

# **Evaluation**

**Liaison Officer to Facilitate Greater Cooperation on Human  
Rights Matters Between Asia and Europe**

**May 1, 2011 to April 30, 2014**

**Asia-Europe Dialogue Programme**

**Implemented by the ALRC/AHRC**

**Supported by the EED/Bread for the World-Protestant Development Service**

## **Evaluation Report**

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**January 26, 2016**

## Contents

Background of the evaluation: .....	3
Context of the programme and evaluation: .....	3
The purpose of the evaluation:.....	4
Target groups and selective areas for the evaluation: .....	4
Scope of the evaluation:.....	4
Methodology:.....	5
List of persons interviewed for the evaluation:.....	5
Short comings: .....	6
Evolution of the geopolitical context:.....	6
About the Asia-Europe Dialogue Programme: .....	9
2011 review of the Human Rights Council:.....	10
The importance of cross-regional solidarity campaigns: .....	10
Activities:.....	11
Effects-Impact and Outcomes:.....	16
Strengthening involvement in international and cross-regional human rights mechanisms and campaigns: .....	21
Accountability of Asian governments - an evolution of approach and opportunities:.....	22
Outputs and activities:.....	22
Communication and capacity-building with AHRC country desks and partner organisations, to improve understanding of mechanisms and opportunities at the international level, and develop advocacy strategies for use there: .....	22
The production of an annual report on the state of human rights about the countries concerning which the ALRC and AHRC have been active during the year: .....	23
Advocacy at the Human Rights Council (HRC):.....	23
Participation in the UN Human Rights Council’s Universal Periodic Review process:.....	23
Reporting to Treaty Monitoring Bodies:.....	24
Translation of key documents:.....	24
Key findings:.....	24
Conclusion: .....	28
Recommendations:.....	30

## Report

<b>Evaluation of the project</b>	<i>Liaison Officer to Facilitate Greater Cooperation on Human Rights matters Between Asia and Europe (AED Programme)</i>
<b>Project number</b>	<i>KED 20116059</i>
<b>Duration of the project</b>	<i>May 1, 2011 to April 30, 2014</i>
<b>Principal of the evaluation</b>	<i>Christian Fischer, Desk Officer PR China/DPR Korea, South-East-Asia and Pacific Desk</i>
<b>Consultant of the evaluation</b>	<i>Adilur Rahman Khan, Advocate of the Supreme Court of Bangladesh</i>
<b>Date of the submission of the draft evaluation report</b>	<i>24 January 2016</i>

### **Background of the evaluation:**

This evaluation report has been undertaken on behalf of the EED/Bread for the World-Protestant Development Service, regarding the work done by the Asian Legal Resource Centre (ALRC) and that of its sister organisation the Asian Human Rights Commission (AHRC) on the project "Liaison Officer to Facilitate Greater Cooperation on Human Rights matters between Asia and Europe" (Project number KED 20116059), covering the period from May 1, 2011 to April 30, 2014. This project is also referred to as the Asia-Europe Dialogue (AED) Programme. This evaluation has assessed the project's implementation and whether the project has achieved its objectives. The evaluation was commissioned by Mr. Christian Fischer, Desk Officer PR China/DPR Korea, South-East-Asia and Pacific Desk and the contractor of the evaluation is Mr. Adilur Rahman Khan, an Advocate of the Supreme Court of Bangladesh.

### **Context of the programme and evaluation:**

- The ALRC and its sister organisation AHRC are two regional organisations operating from Hong Kong. The activities undertaken by the ALRC and AHRC are in collaboration with its partners in Asia. ALRC enjoys a general consultative status with the ECOSOC of the United Nations.
- The project "Liaison Officer to Facilitate Greater Cooperation on Human Rights matters between Asia and Europe" or the AED Programme, had been designed for the purpose of creating an effective communication and engagement bridge between Asia and Europe concerning questions of human rights and justice institutions in Asia. Each year, the ALRC and AHRC document about 400 cases of human rights abuses, reported from 12 Asian countries. This documentation is used for generating Urgent Appeals calling for urgent interventions on cases, to provide policy analysis and to generate local as well as international debates on human rights issues in Asia.

- The AED Programme was conceived to create and support tailor-made activities for the AHRC/ ALRC and its partners, to engage with non-Asian human rights mechanisms; most importantly to effectively make use of the space provided at agencies like the United Nations. The engagement with the United Nations is with the view to make use of all forums available at the UN, to effectively bring to the UN's attention Asian human rights issues. The Programme was also conceived to address the need for enhancing the capacity of Asian human rights activists to effectively engage with the United Nations.

### **The purpose of the evaluation:**

The purpose of the evaluation is in line with the learning and accountability function of evaluations. The evaluation:

- Contributes in assessing the background laid down by the AED Programme – particularly in the context of the continuation of the Programme in an expanded form as a partnership between the EED and the ALRC;
- Assesses the effectiveness of the activities undertaken by the Programme and its linkages to the existing project;
- Assesses the impact of the outcomes of the Programme and its relevance.

### **Target groups and selective areas for the evaluation:**

- The target group for this evaluation has been the ALRC/AHRC and its several selective partner organisations in Asia.
- The ALRC/AHRC has placed specific emphasis on human rights abuses that result in gender specific human rights abuses committed by Asian states, in particular the challenges faced by women human rights defenders.
- The evaluation has looked into the Programme's contribution in bringing international attention to the non-functioning of the criminal justice institutions in Asia. It intended to address the role played by the ALRC/AHRC and that of its partners by mutual engagements through the resources made available from the projects, in speaking about the defects in the criminal justice process in Asia and bringing them to the attention of the global human rights community.

### **Scope of the evaluation:**

The evaluation covered the following aspects of the Programme:

1. Engagement of the ALRC with the United Nations mechanisms;
2. Engagement of ALRC's partners with the United Nations Human Rights mechanisms through the ALRC;
3. Assesses whether the capacity of the ALRC staff as well as those of the partner organisations, to engage with the UN and other international experts on human rights, have improved with contributions from the Programme;

4. Assesses whether the activities undertaken through the Programme has contributed to the increase of the awareness about Asian human rights issues at the international level;
5. Assesses the strategies developed by the ALRC to engage with international forums and experts on questions of Asian human rights issues.

### **Methodology:**

The evaluation was conducted in two phases. The first phase was on-site visits and interviews with partners and beneficiaries of the Programme. The second phase was interviewing the partners and beneficiaries using Skype and email. A total of, 23 persons from different partner organisations in eight countries; and ALRC/AHRC country desks were interviewed during the evaluation process.

The first phase commenced in Nepal. The consultant visited Kathmandu from 26 November to 28 November 2015 to interview the partners and beneficiaries of ALRC/AHRC, with the ALRC/AHRC's Nepal Desk officer Prakash Mohara. Prakash Mohrara was very helpful in identifying the local partners and beneficiaries in Nepal and brought them to Kathmandu for interviews at a time when Nepali people were facing various challenges due to Indian blockades at Nepal's Southern borders.

The consultant attended the 'Gwangju Laureates' meeting on 'Torture and Enforced Disappearances in Asia' in Jakarta from 13 – 14 December 2015 and took this opportunity to meet and interview the ALRC/AHRC desk officer for Indonesia, Chris Biantoro, on 14<sup>th</sup> December 2015. The consultant also interviewed F M A Razzak, a journalist and lawyer; and a resident of Paikgachha under Khulna District of Bangladesh, on 19<sup>th</sup> December 2015.

