaigning against human rights abuses and the structures and policies that caused them.

TFDP also conducted human rights education activities to help empowering people to assert their rights, in particular and to uphold, defend and protect

human rights in general. It also produced alternative publications, among others TFDP Update, Lusong and Pumipiglas, which documented the human rights situation. Komiks, an illustrated magazine began in 1989 to depict the human rights situation in popular local slang.

TFDP joined hands with victims of human rights violations and their relatives, workers, students, and other church-people, peasants and other democratic forces in the country in the struggles for human rights and democracy.

Public Interest Environmental Law Office - Tanggol Kalikasan (TK)

Address: M-01 CRM III Building, 106 Kamias, Road, Quezon City, 1102; Philippines

Website: www.tanggokalikasan.org

Organisational e-mail:
tanggokalikasan@yahoo.com

Phone: +63-2 925 5611

Fax: +63-2 925 5611

Contact person: Atty. Maria Generosa T. Mislang (Genee) (Executive Director):
Ms. Julieta Aparicio

About:

Tanggol Kalikasan (TK) is a non-profit and non-governmental organisation involved in public interest environmental advocacy in the Philippines. It became a fully independent organisation in January 2001 after thirteen years as the environmental law office of the Haribon Foundation. Tanggol works with national and international partners and networks,

and has its main office in Quezon City. It also maintains an area office in Lucena City (Southern Luzon Office).

Vision:

The organisation envisions an empowered society that relates with its environment in a just and sustainable manner for the equitable benefit of all Filipinos.

Mission:

Its mission is to facilitate the empowerment of communities and institutions to manage their ecosystem through law and other creative mechanisms.

Goals:

Conscious of the power of an organised and informed citizenry, Tanggol's programmes are aimed at encouraging greater citizen's participation in environmental law enforcement and policy-making on resource allocation.

Main lines of work:

- Capability-Building Programme,
- Support for Environmental Law Enforcement,
- Constituency Building and Organisational Development,
- Direct Legal Service,
- Public Environmental Legal Education, and
- Legal and Policy Advocacy.

SINGAPORE

Think Centre

Address: P.O Box 640, Teban Garden Post Office, Singapore 916002 (Mailing address)

Website: www.thinkcentre.org

Organisational e-mail:

thinkcentre@hotmail.com

Phone: +65-6425 0709

Contact person: Dr. Adrian Heok Kay Heng (President), adrianheok@gmail.com; Ted Tan Hwee Ming (Executive Secretary), tedtan.sg@gmail.com; Soe Min Than (Treasurer), soeminthan@gmail.com; Sinapan Samydorai (Director of ASEAN Affairs), samysd@yahoo.com.

About:

Established in 1999, Think Centre is an independent non-governmental organisation (NGO) in Singapore. It aims to examine, advocate and raise awareness on civil society issues related to political development, democracy, rule of law and human rights. In the last decade and a half, Think Centre has been instrumental in initiating and facilitating local civil society's involvement in human rights awareness and promotion.

Areas of work:

- Our work takes place at several levels i.e. Singapore, Southeast Asia region i.e. ASEAN, and where relevant also at the international level:
- Promotion and protection of human rights,

- Freedom of expression (FoE), freedom assembly and association (FoAA),
- Right to life (anti-death penalty advocacy), and
- Labour rights, rights of migrant workers and their families.

Main lines of work:

Promote awareness of various issues and concerns through traditional above and below the line media and more recently, new media (Think Centre and TFAMW). Building a network of like-minded groups in Singapore to collaborate on the Universal Periodic Review (UPR), joint advocacy efforts and where possible, in supporting each other's work. Networking on the death penalty issue at all possible levels i.e. Singapore/regional/international. Engaging ASEAN Governments in relevant ASEAN processes especially those relating to human rights and migrant labour.

