



TO:

H.E. Eamon Gilmore

European Union Special Representative for Human Rights

European Union

H.E. Wahyuningrum

Chair and Indonesia Representative to the ASEAN Intergovernmental Commission on Human Rights (AICHR)

Subject: FORUM-ASIA's Position to the Interface during the 5th EU-ASEAN Policy Dialogue on Human Rights

Dear Excellencies,

We at the Asian Forum for Human Rights and Development (FORUM-ASIA) would like to express our sincerest gratitude for the opportunity to become one of the Co-Chairs and engage in a meaningful dialogue with civil society representatives during the 3rd ASEAN-EU CSOs Forum. We believe that such engagements between civil society organisations (CSOs), ASEAN, and the EU are essential for fostering cooperation and knowledge-sharing, promoting human rights, and addressing common challenges.

In October 2022, civil society organisations that participated in the 2nd EU-ASEAN CSOs Forum in Jakarta—in parallel with the 4th EU-ASEAN Policy Dialogue on Human Rights—submitted this specific recommendation to the EU and ASEAN to address the situation in Myanmar: “recognise and engage with the National Unity Government as the legitimate elected government of Myanmar and refrain from engaging, both

formally and informally, with Myanmar military in regional and international fora" in relation to specific political crisis issues in Myanmar.¹

Unfortunately, this recommendation was left unheard.

As a regional network of human rights organisations, we were shocked and dismayed to learn that two Myanmar junta supporters—Soe Lynn Han, the ambassador of Myanmar to Belgium and the Netherlands, and Khin Myo Myat, the political adviser at the embassy—took part in the scheduled interface dialogue between CSO and the ASEAN-EU Delegation as part of the 5th EU-ASEAN Policy Dialogue on Human Rights held on 3 October 2023.

Since its attempted coup on 1 February 2021, the Myanmar military has carried out a brutal crackdown against dissent. In their pursuit of justice and equality, human rights defenders—including activists, lawyers, journalists, and CSOs—in the country have faced significant risks and difficulties. Some of them have been arrested, while others have been forced into hiding or exile. The military junta has been using Myanmar's legal system to threaten human rights defenders with politically-motivated charges; hence, compromising the impartiality and independence of the judiciary.

As a co-chair to the 3rd ASEAN-EU CSO Forum in Brussels, held on 1 to 2 October 2023, FORUM-ASIA conveyed a letter explaining why junta supporters should be barred from participating in the interface dialogue. Given that the said junta supporters were still allowed to participate, it is for the best interest of our members that FORUM-ASIA has decided to not attend the interface dialogue.

As a human rights organisation that champions people's fundamental freedoms, we stand by our non-engagement policy with the junta, a perpetrator of grave human rights violations. We are in solidarity with the people of Myanmar and our Myanmar member organisations. We support their call to not lend further legitimacy and credibility to the junta.

¹<https://aseansogiecaucus.org/news/asc-news/191-eu-southeast-asia-csos-recommendations-to-the-4th-eu-asean-policy-dialogue-on-human-rights-2022-jakarta-indonesia>



In addition, the mere presence of officials loyal to the junta in such an event could compromise the safety and security of participating human rights activists who are expected to return to Myanmar and other Southeast Asian countries.

Although most of the civil society representatives had to withdraw their participation in the dialogue—either due to security concerns, non-engagement policies with the junta, or both—FORUM-ASIA still believes that such a dialogue could offer a distinctive and effective avenue for cooperation between the EU and ASEAN. However, we reiterate the importance to have a secure platform where participants could express free from intimidation or retaliation,

To uphold the universality of human rights and help ensure that human rights violators are held to account, FORUM-ASIA will continue to monitor the recommendations given during the 3rd ASEAN-EU CSOs Forum.

We are committed to continue working in close partnership with the EU and ASEAN in promoting justice and equality as well as in creating a safe and enabling environment for all human rights defenders.

Sincerely,

Mary Aileen Diez-Bacalso
Executive Director (FORUM-ASIA)