The consultant went to Hong Kong again and worked at the ALRC/AHRC office from 11 January to 14 January 2016. During this period he interviewed Basil Fernando, the former Executive Director of ALRC/AHRC, who developed the concept behind the AED Programme; Bijo Francis, the present Executive Director of ALRC/AHRC; Danilo Reyes, former Executive Director ALRC/AHRC; Mohammad Ashrafuzzaman, the Liaison Officer to Facilitate Greater Cooperation on Human Rights matters between Asia and Europe; and the relevant country desk officers. The consultant also submitted the preliminary findings for necessary feedback through a workshop which was held at the ALRC/AHRC office. All other interviews were done through Skype calls and emails, as on-site visits were not possible.

#### **List of persons interviewed for the evaluation:**

	<b>Person Interviewed</b>	<b>Country</b>
1	Basil Fernando, the former Executive Director of ALRC/AHRC	Hong Kong
2	Bijo Francis, Executive Director of ALRC/AHRC	Hong Kong

3	Danilo Reyes, former Deputy Executive Director, ALRC/AHRC, Philippines Desk.	Hong Kong
4	Md. Asharafuzzaman Zaman, AHRC/AHRC, Liaison Officer to Facilitate Greater Cooperation on Human Rights matters between Asia and Europe and Bangladesh Desk	Hong Kong
5	Baseer Naweed, AHRC/ALRC, Pakistan Desk	Hong Kong
6	Avinash Pandey, Programme Coordinator, Right to Food Programme, AHRC	Hong Kong
7	Prakash Mohara, ALRC/AHRC, Nepal Desk	Hong Kong
8	Bushra Khaliq, Executive Director, Women in Struggle for Empowerment	Pakistan (e mail)
9	Zulfiqar Shah, Pakistan Institute of Labour Education and Research (PILER)	Pakistan (e mail)
10	Dr. Trilochan Upreti, Advocacy Forum	Nepal
11	Bikash Banset, Advocacy Forum	Nepal
12	Parbati Sunam, Vice President, Jagaran Media Centre (JMC)	Nepal
13	Shivaji Gayak, Secretary, Jagaran Media Centre (JMC)	Nepal
14	Karna Bahadur Nepali, Programme Manager, Jagaran Media Centre (JMC)	Nepal
15	Tikaram Pokharel, Human Rights Coordinator, Forum for Protection of Peoples Rights (PPR Nepal)	Nepal
16	Dipendra Jha, Chairperson, Terai Human Rights Defenders Alliance (THRD Alliance)	Nepal
17	Min Lwin Oo, ALRC/AHRC Burma Desk, Norway	Myanmar (via Skype)
18	Chris Biantoro, ALRC/AHRC, Indonesia Desk	Indonesia
19	F M A Razzak, lawyer and journalist	Bangladesh
20	Shahed Kayes, human rights defender, Bangladesh (now working for the May 18 Memorial Foundation, South Korea)	Bangladesh (via Skype)
21	ASM Nasiruddin Elan, Director, Odhikar	Bangladesh
22	Babloo Loitongbam, Executive Director, Human Rights Alert, Manipur	India (e mail)
23	Hasina Kharbhih, Founder/MD Impulse Social Enterprises and Founder/Chair of Board Impulse NGO Network	India (e mail)

### **Short comings:**

Arranging meetings with the victims and beneficiaries was a challenging task. In some cases the victims needed to be brought to a safer place during the on-site interviews, as in Nepal. The ALRC/AHRC staff were very helpful in this regard. The people who were working on this Programme in places, such as Norway, for ALRC/AHRC had to be interviewed on-line; and timing the meetings was challenging.

### **Evolution of the geopolitical context:**

The series of pro-democracy and popular human rights uprisings in North Africa and the Middle East in 2011 - the 'Arab Spring'-led to a tangible improvement in the political climate within the Council in 2011. The March 2011 session of the Council was perhaps the most

fruitful in recent times, as many governments within the African and Asian Groups, which are usually seen as active in blocking attempts to advance human rights, did not want to be seen as anti-democratic or anti-human rights at a time when revolutions were sweeping their regions.

Tunisia and Egypt have been negative voices in the Council, with Egypt in particular having a significant impact on the positions of the African Group and OIC. The domestic politics of these two States had been dramatically changed due to the uprisings which took place and the effect of those changes on their foreign policy had also been felt. Tunisia, for its part, had announced a number of pro-human rights steps, including the ratification of key international human rights legal instruments, the launching of reforms to institutions that had been at the root of human rights abuses, such as the police, as well as investigations into past abuses and a pledge to hold those responsible accountable. Egypt had also begun to play less of a destructive role at the Council and this shift towards a more neutral stand had been significant.

The effect of the Arab Spring did not confine itself solely to those States which had been the scenes of successful revolutions. In a surprising statement made by Pakistan, on behalf of the OIC, during a Special Session of the Council concerning the situation of human rights in Libya in February 2011, the government representative addressed the Council as follows:

*“Mr. President:*

*The world is witnessing far-reaching developments in number OIC countries at present. It is a time of awakening; a time for reckoning. Muslims will no longer be denied their rights. Justice, equality and the rule of law must prevail, not only within Muslim societies but across the world.*

*Mr. President, recently developments in the Muslim world, provide a fitting rebuttal to those quarters that allege that Islam is incompatible with democracy.*

*The Quran, our holy book, states in chapter 42 verses 38 to 43 that: I quote “they (the Muslims) conduct their affairs by mutual consultation and they keep open for the welfare of others what We have bestowed on them. And whenever gross injustice is inflicted, those who stand up for their rights and defend themselves are without blame; the blame is on those who oppress people and cause disorder on earth.”*

*Democracy, justice, freedom and morality thus constitute the core values of Islam...*

*.... The Muslim awakening has emphatically stated that the Islamic world will no longer accept double standards and hypocrisy in the international sphere. Democracy, freedom and justice are immutable rights that cannot be promoted and protected selectively to serve the interests of some and not all. The international community will have to pay attention to the voices of the Muslim people and not just to their leaders...*

*...A new dawn has come. Rules of the game have changed. Those who do not embrace it, will be swept away.”*

These words remained only words, but were exceptional in their tone and content, which is why this has been included in the report, as an example of changes which commenced at the international level.

Since 9/11, the Human Rights Council had been embattled by debates regarding cultural relativism of human rights and had been embroiled (notably following the Danish cartoon

depiction of the Prophet of Islam) in arguments concerning the freedom of expression versus the need to respect religious and cultural sensitivities. This conflict between the Muslim world and the West had dominated much of the Council's agenda for years, which is why the shift in language and position had been exemplified by Pakistan's statement. On the ground level, such statements had very little impact - human rights in Pakistan and many other OIC-member States remained deplorable; and the people there had been totally unaware of their government's utterances in Geneva.

The change in discourse that had occurred as a result of the Arab Spring and changes in US policy towards constructive engagement, had led to some palpable outcomes at the Council. Prior to the March 2011 session of the Council, as the result of serious violence and grave and widespread human rights violations in Libya, the Council held its 15th Special Session on February 25, concerning "Situation of human rights in the Libya Arab Jamahiriya." This resulted in the General Assembly suspending Libya's membership in the Human Rights Council, which is the first time a member had been suspended. Until this point, although the suspension of members had been loosely foreseen as a possibility, it had been deemed unlikely that this would ever take place in reality. Libya's suspension also sent a warning to other States that they could also face the ignominy of suspension from the Council should they seek membership at a time when they are involved in gross violations.

During the whole process of establishment of the Human Rights Council, the Special Procedures came under sustained attack by those States seeking to weaken the international system. The Special Rapporteurs and Working Groups are the most independent and important component of the mechanisms set up during the life of the Commission on Human Rights. This also means that they are the inevitable target of those with negative intentions. This is particularly true of the Special Procedures set up to look at human rights in specific countries, such as the Special Rapporteurs on Myanmar, the DPRK or Cambodia. Many negative States are fundamentally opposed to any outside monitoring of situations within country borders, as they seek to shield themselves from the external eyes in order to be able to continue violating peoples' rights.