One key area Think Centre works on at the national level since 2010 is nurturing the engagement between local civil society organisations (CSOs) with the UPR process, by levelling the space and providing a safe platform for the work on the stakeholders' report as a collective and encouraging the development of a sustainable monitoring process. This was done in collaboration and with support from the United Nations Office of the High Commissioner for Human Rights (UNOHCHR) in Bangkok. Through this process, we aim to connect CSOs in Singapore to UNOHCHR, to raise awareness, collaborating on human rights training (e.g. understanding the

UPR process, relevance of treaty bodies, and engaging United Nations Special Procedures complaint mechanisms), and the promotion of mutual respect to empower all to work together.

Regional and international activities:

Think Centre is an active participant of the Solidarity for Asian People's Advocacy (SAPA) Working Group on ASEAN; Think Centre is the national focal point for the SAPA Working Group on ASEAN's Taskforce on Human Rights; engages the ASEAN Intergovernmental Commission on Human Rights (AICHR) at both the regional and national level; Think Centre is the convener and secretariat of the Task Force on ASEAN Migrant Workers (TFAMW), with Mr. Samydorai Sinapan serving as the Convener-Consultant since 2006.

Think Centre is furthermore Co-convener of Singapore Working Group on the Death Penalty, Co-convener of Anti-Death Penalty Asia Network (ADPAN) and member of World Coalition Against the Death Penalty. Think Centre participates in Bali Democracy Forum and Gwangju Asian Human Rights Forum and connects with Asia Democracy Network (ADN).

SOUTH KOREA

Korean House for International Solidarity (KHIS)

Address: 2F, 50-5, Jahamun-ro 1-gil, Jongno-gu, 110-044, Seoul, Korea

Website: www.khis.or.kr

Organisational e-mail:

khis21@hanmail.net

Phone: +82-2-736-5808-9

Fax: +82-2-736-5810

Contact person: Hyun-phil, Na

About:

Founded in 2000, KHIS is a human rights advocacy group that works to establish and promote human rights and peace primarily within Asia and the general international community. Our activities include: monitoring Korean companies overseas for human rights violations; attending to problems that arise from multinational transnational enterprises; and dealing with any obstacles on the path to achieving democracy and human rights.

Areas of work:

- Monitoring Korean corporations overseas for human rights violations,
- Supervising the activities of the National Human Rights Commission of Korea, and
- Other affiliated activities concerning democracy and human rights issues in Asia.

Main lines of work:

- Lobbying (organising workshops, interviewing with stakeholders, official inquiry),
- Fact-finding missions and publishing reports,
- Analysing and translating documents and articles on basic human rights, and
- Campaigning (collecting signatures, taking selfie shots, sending postcards).

People's Solidarity for Participatory Democracy (PSPD)

Address: 16 Jahamun-ro 9-gil, Jongno-gu, Seoul, South Korea (110-043)

Website: www.peoplepower21.org/english

Organisational e-mail:

pspdint@pspd.org

Phone: +82-2 723 5051

Fax: +82-2 6919 2004

Contact person: Gayoon Baek:

pspdint@pspd.org

About:

People's Solidarity for Participatory Democracy (PSPD) is a non-governmental organisation based in Seoul, South Korea. We were founded in 1994 by activists, scholars and lawyers who were engaged in various democratic movements during the decades of military dictatorship. Until the 1980s, achievement of democracy was driven by people's movements resisting government violence and oppression. Eventually the military dictatorship, which lasted over three decades, was terminated by the power of the people. Nevertheless, democratisation was

not fully realised immediately. The true realisation of democracy could only be achieved by the people who participate in socio-economic and political spheres of decision-making processes, and closely monitor the abuse of power of the state and the corporations to enhance its transparency and accountability. PSPD aims to open a new era of participatory democracy and human rights, and has been working on promoting people's participation in the Government's decision making process and socio-economic reforms. PSPD does not receive any Government funding. We are 100 percent funded by individual donations and membership fees. To be an independent and transparent watchdog organisation, our mandate requires all staff and board members of PSPD to be politically impartial.

