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**TO THE ASEAN COMMISSION ON THE PROMOTION AND PROTECTION OF THE RIGHTS OF  
WOMEN AND CHILDREN**

**ACWC GENERAL MEETING IN YANGON, MYANMAR  
14 OCTOBER 2014**

Your Excellencies, Ladies and Gentlemen,

I would like to thank the ASEAN Commission for the Promotion and Protection of the Rights of Women and Children (ACWC) for including the Human Rights Resource Centre in today's discussions. We are delighted to be given the opportunity to present to you on the work of the Centre, and to provide you with some ideas with regard to how we may be able to work together with the ACWC to support your important work.

I wish to make three main points for our discussion today, which I hope will give us all some food for thought and further reflection:

- The first, is to provide you with a brief background to the HRRC, and to perhaps suggest ways in which that background places the Centre in a unique position to be able to support the work of the ACWC;
- The second, is to provide you with an overview of the work we are undertaking that pertains to the rights of women and children in ASEAN, and both how and why we continue to see the welfare of women and children as a key indicator of the overall welfare of the ASEAN Community; and
- Finally, to provide you with a few humble suggestions as to how we might be able to work more closely with you to drive forward the regional agenda to promote and protect the rights of women and children in ASEAN.

**PART ONE: BACKGROUND**

The Human Rights Resource Centre (HRRC) was established in 2010, by several of the former Members of the Working Group for an ASEAN Human Rights Mechanism, as well as senior diplomatic officials and human rights advocates from within the region.

***The Original Idea.*** The thinking behind the Centre, at the time of its creation, was to establish a Track II initiative that would further enhance and foster the role played by the Working Group, and indeed, others in civil society, as the so-called 'norm entrepreneurs' for human rights in ASEAN, as one academic recently put it.

As many of you may already be aware, I had the good fortune to be a part of the Working Group, and continue to play an advisory role to that organization. Little did we know at the time that our work would help lead, in some small way, to the adoption of the Vientiane Action Plan (in 2004), the ASEAN Charter (in 2007) and the establishment of the ASEAN human rights bodies. Much like the Working Group, those of us that got together to establish the HRRC saw the merit in creating a Centre that would engage in non-confrontational research that could be utilised by ASEAN governments and others, to foster ongoing dialogue about the protection and promotion of human rights as the ASEAN Community evolves.

With this in mind, the HRRC was established as a means of both institutionalizing and fostering an academic partnership network that could play this facilitative and thought-provoking role. To date, through our baseline research and public forums, such as our Summer Institute for International Humanitarian Law and Human Rights, we have sought to provide innovative ideas that link ASEAN-agreed reform agendas with rights-based approaches.

**Location & Partnership Network.** The HRRC is headquartered at the University of Indonesia, with a small Secretariat team of six full-time staff, including myself.

Our Governing Board comprises several of those involved in the original discussions for the establishment of the HRRC, including: H.E. Ong Keng Yong, (Singapore) the former Secretary-General of ASEAN, and several other very distinguished human rights experts from throughout the region.

We currently have 11 institutional partners that span 7 out of 10 ASEAN countries - the exceptions being Brunei Darussalam, Laos PDR, and Myanmar. We are actively working to have a network that spans all ten ASEAN countries and hope to achieve this very soon in the years ahead. This includes an especial relationship with Udayana University, in Bali, Indonesia, to continue to develop our Summer Institute in International Humanitarian Law and Human Rights. We have just signed a 5-year Memorandum of Understanding to continue to develop this program and obtain ongoing support from the University, as well as the Governor of Bali.

**Vision & Mission.** Perhaps not surprisingly, given what I have stated so far, the Centre's mission is to support a rights-based approach to ASEAN integration, an approach which has been avowed by all ten Member States in Article 1(7) of the ASEAN Charter and which was further affirmed through the adoption of the ASEAN Human Rights Declaration in 2012. Our vision is to foster an informed ASEAN Community, in which all ASEAN peoples know and understand their rights and are able to realise them.

What sets us apart from other CSOs in the region is our emphasis on empirically-based research and desk-based studies that cover all ASEAN member states, and that seek

involvement from researchers from all ten ASEAN countries. In this regard, we endeavour to foster a strong sense of regionalism and peer discussion and review that is in keeping with the mentality of ASEAN itself. To give you an example, for our most recent study on freedom of religion, we have undertaken major research meetings with ASEAN researchers from across 8 out of 10 ASEAN States; as well as expert meetings held with the same representation. Additionally, during our Summer Institute this year we were pleased to have representation from all ten ASEAN Member States across civil society, governmental and private sector segments. Indeed, our goal is always to have 10 out of 10 ASEAN States represented, but we are happy to at least be achieving 80% or above this year.