During the September session of the Council, a new, potentially vital mandate was set up to look into the issues of accountability and impunity. While the focus of this new mandate, which became operative after a Special Rapporteur had been selected in March 2012, is to focus on transitional justice, it is useful for human rights work in Asia, where a system of impunity and lack of accountability account for the widespread nature of many grave human rights violations. This mandate has the scope to look into institutional failings which are at the core of human rights challenges and which will therefore be of significance for the ALRC/AHRC's work, which focuses on institutional reforms as a core element of its work.

## **About the Asia-Europe Dialogue Programme:**

This Programme has created and improved contacts with relevant members of western and/or international institutions and NGOs, ensuring effective communication with them; and developed coordination, organised meetings with appropriate institutions as required; lobbied with these institutions concerning the priority issues; and kept the ALRC and AHRC informed of the developments that occur at the international level.

As the AED Programme's work evolved, the understanding of new possibilities and how to do more effective work also evolved. The Programme ultimately found itself in a position to deliver more and more on its and the ALRC and AHRC's potential. The Programme gained expertise on the international system that allowed it to increasingly add value to the work of its partners in the field and the ALRC/AHRC's country desks.

In 2009, the Programme's work ensured that the ALRC was invited to join the HRC-Net network of the most prominent and effective NGOs working at the UN Human Rights Council (HRC). Since then, it had been developing its role within this network, notably by increasing its input and involvement in key network activities such as campaigns relating to HRC elections; the 2011 Review of the HRC; cross-regional campaigns concerning countries in Africa, the Middle-East and elsewhere; as well as themes affecting global human rights, such as the debate on the freedom of expression versus religious defamation.

**Basil Fernando, Former Executive Director, AHRC:** "What we were trying to address by this Programme was the fact that there is an absence of doing what is practical for improving human rights in our part of the world with our own experience. There is the UN mechanism and also many international organisations, including Amnesty International, Human Rights Watch and such, which focus on mainly promoting UN Conventions... However, there are actual, practical obstacles to human rights implementation in our countries... So the question is how to bring an effective discussion between the people who work for human rights in our part of the world and the people who are active in human rights in the developed countries; so that we could come to a common understanding of the kind of problems we have in our countries and thereby develop methods to address them.... So the main idea was to create a dialogue with the view that the resources that are available will be properly directed towards recognized problems, to ensure a common ground. ... What we often do not recognise is how much problems are solved by mere public discussions.... One basic need is to create an international discussion about our local problems. The advantage that is taken by a repressive regime is that others do not know of the violations; and they will try their best to make sure that nobody knows. Regimes know that when these things come out, they become a part of bi-lateral discourse. So the very creation of international discussion, even when you cannot do anything else, is the beginning of other efforts.... You get the victims, HRDs, the ordinary people to talk about their way of life, and you get that message across constantly and thereby bring it to the attention of others.... Through this Programme, we constantly take such matters to the UN, we publish these things constantly through our urgent appeals, statements and other publications. Through constant discussion we have found that many people/donors have begun to recognise these problems.... There is an acceptance by the Special Rapporteurs that the best reporting on Asian issues come from AHRC. The amount of quality writing on human rights issues has increased.... In order to bring human rights changes we are linking the institutional changes....It is difficult to say how many HRDs have benefited from this project but the glaringly advantages that we had, have been in the UN Human Rights Committee.... Local partners are encouraged to work because they are being supported by us. So there is a linkage between and the local work and international work to keep the victims in a way that they feel they are part of this struggle.... The need to ensure security of HRDs is paramount and the AHRC is one of the places

where anybody who is in trouble can send information and steps will be taken to alert all concerned immediately”<sup>1</sup>.

The Programme was innovative and made best use of the information it had, within a system that it understood better; and with a greater range of contacts, in order to more effectively impact processes and opportunities at the international, regional and national levels. The Programme involved itself in the important processes at the international level in cross-regional “south-south” solidarity campaigns; and garnered increased involvement of NGOs and other key actors from other regions of the world concerning priority situations in Asia.

### **2011 review of the Human Rights Council:**

In early 2011, the review of the Human Rights Council’s working method was completed. Through the AED Programme, the ALRC/AHRC participated in discussions regarding strengthening the international human rights system, notably through the HRC-Net network of NGOs<sup>2</sup> On June 14, 2011, the UN General Assembly adopted a resolution completing the review of the Human Rights Council, with 154 votes in favour to four against (Canada, Israel, US, Palau) and no abstentions. The final resolution<sup>3</sup> contained only a few technical changes, but no significant new measures that would help improve the Council’s functioning.

### **The importance of cross-regional solidarity campaigns:**

The core work of the AED Programme was to act as a liaison between Asia and actors in other parts of the world in order to communicate priority human rights issues that the organisation works on. An important part of the AED project was, therefore, to develop ties with civil society actors in the West and other regions of the world. This networking also provided opportunities for the organisation to become involved in important human rights issues that were ongoing elsewhere, which is important in an increasingly interconnected world. The Arab Spring led to many new opportunities to engage in cross-regional campaigns, and the ALRC/AHRC joined many of the activities launched by its close partner organisations; and also included national level Asian NGOs in such efforts. Such cross-regional efforts are important for a number of reasons. Firstly, important events that have an impact on the global human rights discourse have an effect across the globe, so by joining efforts to seek justice and the protection of rights in Libya, Egypt, Bahrain or Syria, the ALRC contributed in creating stronger international response against grave human rights violations wherever they occurred. By forming bonds with groups around the world through such actions, the ALRC/AHRC felt that it could generate greater support for its actions in

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<sup>1</sup> Extracts from an interview given to Adilur Rahman Khan at the AHRC office in Hong Kong.

<sup>2</sup> Please see details of the “10 Principles to guide a successful outcome of the Review of the UN Human Rights Council” here [http://www2.ohchr.org/english/bodies/hrcouncil/docs/10\\_SP\\_principles4\\_May\\_2010.pdf](http://www2.ohchr.org/english/bodies/hrcouncil/docs/10_SP_principles4_May_2010.pdf) , as well as the “NGO Proposal on the Structure for the 2011 Review of the Human Rights Council’s Work and Functioning”

[http://www2.ohchr.org/English/bodies/hrcouncil/docs/NGO\\_Proposal\\_Council\\_Review\\_Process\\_May\\_2010\\_final.pdf](http://www2.ohchr.org/English/bodies/hrcouncil/docs/NGO_Proposal_Council_Review_Process_May_2010_final.pdf).

<sup>3</sup> A draft version of the resolution adopted by the GA concerning the 2011 Council review can be found here: [http://www.un.org/ga/search/view\\_doc.asp?symbol=A/65/L.78&refer=/english/&Lang=E](http://www.un.org/ga/search/view_doc.asp?symbol=A/65/L.78&refer=/english/&Lang=E).

Asia. By involving partners at the national level in Asia, the ALRC/AHRC also sought support of NGOs in Asia for engaging them in human rights issues beyond their borders and creating linkages with international actors for redress.

### **Activities:**

The Programme succeeded in addressing the need for communicating to actors in the developed world, the wide array of human rights issues that the ALRC and its sister organisation - the Asian Human Rights Commission (AHRC) - document in Asia. Since its initiation in early 2005, this Programme has undertaken many activities at the international level, raising the ALRC/AHRC's profiles there, and leading the organisations' advocacy activities within international human rights mechanisms; and with key actors in Europe and elsewhere across the globe.