Areas of work:

PSPD mainly works on domestic issues in South Korea but also stands in solidarity with civil society organisations in other countries. PSPD works on: guaranteeing people's participation in the Government decision making process; monitoring legislative, judicial and executive branches of the Government; establishing fair working conditions and economic justice, people's livelihood, social welfare system; as well as the Government's foreign policies. We also work on peace and disarmament, and monitor the Government's official development assistance.

Main lines of work:

Lawsuits, legislations and petitions,

requests for audit and inspections of the governmental administrative processes, publishing policy reports, international advocacy, press conferences, panel discussions and media publications, direct actions, press statements/ commentaries, publishing books and periodicals, public lectures and community courses, and internship programmes.

SRI LANKA

Human Rights Documentation Centre (INFORM)

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About:

INFORM was established in 1990 to monitor and document the human rights situation in Sri Lanka, especially in the context of the ethnic conflict and civil war. We work by reporting on the situation through written and oral interventions at the local, national and international level, rights advocacy and awareness building work, including work on policy change. Presently, INFORM focuses on Freedom of Expression (FoE), protection of human rights defenders (HRDs) and lobbying and advocacy on the promotion of human rights and accountability in Sri Lanka.

INFORM has been a key constituent in election monitoring and media freedom work at the national level; is involved with the Centre for Monitoring Election Violence (CMEV), and the Free Media Movement (FMM).

INFORM has been working with NGOs and HRD networks, collaborating with local activists, groups and networks as well as regional (Asian) and international human rights networks, focusing on rights of specific groups such as with families of enforced disappearances, women's rights, rights of lesbians, gay, bisexual and transgender persons, media organisations, trade unions, academics etc.

INFORM is one of the two member organisations from Sri Lanka of the Asian Forum for Human Rights and Development (FORUM-ASIA) and closely associated with its activities, and has also served on its Executive Committee. It has maintained close links with HRDs and national level human rights organisations in Asian countries, including several regional women's rights organisations.

INFORM has been associated for a number of years with international women's rights movement on global campaigns and advocacy on women's rights. It was a founding member of the International coalition on Women HRDs and was the primary host of the first International Consultation on Women HRDs in 2005. INFORM has also worked closely with leading international human rights organisations such as Amnesty International (AI), Human Rights Watch

(HRW), International Crisis Group (ICG), International Service for Human Rights (ISHR), Front Line Defenders (FLD) and FORUM-ASIA.

Areas of work:

- Protection for HRDs,
- Monitoring and documentation of human rights situation in Sri Lanka,
- Promotion of human rights and accountability in Sri Lanka, and
- Transitional justice.

Main lines of work:

- Safety and protection of human rights defenders (HRDs) including emergency support, physical protection, legal assistance, advice and mentoring and submitting urgent appeals on behalf of HRDs,
- Lobbying and advocacy on the promotion of human rights and accountability locally and internationally,
- Monitoring progress and support for pursuing justice for cases involving HRDs both domestically and internationally,
- Discussion and awareness raising on human rights, and protection of HRDs, and matters affecting HRDs and transitional justice amongst HRDs, and
- Documentation and dissemination of information on human rights situation in Sri Lanka.

Law and Society Trust (LST)

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About:

The Law & Society Trust (LST) is a not for profit organisation engaged in human rights documentation, legal research and advocacy based in Colombo, Sri Lanka, which was founded in 1982. Our aim is to use rights based strategies in research, documentation and advocacy in order to promote and protect human rights, enhance public accountability and respect for the rule of law. Some of our main activities include legal education and skills training, publications, rights awareness raising, dissemination of information, networking and coalition building at a national and international level.

Areas of work:

- Democracy, Governance and Rule of Law,
- Gender equality,
- Environment, food safety and food security,
- Constitutionalism and public law,
- Peacebuilding and reconciliation, and
- Poverty and social injustice.

Main lines of work:

The Law and Society Trust is committed to its vision of *'a society which upholds*

human rights and dignity for all, free of discrimination, social injustice and violence'. LST's overall strategic goal and mission is to 'promote the full realisation of the Rule of Law, justifiability of rights and public accountability by effectively engaging in research, documentation and advocacy'.

