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.\textsuperscript{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.

\textsuperscript{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 National 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 counties 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 Neelapajit, 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.