#### **i. Involvement in UPR Issues**

In 2011, Nepal, Myanmar and Thailand underwent their Universal Periodic Reviews. The AED project had been involved in assisting a number of Thai national-level NGOs in their preparations for the UPR. In 2011, the ALRC/AHRC accredited four civil society representatives, to enable them to participate in the UPR session in October 2011; and assisted them in Geneva with lobbying strategies and information. In September, the AED project assisted Thai NGOs the Cross Cultural Foundation (CrCF) and Muslim Attorney Center Foundation (MAC), in preparing UPR briefing papers for permanent missions in Geneva, entitled "Human Rights in the Criminal Justice System concerning Thailand's Southern Conflict and State's counter- insurgency policies." The project also coordinated with other NGOs who were working to ensure a strong Thai UPR at that time. The AED programme also assisted in the creation of a capacity-building document to assist civil society actors in making best use of the UPR system.

Furthermore, the AED Programme worked with the ALRC/AHRC's Human Rights Correspondence School project to create a lesson on the Universal Periodic Review, which was released in late 2011.<sup>4</sup> This lesson aims to provide civil society actors with capacity building on how to effectively use the UPR. The AED Programme advised on the lessons content and produced the second lesson entitled "A discussion on how best to use the UPR mechanism" based on its experiences in doing so. The AED Programme also continued to be the channel of information between the ALRC/AHRC and the Special Procedures and concerning any requests that staff have about these and other mechanisms in the UN system as well as other institutions, such as those in the EU.

#### **ii. Assistance to Country Desks**

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<sup>4</sup> See: <http://www.humanrights.asia/resources/journals-magazines/hrschool/lesson-series-66-universal-periodic-review>.

The Programme assisted country desks with advocacy and communications that have an international component. It enriched the activities of the Programme desks by providing them with information on human rights issues from an international perspective. Some instances are as follows:

- The AED Programme assisted the ALRC and AHRC's various country desks in developing/communicating their extensive output (urgent appeals, statements, press releases, articles, reports) on a range of Asian States and issues to the western and international audience.
- In July 2011, the Programme worked with the ALRC/AHRC's Indonesia desk and local partners on a campaign for the ratification of the International Convention for the Protection of All Persons from Enforced Disappearance by the Indonesian government.
- On December 25, 2011, the AHRC's Burma desk requested assistance to seek support concerning a campaign in relation to 32 disbarred Burmese lawyers<sup>5</sup>. The Programme was able to gain responses, support and intervention from the Lawyers 4 Lawyers group and Lawyers Rights Watch Canada.
- In 2011 the AED Programme acted to facilitate contacts with the media and liaised with country desk staff in order to respond to media requests for information that the organisation receives on a number of country and thematic issues.
- The AED Programme assisted the Indonesia and Philippines country desks in the preparation of UPR reports. A report produced on Indonesia together with local group KontraS, was sent to the UN on November 21.<sup>6</sup> Another joint submission together with Franciscans International (FI) and the Faith Based Network on West Papua (FBN) was also submitted<sup>7</sup>. The report on the Philippines was submitted on November 29<sup>8</sup>. Follow-up advocacy activities have been planned in order to maximise the impact of these reports.
- The AED Programme also contributed to ensuring that the ALRC/AHRC's various country desks and programmes were informed of relevant developments to the international system. Such updates included possibilities for interventions in international mechanisms such as Treaty Bodies, the UPR, the Council itself, through studies being conducted, or by the Special Procedures; or visits by these mechanisms to countries of concern.
- The Programme assisted the organisations' country desks and partners in different countries to communicate more effectively with the UN. For example, in June it assisted the Burma country desks and its partners in submitting information on a number of cases to the UN Working Group on Arbitrary Detention. It assisted communications with and requests from other mandates, including the Working Group on Enforced or Involuntary Disappearances concerning Pakistan.

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<sup>5</sup> Details of this can be seen here: <http://www.humanrightsasia.asia/news/alrc-news/ALRC-PRL-004-2011>

<sup>6</sup> See: <http://www.alrc.net/PDF/ALRC-UPR-13-0012f13:Indonesia.pdf>

<sup>7</sup> See: <http://www.humanrightsasia/resources/special-reports/AHRC-SPR-002-2011>

<sup>8</sup> See: <http://www.alrc.net/PDF/ALRC-UPR-13:002-2011-Philippines.pdf>.

- The Programme also assisted the AHRC’s Nepal desk in September in preparing campaign letters to UN Secretary General Ban Ki Moon and to the US government concerning the need to make ‘accountability and justice’ a cornerstone of their dialogues with Nepal’s Prime Minister during meetings they would hold with him during his visit to New York to attend the 66<sup>th</sup> Session of the UN General Assembly.<sup>9</sup>

### **iii. Utilizing the HRC-Network**

One of the main ways in which the project developed relationships with significant NGO actors at the international level was by its involvement as a member of the HRC-Net network of NGOs working at the Human Rights Council, which includes 15 most active and effective organisations. Membership in this network allowed the AED Programme to effectively communicate the ALRC/AHRC’s priority issues concerning human rights in Asia; and to become involved in campaigns by other members of this network concerning other regions or the international system itself.

### **iv. Providing HR Information to the ALRC/AHRC for Incorporation**

The Programme updated the ALRC/AHRC about developments concerning the political trends that govern the efficacy of human rights campaigns at the international level. It provided information to its staff about UN Treaty Body news and planning information; updates from Special Procedures, including outcomes of thematic discussions, such as the Working Group on Enforced or Involuntary Disappearances General Comments on the Right to the Truth in Relation to Enforced Disappearance<sup>10</sup> and on Enforced Disappearance as a Continuous Crime.<sup>11</sup> Such developments at the international level are important tools to assist the progressive development of the normative framework concerning the protection of human rights in the international arena, but most importantly, at the national and local level. Much of the communication regarding developments were carried out during meetings or by e-mail to relevant staff and examples of the Programme were produced through documents to inform the Organisation as well as partners and other organisations<sup>12</sup>.

The Programme followed up on a 60-page dossier, documenting three serious cases of torture in detail in Myanmar with experts within the OHCHR, notably the Special Rapporteur on Myanmar, during the 15<sup>th</sup> Session. During the 16<sup>th</sup> Session, meetings were held with the Special Rapporteur on Human Rights Defenders and the staff of the Special Rapporteur on Torture. The discussions with the SR on HRDs, which was held in conjunction with Lawyers

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<sup>9</sup> The letters can be read here: <http://www.humanrights.asia/news/ahrc-news/AHRC-OLT-010-2011> and here: <http://www.humanrights.asia/news/ahrc-news/AHRC-OLT-011-2011> respectively.

<sup>10</sup> [http://www2.ohchr.org/english/issues/disappearances/GC-right\\_to\\_the\\_truth.pdf](http://www2.ohchr.org/english/issues/disappearances/GC-right_to_the_truth.pdf)

<sup>11</sup> <http://www2.ohchr.org/english/issues/disappearances/GCEDCC.pdf>

<sup>12</sup> This can be found in the June 2011 issue of the AHRC’s *Ethics in Action* publication. The article is entitled “The utility of the UN Human Rights Council concerning Asia: Opportunities and Obstacles” and provides an insight based on the project’s experience since 2005 as to how the international system can be relevant and useful, as well as the challenges that should be expected, while attempting to engage with it to promote and protect human rights in Asia. This article can be found here: <http://www.ethicsinaction.asia/archive/2011-ethics-in-action/vol.-5-no.-3-june-2011/the-utility-of-the-un-human-rights-council>.

Rights Watch Canada (LAWC), initially focused on urgent measures that NGOs could take to protect HRDs under severe threat. LRWC is looking into establishing a framework within which NGOs can provide such assistance and this was discussed with the mandate. What was also ensured was that the mandate was made aware of the cases that the ALRC/AHRC had been dealing with and had exchanges on prospects for further cooperation. During the 17<sup>th</sup> Session of the Council, the Programme also had a positive meeting with the staff of the Special Rapporteur on Myanmar, building on the already strong relationship that the AHRC's country desk has with that mandate.