Within this overall strategic goal, the strategic objective is (1) to be a leader in national level policy and legislative changes, (2) to engineer changes in perceptions, attitudes and traditions which adversely affect human rights and prevent the adoption of a human rights based approach, and (3) to make space for human rights discourse and to empower and build the capacity of rights holders. LST's key priorities and themes for the next five years are (1) democracy, governance and the rule of law, (2) gender equality, (3) environment, food safety and food security, (4) constitutionalism and public law, (5) peace building and reconciliation, and (6) poverty and social injustice.

The thematic area which is described in this proposal contains the overall strategic goal of advancing reconciliation so that all citizens of Sri Lanka can live with each other in peace. This encompasses a gamut of rights from Freedom of Expression (FoE), religion, right to life, gender equality; addressing of alleged atrocities committed during the violent conflict until its end in May 2009; addressing issues of enforced disappearances, custodial deaths and other tools of state repression of human rights. It also contains actions which are directed at reducing inequity and

inequality in society. The actions herein are relevant across LST's thematic areas.

The three main intervention strategies of the Law and Society Trust are as follows:

- Research and analysis of laws, policies, regulations and related actions,
- Advocacy through sharing of research findings, discussions, recommendations for laws amendments and other related actions, and
- Capacity building through trainings, workshops and related actions and interventions.

TAIWAN

Taiwan Association for Human Rights (TAHR)

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About:

Taiwan Association for Human Rights (TAHR) is an independent non-governmental organisation (NGO), founded on 10 December 1984. It is a member-based NGO and run by full time activists and volunteers. Due to the long-term enforcement of martial law, democratic reforms to ensure civil and political rights became the main TAHR's

campaign topic in its initial years. Now TAHR has extended its engagement to a variety of human rights issues, some key works include: individual case support; policy monitoring and advocacy; promotion, education, and training; and cooperation with international human rights organisations.

Areas of work:

- International human rights conventions and protection mechanism,
- Freedom of Expression and Opinion,
- Rights to assembly and parade,
- Right to privacy,
- Right to housing,
- Migrants' rights, immigration detention and refugees, and
- Death penalty.

Main lines of work:

- Press conferences,
- Drafting and revising laws,
- Lobbying to the Members of Parliament,
- Case support,
- Legal assistance,
- Workshop,
- Project 'Guidelines for the Protestors', and
- Project 'Taiwan Internet Transparency Report'.

THAILAND

People's Empowerment Foundation (PEF)

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About:

People's Empowerment Foundation (PEF) is a Thai Foundation which was registered on 1 July 2008 under the Thai Foundation Law. PEF is a non-profit organisation which focuses on creating sustainable mechanisms for individual actors, community organisations, grass-roots coalitions and popular movements to work together to achieve social change. It promotes a wide range of human rights and human security issues throughout Thailand and Southeast Asia through civil society networks with community-based partner organisations. Within these networks knowledge, strategies and resources are shared aiming at positive social change. One of PEF's main activity is strengthening the organisational capacity of the network/ partners by providing them with information, skills and knowledge training, capacity building tools, logistical coordination, and other assistance

adapted to each group's particular needs.

PEF has three local networks; (1) ASEAN People network, (2) Patani people's Peace Building network and (3) United Nations (UN) human rights mechanism network. Through these local networks PEF strengthens community-based organisations to promote and protect human rights and the right to development through collaboration and cooperation. PEF also works with government organisations to improve the policy making and implementation for the benefit of the people.

Projects:

- Empowerment of the people in the peace process in Patani (Deep South of Thailand): as an outsider of the Patani community, PEF promotes capacity building of community members by organising knowledge exchange between Patani community leaders and Aceh and Mindanao communities. This option of exchange is offered to the local officers as well. In this way PEF educates and builds up trust with local authorities to create understanding for the peacebuilding process. PEF respects the decision of the Patani people and the solution will be created by themselves. PEF promotes the participation of Patani people in the peace talks.