***An Evolutionary Approach.*** At the same time, while respecting the evolutionary approach taken to rights by ASEAN and its Member States, the Centre sees its role as creating a much-needed interface between policymakers and government officials, on the one hand; and civil society – particularly academia – on the other. In this regard, we aim to build further academic exchange and engagement with governments and the ASEAN Secretariat to consider how rights-based approaches can be adopted to realise the goals of the ASEAN Community Blueprints. Our Summer Institute program, now in its seventh year of operation, is a key signature program which is being developed for this purpose.

***Thematic Areas.*** The Centre has three core thematic areas of focus, each of which relates to a particular pillar of the ASEAN community. These are: the rule of law (which closely relates to the ASEAN Political-Security Blueprint); business and human rights (which aligns itself with the ASEAN Economic Community Blueprint); and the rights of vulnerable groups, and in particular, the rights of women and children (which focuses in particular on the ASEAN Socio-cultural Community Blueprint). In reality, however, a gender perspective is given to all our work, and women should not simply be stereotyped in a patriarchal manner as being ‘vulnerable’. In this respect, including women in the conversation relating to business and human rights and the private sector is an important aspect of the HRRC’s work.

***Rule of Law.*** Our rule of law work aims to foster greater analysis and research on the rule of law in the ASEAN integration process, including looking at the potential for closer cross-border and multilateral engagement on rule of law issues. In keeping with the ASEAN Political Security Community Blueprint we aim to consider issues that are reflective of the shared values and norms of ASEAN governments, as well as understanding further the needs and concerns of the ASEAN peoples. In 2013 we produced two documentary films on this issue in Cambodia and Indonesia. The films looked in particular at concerns stakeholders had with the effect ASEAN integration might have on the labour market and the business environment, and the importance of the rule of law in ensuring a level playing field for all. Our 2014 follow-on study also looked at judicial training across ASEAN, with a view to creating training modules to further harmonise training modules pertaining to ASEAN across the region.

**Business & Human Rights.** Our work in the area of business and human rights centres on supporting the establishment of an ASEAN economic community that adheres to international standards of best practice, by conducting research and capacity-building activities that aim to ensure both government and private sector alignment with the United Nations Guiding Principles on Business & Human Rights.

**Vulnerable Groups.** Our work in the area of vulnerable groups aims to foster greater understanding amongst ASEAN peoples of the most vulnerable groups within ASEAN and in so doing, to help lift the quality of life of all ASEAN peoples.

To date, we have looked more closely at the rights of women and children in 2 out of 7 of our Summer Institutes, though we of course see the issue of gender as a cross-cutting issue.

We drew particular inspiration for the programme this year from the ASEAN Declaration on the Elimination of Violence Against Women and Violence Against Children, which recalls the Human Rights Council, General Assembly and Security Council resolutions pertaining to Women, Peace and Security. We wish to commend the ACWC on the excellent work you have undertaken in ensuring that this robust resolution was adopted. We note in particular that the substance of the resolution focuses on the protection of, and access to justice for, women and children who are survivors of conflict and violence, as well as considering a holistic view of support and empowerment of women to ensure their needs are fully met. As was pointed out in this year's Summer Institute, many of the patterns of violence against women and children – particularly of sexual violence – are in fact, systemic forms of violence and endemic patterns that exist during times of peace. As a result, it is key that ASEAN states work together to understand these patterns and prevent them from resulting in long-term conflicts or having long-term damaging effects.

We are also currently conducting a study on state regulation of Freedom of Thought, Conscience and Religion across ASEAN and its correlation to violent persecution and conflict, which has been supported by the Norwegian embassy in Jakarta. The study brings together researchers from 8 out of 10 ASEAN countries, with external researchers for Lao PDR and Brunei Darussalam. It includes findings relating to women and children's rights in this context. This study draws from the ASEAN Human Rights Declaration (Article 22), whereby all member-states committed to eliminating all forms of intolerance, discrimination and incitement of hatred based on religious beliefs.

**Goal of all of our work.** All our work centres on research, education and training initiatives, and is aimed at: strengthening the capacities of academics throughout the region, as well as creating regional networks amongst academics to foster knowledge exchange and strengthen the production of policy-relevant research; engaging with the ASEAN Secretariat and its human rights bodies to ensure that our work is helpful and useful to ASEAN's sectoral bodies; and strategically engaging with the private sector, to enhance knowledge

and awareness of human rights in the business community, whom we see as being a key driver of development in ASEAN.

## **PART TWO: WOMEN & CHILDREN IN ASEAN**

***Dynamic populations.*** ASEAN countries are lucky to have both dynamic populations, with a strong youth sector. Approximately one quarter (26.1%) of ASEAN's population is 14 years old or younger, with the Philippines (33.7%), Cambodia (31.6%) and Laos PDR (34.8%) all having over a third of their populations in this demographic category. At the same time, women continue to comprise approximately half of ASEAN's population.