#### **v. Empowering Women Human Rights Defenders and Victims of Violence**

The AED Programme was created to assist and empower all human rights defenders, without discrimination. However, in several cases, issues and cases of persecution and threats to women human rights defenders have been highlighted by the ALRC/AHRC through this Programme. Persecuted women human rights defenders were able to continue their work under the Programme's international focus<sup>13</sup>.

**Bijo Francis, Executive Director ALRC/AHRC:** "I must admit that at the inception of the Programme, the idea was just to create a communication link where the concept of women was not very specifically incorporated into the Programme. But I think some of the areas where the Programme has really made clear visible milestones is women activists have literally benefitted. For example, the Programme contributed in the Indian context towards the possibility for widows to go the United Nations, take the floor at the UN and speak about how their husbands were killed and how the state has refused to investigate the case whereas on the other hand it has manipulated the investigation so that justice is perpetually denied. So the impact that it had at the local level among similar women and also upon the government was very substantial"<sup>14</sup>.

The AED Programme also enabled the AHRC to produce a short film 'Healing Manipur', on enforced disappearance and the situation of women in of Manipur, in India; which documented the self-determination struggle of the Manipur people through stories told by the women from the families of the disappeared. This short but powerful film gave a strong message on the gender situation of the women of Manipur.

A good example of empowerment of women victims is the case of Rita Jasudasan, a minor from a social and economically disadvantaged Indian Tamil Community in Sri Lanka; who was raped by two men in 2001. Her case was closely followed by the ALRC/AHRC, which issued several urgent appeals in her favour during the Programme period. Her matter was taken up as an Individual Communication at the UN under the First Optional Protocol to the International Covenant on Civil and Political Rights.

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<sup>13</sup> For example, Bushra Khaliq, a woman human rights defender of Pakistan became a victim of negative campaign when supporting land rights issues. See 'Okara Military Land-Propaganda against Pak Army' by Sajjad Shaukat at <http://readersupportednews.org/pm-section/86-86/25811-okara-military-land-propaganda-against-pak-army>

<sup>14</sup> Extract from interview given as a component of this report. For full statement see Annexure 1.

## **vi. Submissions on HR violations in Asia**

The ALRC/AHRC remains one of the organisations which supplies the greatest number of submissions on human rights issues, which form the basis for its advocacy strategy for each session of the Human Rights Council and it aims to inject the ALRC/AHRC's grass-root level Asian perspective into discussions at the UN. The written and oral submissions submitted in the 17<sup>th</sup> and 18<sup>th</sup> Sessions are as follows:

### **17<sup>th</sup> Session, June 2011:**

- PAKISTAN: Extra-judicial killings ongoing with impunity notably in Baluchistan.
- PAKISTAN: Impunity for rape and other forms of violence against women must end.
- NEPAL: Authorities failing to address extra-judicial killings.
- THAILAND: Threats to freedom of Expression endanger human rights.
- [ALRC Joint Oral Statement] ASIA: Attacks on journalists in Bangladesh and Pakistan denounced.
- MYANMAR: UPR outcome lacking substance and hope for effective implementation.
- NEPAL: Government urged to tackle caste-based discrimination, extra-judicial killings torture and impunity comprehensively.
- ASIA: ALRC voices concerns regarding the freedom of expression in Thailand and South Korea, and the deadly repression of demonstrators in Sri Lanka.
- ASIA: The need to remove certainty of impunity for extra-judicial killings in Bangladesh, Nepal, Pakistan and the Philippines.

### **18<sup>th</sup> Session, September 2011:**

- INDIA: Human rights. Council's intervention sought concerning India's violations of indigenous peoples rights.
- THAILAND; Persecution of torture victims and the legalization of impunity in Thailand.
- NEPAL: Council urged to learn from situation in Nepal when addressing impunity.
- MYANMAR: From blinkered to enlightened despotism human rights in Myanmar under new government.

## **vii. Organising and Participating in UN Side Events**

The ALRC also co-sponsored a side event on reprisals on March 16, 2011 entitled "*Reprisals against persons cooperating with the UN towards a strengthened institutional response*" that included Amnesty International, Asian Forum for Human Rights and Development (FORUM-ASIA), Cairo Institute for Human Rights Studies (CIHRS), CIVICUS, Human Rights House Foundation (HRHF), Human Rights Watch, International Rehabilitation Council for Torture Victims (IRCT) International Service for Human Rights (ISHR). The ALRC also supported a side event on March 18 concerning Cambodia, entitled "*The United Nations Special Rapporteurs on the Situation of Human Rights in Cambodia*" which is part

of a series of Seminars Commemorating Human Rights Through the Rule of Law in Cambodia and the 20<sup>th</sup> Anniversary of the Paris Peace Agreement.

The AED Programme was a lead organiser for a side event during the June session of the Human Rights Council that was held on June 3, entitled: “Combating Impunity: The role of judges and lawyers.” The event was held jointly by the Asian Legal Resource Centre, International Commission of Jurists, Human Rights Watch and Lawyers & Rights Watch Canada; and was well attended. The AED Programme organized the logistics, including multilingual interpreters and an experienced moderator, Ms. Inmaculada Barcia. The speakers included: Spanish judge Baltasar Garzón, who made a presentation on “*Combating Impunity: Perspectives from the bench*”; Wolfgang Kaleck of the European Center for Constitutional and Human Rights who spoke on “*Universal jurisdiction to combat impunity for serious human rights violations constituting crimes under international law: The role of lawyers and NGOs*”; and Robert Husbands, a senior member of the Office of the High Commissioner of Human Rights- Rule of Law and Democracy Section, who spoke on “*Approaches to Combat Impunity*”. This high-profile side event formed part of the AED Programme’s advocacy strategy to highlight the systemic and institutional failings that produced impunity; and the challenges that the international system faces in addressing this problem at the domestic level.

The AED Programme coordinator was invited to Geneva to be a panelist in an important meeting organised by the Friedrich-Ebert-Stiftung, Germany’s Forum Menschenrechte and the German Institute for Human Rights, entitled “*The Human Rights Council after the Review, tangible changes or business as usual?*” held on October 6 and 7, 2011. The AED Programme coordinator was asked to speak at the ‘conclusions and strategy defining’ panel, with special emphasis on policy recommendations and NGO strategies, held at the end of the meeting.<sup>15</sup> As part of the visit to Geneva for this meeting, the AED Programme coordinator was also invited to attend the Human Rights Council’s Social Forum which discussed the right to development, on October 3 to 5, 2011 during which an intervention was made as part of the discussions. The Programme also made use of its presence in Geneva to participate in Thailand’s UPR on October 5 and assist Thai NGOs in their advocacy at that time.

## **Effects-Impact and Outcomes:**

### **Evaluating Effects**

The AED Programme was designed for its self-evaluating outputs and outcomes since it was established in 2005. Reflections on successes and challenges in this regard, as well as the identification of new opportunities and strategies to assist in achieving the Programme’s desired outcomes, have enabled a progressive evolution of the approaches used and activities

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<sup>15</sup> The programme of the meeting, can be found here: [http://www.fes-globalization.org/geneva/documents/Program\\_HRC%20after%20Review\\_6-7Oct2011.pdf](http://www.fes-globalization.org/geneva/documents/Program_HRC%20after%20Review_6-7Oct2011.pdf)

undertaken by the Programme. These have been included in the narrative reporting to the EED.

## **Impact**

The over-all goal of the AED Programme has been a reflection of the shared goal of the ALRC and AHRC: to strengthen the accountability of States, the rule of law and the establishment of human rights for all in the Asian region. The Organisations have already created such an impact by: documenting human rights violations; campaigning in support of the victims and providing them with legal and other forms of support; producing analysis and conducting advocacy to reform public rule of law institutions; acting as a voice for local human rights defenders and providing them with protection and capacity-building. The AHRC's country desks pursue this work at the national level, while the ALRC's AED Programme effectively operates as the international advocacy focal point.