- ANNI report: With this project PEF monitors the performance of the National Human Rights Commission of Thailand (NHRCT) and submits a chapter to the annual report of the Asian NGO Network on National Human Rights Institutions

(ANNI). PEF also assures that this report is distributed in Thailand, including to the NHRCT.

- Promotion of the UN human rights mechanism in Thailand: PEF believes in the principle of human rights and works on promoting the implementation of international human rights standards in Thailand. In this context PEF submitted the stakeholder UPR-report on the 1st cycle and the 2nd cycle. PEF also submitted the ESCR shadow report on Economic, Social and Cultural Rights (ESCRs) and the Committee on the Elimination of Racial Discrimination (CERD) shadow report to the treaty bodies. PEF organises trainings on UN human rights mechanisms at the community level and created the People's UN curriculum for local networks.

- Mobilisation of ASEAN people: PEF organises meetings and trainings on ASEAN for local networks. PEF encourages local Thai organisations to engage with ASEAN bodies and ASEAN human rights mechanisms at national level to ensure ASEAN People's Centre.

- PEF used to work on democracy, but ended its democracy project after the coup on 22 May 2014.

- PEF recently started a new project 'C2C- community to community' to promote community economic and human rights.

TIMOR–LESTE

Association for Law, Human Rights and Justice - Hukum, Hak Asasi dan Keadilan (HAK)

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About:

The Hukum, Hak Asasi dan Keadilan (HAK) Association was established in 1996 by a group of young Timorese and Indonesian activists. Its vision is a Timorese society which has prosperity, equality and no discrimination as to human rights, so that we may have everlasting peace. Its mission is to promote, protect and spread the principles of human rights throughout society and the state institutions of Timor-Leste.

Areas of work:

HAK's role is realised through:

- Spreading information about the principles of human rights and their rule of law through various campaigns and education activities,
- Active participation to contribute to the strengthening of state institutions in order that they can carry out their roles carefully with respect to human rights, through monitoring and advocacy,

- Active contribution, according to capacity, to help resolving problems the State faces – problems inherited from the past as well as problems which appear because of an weak state system, and

- Building a popular movement to defend and fulfil human rights.

Judicial System Monitoring Program (JSMP)

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About:

Judicial System Monitoring Program (JSMP) was established on 28 April 2001 with the objective to monitor the trial process in the Indonesian Ad Hoc Tribunal for human rights violations, and the Special Panel for Serious Crimes in Timor-Leste. Currently, JSMP is a leading non-governmental organisation (NGO) in Timor-Leste, monitoring the justice system and engaging in advocacy about legality, transparency, accountability, and strengthening the rule of law.

JSMP's vision is a democratic society that guarantees justice and human rights for everyone. JSMP's mission is to work collaboratively to promote and protect democracy, law, justice and human rights through monitoring, legal education, and advocacy.

donor partners over the years

FORUM-ASIA is grateful to all donor partners that have supported us in the last 25 years of struggle for human rights in Asia. Without you, we would not have been able to achieve and realise all that we have done over the last decades. The main donors that have been supporting us over the last 25 years are the following. We apologise if we have missed out on any other donors and support organisations.

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- Ford Foundation
- Freedom House (Lifeline NGO Assistance Fund)
- Foundation Open Society Institute (FOSI), USA
- Humanist Institute for Development Cooperation (HIVOS), Netherlands
- International Centre for Human Rights and Democratic Development

- International Center for Not-for-Profit Law (ICNL)
- International Labor Organization (ILO)
- KIOS – The Finnish NGO Foundation for Human Rights, Finland
- National Endowment for Democracy
- Netherlands Organisation for International Assistance (Oxfam Novib), Netherlands
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- Open Society Institute
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- Tides Centre, USA
- United Nations High Commissioner for Refugees
- United Nations Democracy Fund
- United Nations Development Program
- United Nations Development Fund for Women
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ABBREVIATIONS