As you are all undoubtedly aware, from a rights-based perspective, ASEAN governments have achieved some level of consensus on the rights of women and children, with all ten Member States having ratified in the Convention on the Rights of the Child (CRC) and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). Perhaps the greatest evidence of this is, of course, the establishment of the ACWC itself, whose mandate and mission is 'to promote and protect the rights of women and children in ASEAN, taking into consideration the different historical, political, socio-cultural, religious, and economic context in the region and the balance between rights and responsibilities'.<sup>1</sup>

***More work to improve the lives of women and children.*** Despite this consensus, much still remains to be done to improve the lives of women and children living in the ASEAN region. Our 2012 Baseline Study on Violence, Exploitation, Abuse, and Discrimination in Migration, Against Women & Children found that significant progress has been made in ASEAN to deal with these issues from a legislative perspective. However, at the same time the Study revealed that there was considerable variation in the national legal frameworks pertaining to the implementation of these laws, as well as several gaps in monitoring and data collection about their effectiveness. This made it challenging to understand the full picture in ASEAN.

The Study noted that further research into the legislation, policies and mechanisms in place in each ASEAN member state, to reconcile inconsistencies in laws and nullify laws and regulations that fall below the standard of CEDAW and CRC, could perhaps be a useful 'next step'.<sup>2</sup>

Additionally, our Summer Institute programs in 2011 and 2014 have both focused on issues pertaining to the rights of women and children in the region. As we have already discussed, the focus of the program this year, in particular, looked at the relationship between Women, Peace and Security in ASEAN.

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<sup>1</sup>ACWC Terms of Reference, Article 2.1 (Purposes).

<sup>2</sup>HRRC Baseline Study on Violence, Exploitation, Abuse and Discrimination in Migration for Women & Children (2012), at p.11.

***Understanding trafficking in persons.*** In our forthcoming work, we would like to consider more deeply, the issue of trafficking of women and children, bearing in mind the concerted efforts ASEAN sectoral bodies, including the ACWC are making, to combat this transnational problem. In fact, this is likely to be the theme of next year's Summer Institute, although we would like to seek the ACWC's further thoughts and feedback on this. We note that ASEAN has been working on a Convention on Trafficking in Persons since 2007, with a view to achieve a regionally agreeable framework on collaboration among ASEAN Member States on investigation and prosecution of trafficking in persons cases, as well as on providing assistance to the victims for their safe return, rehabilitation and reintegration into their respective societies, among others. This would seemingly provide an important topic, therefore, for regional research to be undertaken on.

### **PART 3: Suggested Ways in which HRRC and ACWC can collaborate**

The HRRC notes that the terms of reference for the ACWC includes research and training components under Articles 5.5, 5.8 and 5.9, the latter of which specifically states that the role of the ACWC is 'to promote studies and research related to the situation and well-being of women and children, with the view to fostering the effective implementation of the rights of women and children throughout the region.'<sup>3</sup> If I may humbly suggest the following ways in which the ACWC and the HRRC may consider working together, just as some examples:-

- Collaborate on research activities, with the HRRC acting as a service provider to the HRRC on undertaking particular regional studies or producing policy papers that would be directly relevant to the ACWC's work;
- Provide research into specific issues or areas of interest to the ACWC that could be utilized by member states to conduct training or develop modules on specific pedagogical or methodological issues (e.g. drafting reports for UPR, or reporting to CEDAW or the CRC; modules pertaining to training on gender discrimination in the workplace; judicial bias against women; or other specific concerns raised by member states of ASEAN);
- Work together with the ACWC on its work relating to trafficking in women and children, looking into supporting its efforts in research and training;
- Acting in a facilitative role for civil society and academia for the ACWC; hosting events with academics or civil society organizations together with the ACWC in-country in ASEAN, or at the regional level, to provide a forum for dialogue between ACWC and those entities.

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<sup>3</sup>ACWC Terms of Reference, Article 5.9.

## **Conclusion**

The HRRC is at an important point in its history. In the 4 years since its establishment, the HRRC has laid a solid foundation for supporting the ASEAN agenda on human rights and for continuing to strengthen the dialogue between human rights researchers in the region and the policymakers they seek to influence. We hope to be able soon to become accredited by ASEAN, such that we can further deepen and strengthen its relationship with the Secretariat and the ACWC. We hope that, as we move forward, we may find ways to create a cohesive partnership with the ACWC, which we believe to be a key partner in ensuring a rights-based approach to ASEAN integration will take hold. The rights of women and children are indeed, paramount to the overall welfare of any society, and the extent to which women in particular are able to exercise their rights are an important litmus test for the rights and fundamental freedoms that are available to all its members. We sincerely welcome any possibility to be able to further the work of the ACWC and to find synergies between our research and that work.

I wish to thank you all for providing the HRRC with this opportunity to present our work to you. I look forward to finding ways in which we can more closely collaborate with the ACWC on its important work.