## **Outcomes**

In order to assist the AHRC and ALRC in pursuing their overall goal of improving human rights and State-accountability in the Asian region, the AED Programme pursued three main specific outcomes relating to its international advocacy role:

- Raising awareness and strengthening the action of actors in the developed world and the international system concerning Asian human rights issues, through communication and advocacy.
- Strengthening the involvement of the ALRC/AHRC, and their partners at the national level, in international and cross-regional human rights mechanisms and campaigns.
- Increasing the accountability of Asian governments concerning their approaches to the international human rights system.

Details of the outcomes are discussed in detail below:

### **i. Strengthening international action concerning Asian human rights**

International action is always useful in pushing States with poor rights records to make some efforts to behave in accordance with their international obligations. The Human Rights Council, which is fundamentally a political body, is a useful vehicle to pressure such governments, of which there are many in Asia, to defend their image and justify their abuses and hopefully prevent further violations. In attempting to hold States accountable at the international level, regional human rights organisations such as the ALRC/AHRC have created scope for political leverage and tools to use during their work at the national level. Work at the international level is therefore not an end in itself, but part of a holistic strategy to have the desired effect on the ground.

**Basil Fernando, former Executive Director ALRC/AHRC:** “.....there is now a recognition that torture is a major problem in Asia. Despite all human rights work done in earlier periods, there was no real anti torture movement in Asia. So we can proudly say that one of the AHRC’s main achievements is that we created an open discourse on elimination of torture in Asia and particularly brought to international notice police torture. In the past, most of the torture was understood to be military torture. That naturally happens when there is an intense internal conflict; there is lot of people who appeal to the international community – to the UN as their own country will not give them a solution. But unless the day-to-day, routine torture by police is highlighted, the international arena will not know of it”<sup>16</sup>.

Measuring the effects of international human rights advocacy is far more complicated than it is for the relatively straight-forward development activities that much of the impact assessment systems are based upon. However, there can be no doubt that there is positive value in pursuing the monitoring of human rights and strategic advocacy based on its findings, in order to attempt to improve the enjoyment of human rights at the national level, even if in the countries in which such action is most urgent, political instability, conflict or increasing repression may appear to reverse effects in the short-term. The effects of concerted human rights work on countries with grave human rights conditions may on the one hand only be slowing the worsening of a situation, or preventing the worst abuses, and may only be positively measurable over a long period.

An example of the interesting outcomes with potential for impact, can be seen in the results of advocacy concerning Burma/Myanmar at the UN level. The AED Programme was able to strengthen international action on the country through the communication of information that it had, about the arrests and forced disappearances of numerous Buddhist monks during the Burmese authorities’ crackdown on the monks’ protests in Burma in September 2007, known as the ‘Saffron Revolution’. Due to the AHRC’s very strong network of local Burmese activists, and its detailed approach to understanding the human rights situation in the country, the ALRC was perhaps the only organisation present at the international level that had information about the fact that the monks were not only being arrested, which was widely known, but also being detained at unknown locations; effectively being subjected to forced disappearance.

The AED Programme lobbied several key governments, notably EU Presidency holders Portugal and others in the EU Group, in order for the issue of forced disappearance to be included in the priority list of serious human rights violations that required investigation. The issue was successfully included in the draft Human Rights Council resolution tabled by the EU and was kept, despite strong challenges by several Asian governments that wanted to weaken the resolution. This resulted in the issue of forced disappearance being included as a key component of the Resolution<sup>17</sup> adopted by the Human Rights Council at its 5<sup>th</sup> Special Session, which was held on October 2, 2007, to address the serious situation unfolding in Burma during the Saffron Revolution. The international community condemned the violations, including forced disappearances, in the resolution and called for the Special Rapporteur on the situation of human rights in Myanmar to monitor the implementation of the resolution, investigate the violations and report back to the Human Rights Council.

<sup>16</sup> Supra note 1.

<sup>17</sup><http://www2.ohchr.org/english/bodies/hrcouncil/docs/specialsession!A.HRC.RES.S.5-1.pdf>

Without the timely intervention of the AED Programme, the whole issue of forced disappearances; concerning which even front-running international NGOs were not fully aware of, due to the difficulties in getting information out of Burma, would not have been included.

The AED Programme believes that the inclusion of the issue of forced disappearance in the UN resolution on Myanmar and the mandate of the Special Rapporteur, has ensured that attention be given to this phenomenon and participated in efforts aimed at the prevention of further abuses of this kind in the country. Such prevention is very difficult to measure as it is an absence of an abuse. The evaluation of the prevention aspect of human rights work remains a challenge, even though this aspect remains a key component of human rights work.

## **ii. Results-based advocacy**

The majority of the other activities and outputs that the AED Programme developed and undertook in its advocacy, aimed at specific effects – many of which can be measured.

For example, lobbying by the ALRC and other NGOs concerning the situation of human rights in Sri Lanka at the peak of the conflict in May 2009, led to the holding of the Council's 11<sup>th</sup> Special Session.<sup>18</sup> This was a positive outcome, in which the ALRC was involved, although the eventual result of the Special Session was a disappointment, due to the strong solidarity shown to Sri Lanka by its political and geographical governmental allies at the Human Rights Council. It still remains difficult to know if the Special Session had a positive impact on the situation inside the country, notably as the situation had been getting worse due to events on the ground. External factors often pose as an obstacle to the conversion of effects provided by programme outcomes into impact on the enjoyment of human rights at the national level, as the process of generating advancement, in terms of human rights, is a complex technical and political endeavour.

Many of the AED Programme's advocacy activities were boosted by its inclusion in the HRC-Net network, which, as has been pointed out before, gave the chance for the Programme's efforts to achieve greater effect. This did not significantly alter the core outputs by the Programme, but enabled a more strategic use of outputs as part of a wider platform that multiplied their effects. The HRC-Net also provided new opportunities to pursue additional outputs, such as more South-South solidarity and advocacy campaigns.

For example, the Programme's involvement in campaigns concerning elections to the Human Rights Council, in order to block States with poor human rights records from being elected, were significantly bolstered by involvement in joint campaigns with members of HRC-Net and led to concrete outcomes, such as the non-election of several grave abusers. Sri Lanka's failure to get elected in May 2008, for example, was one of a series of successes by the NGO Coalition for An Effective Human Rights Council,<sup>19</sup> in which the AHRC is a member through the AED Programme. Campaigns have seen countries such as Sri Lanka and Belarus fail in their elections bids, have put pressure on countries such as Iran to pull out from the elections race; and had an effect on the voting patterns concerning target countries during the General Assembly elections.

<sup>18</sup> <http://www2.ohchr.org/english/bodies/hrcouncil1/specialsession/11/index.htm>

<sup>19</sup> “ <http://www.hrw.org/sites/default/files/features/hrc2009/aboutitus/index.html> in

The impact which The Programme tried to generate, regarding ensuring an international system which is less open to political interference by the most negative States, is important. The impact that it had on the individual behaviour of States within their borders is more difficult to evaluate, but again, the election campaigns can be used by local NGOs, or indeed regional ones such as the ALRC/AHRC, as tools to hold governments accountable both at the international and national levels.

The AED Programme also pursued the strengthening of the actions of key actors within the international human rights system's various mechanisms. By providing information to the various Treaty Bodies, Special Procedures and the Universal Periodic Review system, the ALRC/AHRC played a significant role in informing the international system to make it more relevant and able to achieve the organisations' desired impact on human rights in the Asian region. The AED Programme also played a constructive role in ensuring quality input and strategic use of this input through these mechanisms. The outcomes concerning these activities can be measured, both in terms of near-term and long-term effects.