ACJ	Advisory Council of Jurists
ACSC	ASEAN Civil Society Conference
ACSTF	Acehnese Civil Society Task Force
ACWC	ASEAN Commission on the Promotion and Protection of the Rights of Women and Children
ADA	Asian Development Alliance
ADB	Asian Development Bank
ADHIKAR	Center for Social Action Documentation Research & Training
ADHOC	The Cambodian Human Rights and Development Association
ADN	Asia Democracy Network
ADPAN	Anti-Death Penalty Asia Network
ADR	Alternative Dispute Resolution
AFAD	Asian Federation Against Disappearances
AFNY	Aceh Forum of New York
AGE	Anti Government Entity
AHRC	Asian Human Rights Commission
AICHR	ASEAN Intergovernmental Commission on Human Rights
AiNNI	All India Network of NGOs and Individuals working with National and State Human Rights Institutions
AJI	The Alliance of Independent Journalists Indonesia
ALDP	Board of Democracy Alliance for Papua
ALTSEAN-Burma	Alternative ASEAN Network for Burma
AMM	ASEAN Ministers Meeting
AMRSP	Association of Major Religious Superiors of the Philippines
ANFREL	Asian Network for Free Elections
ANICC	Asian Network for the International Criminal Court
ANNI	Asian NGO Network on National Human Rights Institutions

APA	ASEAN's People's Assembly
APC	Association for Progressive Communications
APCET	The Asia-Pacific Coalition for East Timor
APCRR1	First Asia Pacific Consultation on Refugee Rights
APF	Asia Pacific Forum of National Human Rights Institutions
APODETI	Associação Popular Democrática Timorense
APRRN	Asia Pacific Refugees Right Network
APSOC	Asia-Pacific Solidarity Coalition
ASEAN	Association of Southeast Asian Nations
ASK	Ain o Salish Kendra
ASP	Assembly of States Parties
ATSS	Annual Training and Study Sessions for Asian Human Rights Defenders
AU	African Union
AusAID	Australian Agency for International Development
B4A	Bytes for All
BAPA	Bangladesh Poribesh Andalon
BGB	Border Guard Bangladesh
BLAST	Bangladesh Legal Aid and Services Trust
BP	Burma Partnership
CAGE	Citizens Alliance for the 2000 General Elections
CBO	Community based organisations
CCTV	Closed-circuit television camera
CEDAW	Convention on the Elimination of all Forms of Discrimination against Women
CERD	Committee on the Elimination of Racial Discrimination
CGRS	Coordination Group for Religion in Society
CHOGM	Commonwealth Heads of Government Meeting
CHRD	Center for Human Rights and Development
CHRM	Citizens for Human Rights Movement
CICC	Coalition for the International Criminal Court
CMAG	Commonwealth Ministerial Action Group

CMEV	Centre for Monitoring Election Violence
COHA	Cessation of Hostilities in Aceh
COMFREL	Committee for Free and Fair Elections
CPKC	Conflict and Peace Knowledge Centre
CPMTA	Civilian Peace Monitoring Team in Aceh
CPU	Central Processing Unit
CRC	Convention on the Rights of the Child
CSO	Civil Society Organisation
CSR	Corporate Social Responsibility
CSRC	Community Self Reliance Centre
CTF	Community Trust Fund
DB	Detective Branch
DI	Defense Intelligence
DOM	Daerah Operasi Militer or Military Operation Area
DPI	Department of Public Information
DPP	Democratic Progressive Party
ECFA	Economic Cooperation Framework Agreement
ECOSOC	Economic and Social Council
EQMM	Equality Myanmar
ELSAM	Indonesian Institute for Research and Community Advocacy
EMO	Elections Monitoring Organisations
ERA Consumer	Education and Research Association for Consumers, Malaysia
ESCRs	Economic, social and cultural rights
EU	European Union
FARMIDIA	Aceh Student Front for Reform
FARR	Friend's Association for Rural Reconstruction
FBC	Free Burma Coalition
FIDH	International Federation for Human Rights
FIR	First Information Report
FMM	Free Media Movement
FoAA	Freedom of Assembly and Association

FoE	Freedom of Expression
FoI	Freedom of Information
FoRB	Freedom of Religion or Belief
FP-HAM	Forum Peduli Hak Azasi Manusia Aceh
FRETILIN	Frente Revolucionária de Timor Leste Independente
FWF	Friends of Women Foundation
GA	General Assembly
GAM	Gerakan Aceh Merdeka or the Free Aceh Movement
GALA Academy	Glo-cal Advocacy Leadership in Asia Academy
GCHQ	Government Communications Headquarters
GCTOC	Gujarat Control of Terrorism and Organised Crime
GD	General Dairy
Gerindra	Great Indonesia Movement Party
GI	Globe International
GIC	Globe International Center
GHAH	Gerakan Hapuskan Akta Hasutan - The Movement for the Abolishment of the Sedition Act
GMI	Gerakan Mansuhkan ISA – Abolish ISA Movement
GPPAC-SEA	Global Partnership for the Prevention of Armed Conflict – Southeast Asia
HAK-Association	Hukum, Hak Asasi dan Keadilan Association – Association for Law, Human Rights and Justice
Hanura	People’s Conscience Party
HDC	Henry Dunant Centre for Humanitarian Dialogue
HRBA	Human Rights Based Approach
HRCP	Human Rights Commission of Pakistan
HRD	Human rights defender
HRDA	Human Rights Defenders Alert
HREIB	Human Rights Education Institute of Burma; now: Equality Myanmar
HRTMCC	Human Rights Treaty Monitoring Coordination Centre
HRW	Human Rights Watch

HRWG	Human Rights Working Group
IAAC	Independent Agency against Corruption
ICC	International Criminal Court
ICC	International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights
ICCPR	International Covenant on Civil and Political Rights
ICJ	International Commission of Jurists
ICNRD	International Conference of New or Restored Democracies
IDPs	Internally Displaced Persons
ICT	Information and Communication Technologies
IFA	International Forum for Aceh
IFJ	International Federation of Journalists
IHRE	Institute of Human Rights Education
IID	Initiatives for International Dialogue
Imparsial	Inisiatif Masyarakat Partisipatif untuk Transisi Berkeadilan – The Indonesian Human Rights Monitor
INFORM	INFORM Human Rights Documentation Centre
INSEC	Informal Sector Service Centre
IPCHR	Independent Permanent Commission of Human Rights
IPCMC	Independent Police Complaints and Misconduct Commission
IPT	Investigatory Powers Tribunal
ISA	Internal Security Act
ISRSF	Indonesia Scholarship and Research Support Foundation
JIC	Joint Intelligence Committee
JMN	Jan Mitra Nyas
JMNOP	Joint Movement for National Human Rights Institution and Optional Protocols
JSMP	Judicial System Monitoring Program
JSTF	Joint Special Task Force
KARMA	Aceh Student Action for Reform
KHIS	Korean House for International Solidarity
KIPP	Komite Independent Pemantau Pemilu

KMT	Kuomintang of China
Komnas HAM	National Commission on Human Rights of Indonesia
KontraS	Komisi untuk Orang Hilang dan Korban Tindak Kekerasan - Commission for The Disappeared and Victims of Violence
KRA	Key result areas
KWI	Indonesian's Bishops Conference
LGBTIQ Community	Lesbian, Gay, Bisexual, Transgender, Intersex and Questioning Community
LGBTR	Lesbian, gay, bisexual and transgender rights
LICADHO	Cambodian League for the Promotion and Defense of Human Rights
LIPI	Indonesian Institute of Science
LOGA	Law on the Governance of Aceh
LRSA	Legal Resource for Social Action
LST	Law and Society Trust
LTEE	Liberation Tiger of Tamil Eelam
MASUM	Banglar Manabadhikar Suraksha Mancha
MDGs	Millennium Development Goals
MIRJE	Movement for Inter-Racial Justice and Equality
MJHA	Ministry of Justice and Home Affairs
MI5	Security Service
MI6	Secret Intelligence Service
MK	Constitutional Court
MLAA	Madaripur Legal Aid Association
MNHRC	Myanmar National Human Rights Commission
MPs	Members of Parliament
NAMFREL	National Citizens' Movement for Elections
NCJP	National Commission for Justice and Peace
NCRB	National Crime Records Bureau
NCSW	National Commission on the Status of Women
NGO	Non-governmental organisation
NHRC	National Human Rights Commission