The ALRC and AHRC are in regular contact with the Human Rights Council's Special Procedures concerning individual cases of human rights violations and country situations. In fact, several of the Special Procedures told the AED Programme that the AHRC was the greatest provider of information from Asia in terms of quantity.<sup>20</sup> The AED Programme worked to ensure that this large quantity of information led to a corresponding effect on the work of these procedures, by holding meetings with them, ensuring responses to any queries they have and lobbying them about ALRC/AHRC priorities.

Outcomes of the work with the Special Procedures can be measured. For example, Special Procedures may take up cases or thematic analysis produced by the ALRC/AHRC. This enables the Special Procedures to take specific actions concerning Asian human rights issues, which strengthens their actions and is a clearly measurable near-term component of the Programme's first main outcome category.

**Bijo Francis, Executive Director, ALRC/AHRC:** "The third aspect of the Programme was the possibility of closer partnership between the Rapporteur of the mandate holder and the partners. AHRC only played the role of facilitator. For example, in 2012, when the Special Rapporteur on Extrajudicial Execution visited India we used the Programme to provide a platform for partners in India who are working on the issue of extrajudicial executions to meet the Rapporteur in two reform cases – one reform in Calcutta and the other one in New Delhi. On both occasions the partners brought victims, who could interact with the Rapporteurs. Thus the Programme was able to link local groups and international mandate holders directly. Here the AHRC did not play the role of communicator but the role of a facilitator and the communication happens directly between the victim and a mandate holder. This activity also had an element of protection associated with it for the HRDs and victims."<sup>21</sup>

<sup>20</sup> The AHRC's country desks send many urgent appeals and other outputs to the Special Procedures and the AED programme is regularly in contact with the offices of these mandates to follow-up.

<sup>21</sup> Supra note 14.

The extent to which information produced by the ALRC/AHRC is used by the Special Procedures can be measured, notably as it is possible to see if action has been initiated as a result in the various Special Procedures' annual reports. Furthermore, the ALRC Programme worked to have specific, credible civil society representatives selected for key Special Procedures mandates. The extent to which its candidates receive support from other civil society groups or governments, and the extent to which they were selected for the President of the HRC's shortlist or even as mandate holder, can also be measured to show the effect of the Programme's work.

In submitting information to Treaty Bodies, in the form of shadow reports concerning the reviews of individual States by the various Treaty Bodies, the AED Programme and ALRC attempted to influence the course of discussions concerning the State's implementation of its obligations under international law. The AED Programme also provided Committee members with updated information during the review process in order to ensure that the State was held accountable concerning the answers it gives to questions by the Committee. The extent to which the ALRC/AHRC's concerns were taken up can be found in the outcome of the review and its Concluding Observations.

The Universal Periodic Review provides new opportunities to strengthen the actions of the international system and the AED Programme gained expertise on this, enabling its outputs in achieving outcomes through this process. A challenge that the AED Programme had been undertaking was trying to ensure that situations in countries that are not evidently on the international agenda, were discussed and considered by the system. Countries like Bangladesh or Thailand rarely make it into discussions on human rights at the international level, either because they are unfortunately of little geopolitical interest as in the case of Bangladesh, or have managed to garner a relatively positive international image despite a number of serious human rights issues, as is the case with Thailand. The AED Programme, therefore, acted as a rare voice, bringing situations that are not part of the regular HRC agenda to the fore. The Universal Periodic Review is an important new mechanism that can be very useful in highlighting country situations that otherwise are difficult to get taken up at the international level.

#### **iv. Strengthening involvement in international and cross-regional human rights mechanisms and campaigns**

Through the development of its working methods, the AED Programme played a useful role in capacity-building for the ALRC/AHRC's country desks and partner organisations in the field, enabling them to better understand and make use of the international system. The AED Programme had the unique opportunity to be present and be involved in the processes and events at the international level over recent years and gained a significant level of expertise in this regard. It is already being called upon by other NGOs to provide assistance in how to use the international system. While initially the motivation was to create the Programme focused on the need to inform the international arena about the Asian human rights issues, it is also

now evident that there is a knowledge gap in Asia about how the international system can work, if used correctly, to improve the enjoyment of human rights on the ground.

**v. Accountability of Asian governments - an evolution of approach and opportunities:**

There is a continuing need for greater communication of Asian human rights situations and issues, from a grass-roots and Asian perspective, to governments, civil society and other actors in the developed world. As many governments in Asia continue to commit human rights violations with impunity and have failed to develop any regional mechanism which is effective in protecting people against such violations. The international component to the ALRC and AHRC's work is thus a vital element for mobilising protection and remedy for victims.

In the years since 2005, when the AED Programme resumed, following the lessons learned from working at the Human Rights Council, it has gained further insight into the functioning of the international system and the role that actors outside of Asia can play and worked to inform and develop Western public opinion, NGOs, governments and international mechanisms. It is also very important to attempt to lobby governments elsewhere in the world, such as Latin America, Africa and Asia itself, in order to have a chance of having successful and coordinated international action.

**Outputs and activities:**

The activities and related outputs that the AED Programme produced during the period from 2011 to 2014 are presented below:

**i. Communication and capacity-building with AHRC country desks and partner organisations, to improve understanding of mechanisms and opportunities at the international level, and develop advocacy strategies for use there**

The AED Programme staff kept abreast of human rights situations, both through the output of the AHRC's country desks, and followed developments at the international level, in order to ensure that such work is effective. This required continuous research and communication, which formed the basis of the Programme's knowledge and permitted it to understand the issues and the opportunities to feed them into international advocacy strategies. The Programme also developed training tools and, where useful, participated in training activities to increase the capacity of AHRC staff and partner organisations to make more effective use of the international system.

**Bijo Francis, Executive Director, ALRC/AHRC:** "This work with HRDs and partners has been so successful that some of the partners in our countries across the globe do not require AHRC's intervention at every stage for them to effectively communicate with the mandate holders. This training had direct impact in the way partners undertook case documentation. The Programme contributed in the improvement of capacity as well as in the skill of the local partners in undertaking case documentation. The exposure provided through the Programme assisted them in understanding that the documentation has to be substantially improved if their cases were to be acted upon. [the] Programme had a direct impact upon the baseline on which HRDs in the countries

functioned...their documentation skills have substantially improved by way of engaging with this Programme.”<sup>22</sup>.

Initially, planned tools and trainings included such topics as: making use of the Universal Periodic Review process; communications and collaboration activities with Special Procedures; and increasing the impact of advocacy at the Human Rights Council. Other subjects for such tools were: reporting to Treaty Monitoring Bodies; using Treaty Body individual complaints mechanisms; and monitoring and advocating for increased accountability of governments at the international level.

**ii. The production of an annual report on the state of human rights about the countries concerning which the ALRC and AHRC have been active during the year**

This activity represented a major vehicle for communicating Asian human rights issues to actors in Europe and the international community, as well as in the respective countries concerned in the report. The production of this report has also been used as an opportunity for the AED Programme to jointly work with each country desk about the situation of human rights in the country and therefore, fed into the process of exchange of information.

**iii. Advocacy at the Human Rights Council (HRC)**

The activities conducted at the HRC have been at the core of the work of the AED Programme since 2005. It is important to note that while the Programme continued to network and build relations with western and international NGOs, it recalled that its inclusion in the HRC-Net means that it already had strong ties with many of the key NGOs acting at the international and regional levels, which has been demonstrated during the project period.

**iv. Participation in the UN Human Rights Council’s Universal Periodic Review process**

The ALRC has already become one of the lead NGOs in terms of submitting reports under the UPR system during the 2011 to 2014 period. The submission of NGO reports for the UPR’s second 4-year cycle began in the second half of 2011. The second cycle had been important in establishing the impact that this process activated on the enjoyment of human rights at the national level.