NHRI	National Human Rights Institution
NNC-UPR	Nepal NGO Coalition for the Universal Periodic Review
NSA	National Security Agency
OHCHR	Office of the High Commissioner for Human Rights
OIC	Organisation of Islamic Cooperation
OPA	Older People Association
PAFFREL	People Action for Free and Fair Elections
PAHRA	Philippine Alliance of Human Rights Advocates
PAN	National Mandate Party
PBHI	Indonesian Legal Aid and Human Rights Association
PCC	People Crisis Centre
PCP	Pakistan Center for Philanthropy
PEF	People's Empowerment Foundation
PGI	Indonesian Communion of Churches
PI	Privacy International
PIL	Public Interest Litigation
PKB	Partai Kebangkitan Bangsa
PLL	Protestant Lawyers League of the Philippines
PLRC	PILIPINA Legal Resources Center
PODA	Potahar Organization for Development Advocacy
POTA	Prevention of Terrorism Act
PSPD	People's Solidarity for Participatory Democracy
PTSC	Paralegal Training and Service Center
PUCL	People's Union for Civil Liberties
PVCHR	People's Vigilance Committee on Human Rights
RAB	Rapid Action Battalion
RAO	Research-Action-Organization
RCTV	Rehabilitation Centre for Torture Victims
RIC	Resource Integration Center
RIGO	Regional Inter-Governmental Institutions
RISAHRM	Regional Initiative for a South Asia Human Rights Mechanism

RST	Right to self-determination
RTE	Right to education
SAARC	South Asian Association for Regional Cooperation
SAMIN	Yayasan Sekretariat Anak Merdeka Indonesia
SAPA	Solidarity for Asian People's Advocacy
SBY	Susilo Bambang Yudhoyono
SCA	Sub-Committee on Accreditation
SCHRA	Support Committee for Human Rights in Aceh
SDGs	Sustainable Development Goals
SICHREM	South India Cell for Human Rights Education and Monitoring
SIGINT	Signals Intelligence
SMS	Short Message Service
SMUR	Student Solidarity for People
SOCO Trust	Society for Community Organisation Trust
SOSMA	Special Offences (Special Measures) Act 2012
SPARC	Society for the Protection of the Rights of the Child
SSR	Security Sector Reform
SUARAM	Suara Rakyat Malaysia
SUHAKAM	Suruhanjaya Hak Asasi Manusia's - The National Human Rights Commission of Malaysia
TADA	Terrorist and Disruptive Activities (Prevention) Act
TAHR	Taiwan Association for Human Rights
TAME	Transparency and Accountability in the Mongolian Education
TFAMW	Task Force on ASEAN Migrant Workers
TFDP	Task Force Detainees of the Philippines
TK	Tanggal Kalikasan - Public Interest Environmental Law Office
ToR	Terms of Reference
UCL	Union for Civil Liberty
UDT	União Democrática Timorense
UK	United Kingdom
UN	United Nations

UNCAT	UN Convention against Torture
UNDEF	United Nations Democracy Fund
UNDP	United Nations Development Programme
UNESCAP	United Nations Economic and Social Commission for Asia and the Pacific
UNGA	United Nations General Assembly
UNHRC	United Nations Human Rights Council
UNICEF	United Nations Children's Fund
UNSG	United Nations Secretary General
UPR	Universal Periodic Review
USA	United States of America
VAW	Violence against women
VDPA	Vienna Declaration and Programme of Action
WBGPSA	World Bank Global Partnership for Social Accountability Presentation
WFDA	World Forum for Democratization in Asia
WGHR	Working Group on Human Rights
WPF	World Press Freedom Day
YLBHI	Indonesia Legal Aid Foundation