The UPR system is the major innovation that has been established as part of the creation of the Human Rights Council, and it is incumbent on NGOs to try to make the most of this system to improve the effectiveness of the HRC in addressing country situations. The ALRC sees the UPR as one area in which its increased understanding of the international system and evolving strategic approach can contribute to improve effects on the enjoyment of rights, notably through the establishment of greater links between outcomes at the international level and their implementation at the national level.

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<sup>22</sup> Supra note 14.

The Programme produced UPR country reports on India, Indonesia and the Philippines in mid-2011; on Pakistan, the Republic of Korea and Sri Lanka in late 2011; on Bangladesh and Cambodia in 2013 and on Myanmar and Nepal in 2014. Furthermore, it has done the preparatory work on Thailand which will be reviewed in 2015. It has been engaged in advocacy concerning UPR civil society recommendations with the European Governments.

#### **v. Reporting to Treaty Monitoring Bodies**

The AED Programme assisted AHRC country desks and national-level civil society organisations in preparing shadow reports concerning the review of Asian States' implementation of their obligations under the international instruments that they have ratified. The Programme has also assisted with cases of individual complaints concerning human rights violations.

#### **vi. Translation of key documents**

The Programme carried out the translation of key human rights documents into various languages. The task was to translate important Human Rights Council written statements and/or UPR reports and press campaigns from English to the required local languages. This has been used to bring back the outcomes produced in Geneva to the local level and assist in campaigns for greater accountability of the Asian States' international behaviour at the national level.

### **Impact of the Programme on HRDs - Key findings:**

Twenty three human rights defenders from eight countries across Asia were interviewed for this evaluation of the ALRC/AHRC's Asia-Europe Dialogue programme. A summary of the response to the evaluation questions, answers based on DAC criteria, has been added here:

#### **Relevance**

- The ALRC/AHRC designed its activities as per the situation on the ground. The objectives, planned activities and planned outputs were consistent with the intended outcome. This Programme helped HRDs in Asia to continue and maintain their activities, it also ensured some security and reduced risks and threats from the state in many ways for the past few years.
- Planning-wise, ALRC/AHRC carried out strengthening activities in relation to improving human rights situations in Asian countries, by involving its partner organisations. Many grave human rights violations/ issues have been taken to the international level, particularly to the UN through the Asia-Europe Dialogue Programme, for redress.
- This Programme is still very valid to ensure the security of the HRDs across Asia and elsewhere and in highlighting human rights violations, particularly extrajudicial killings, enforced disappearances and torture in police custody; which are common in Asia region. ALRC/AHRC must be commended for this activity.

- ALRC/AHRC is also collaborating with its partners, which has lots of impact in the international and national levels. The activities under this Programme have enhanced the capacity of human rights defenders across Asian countries.

### **Effectiveness**

- The objectives have been achieved at a satisfactory level, as the Asian human rights defenders were able to link the human rights violations on the ground with the international forum. Vetting has been put in place after issues of torture and other human rights violations have come to light. Victims have even been saved due to ALRC/AHRC's direct intervention and these issues are ongoing, and ALRC/AHRC have been quite helpful to address these issues in a worldwide manner.
- ALRC/AHRC have been functioning for a long time and have built links between partner organisations and victims of human rights abuses, to raise their voice at the international level. Urgent appeals work as a tool in this regard.
- It accelerated the human rights movement back in the country – helping to make more friends and partners.
- The selected target group has benefited a lot through this project. The short term benefits included urgent appeals, issuing statements and writing articles by AHRC which helped to sensitise issues and reduce the risks of HRDs. AHRC published urgent appeals on their website and sent emails to the UN, relevant authorities of the concerned countries, national and international media. This created pressure on the erring government, and also worked as a linkage between Asian human rights defenders and European stakeholders and different networks.
- It helped the victims of human rights violations by bringing their issues to the international forum, including the UN and the European countries. The Programme has also assisted human rights defenders, lawyers and media persons at risk due to their work.
- When cases from the local groups are documented it becomes easy to take them to the international level; and victims are often protected as their issues become internationalised. The victims felt empowered when their cases are mentioned at the international level.
- The Programme was beneficial as the issues from the grass root were publicised internationally and the ALRC/AHRC, being a reputed regional organisation, highlighted the issues at the UN Human Rights Council and to the Special Procedures.
- The capacity of the staff members of ALRC/AHRC partners has been enhanced through this Programme.
- ALRC/AHRC designed the AED Programme to include participation of the national partners. Country desks are another factor, which link the partners and the Asia Europe Dialogue Desk, where the Desk links with the UN and European nations. The clear and working linkages have been very crucial in influencing the achievements of the Programme.

## **Efficiency**

- The activities have been undertaken as planned. The ALRC/AHRC always plans ahead. The objectives have been achieved as planned.
- Many partner organisations of ALRC/AHRC have been immensely benefitted from the Asia-Europe Dialogue Programme. Internships with ALRC/AHRC enhanced the capacity of the staff of Asian human rights organisations. The staff who availed of the internship at ALRC/AHRC in Hong Kong became more efficient in their documentation work, as documentation is a vital component of such work.
- Jointly planning with country staff at the AHRC and programme coordinators will be better for the efficient working of similar programme.

## **Impact**

- The project has strengthened the capacity of the local HRDs; and it also gave equal opportunity to women and men. The ALRC along with local partners have successfully prepared submissions to the UN. For instance, the local HRDs, were able to participate in the drafting process of submissions to the Human Rights Committee, where the committee conducted evaluation upon Indonesia in 2013 and Universal Periodic Review in 2012.
- The AHRC also intervened to the UN about HRD issues, then the UN sent letters to the governments of the countries concerned. It helped the victims and also created awareness among the people. It puts huge pressure on the governments and relevant authorities.
- The urgent appeals and the statements made by the ALRC/AHRC have been frequently picked up by the international experts on human rights in their reports. For example, after successful interventions through HRC sessions and the Universal Periodic Review, the government of Bangladesh passed the Anti-torture Bill in the Parliament as a Law in 2013.
- The project has created equal opportunity for all human rights defenders in Nepal. ALRC/AHRC's partner organisations in Nepal recommended HRDs from all communities at the Folk School programmes in Kathmandu. Without engagement with ALRC the victims and HRDs in the field could have faced more pressure, which has been successfully avoided due to the collaboration.
- If there had not been any activities in the UN regarding the hardships of the victims, it would be almost impossible for ALRC/AHRC's partners to continue their work. Without this Programme, the victims would have been further victimized and they would not have received any forum to express their issues.
- ALRC/AHRC's partners and human rights defenders in Nepal and Bangladesh feel as if AHRC is their organisation that addresses their issues at the international level. They feel secure and motivated due to this relationship.

- In Pakistan the courts were taking up cases sent by the AHRC and also when international organisations were raising the issues.
- It is difficult to mention the exact number of beneficiaries, however, hundreds of human rights defenders were benefited from this project both directly and indirectly. The HRDs who benefited from the project were mostly from the local human rights groups, especially the HRDs working with local partners of AHRC/ALRC; for instance Advocacy Forum, JMC, THRD Alliance, PPR Nepal, JAP HAM Papua, KontraS, Padang Legal Aid in West Sumatera Provinces of Indonesia.

### **Sustainability**

- If this Programme continues, it will be a safeguard for the human rights defenders across Asia. Two types of results could be seen, one is the immediate result and another is long term result. Because of this AED Programme, awareness has been built in society, that helps to create protection for human rights defenders.
- Since the establishment of the HRD desk at the National Commission on Human Rights, the local and national HRDs can seek protection or submit reports or cases to the Commission.
- Nepal is going through a crucial phase of post Constitution building. There are dissenting voices and the state is presenting itself violently. Thus the impact of the Programme is going to be much more in the coming years in Nepal.
- Bring HRDs from the grass roots as interns at the ALRC/AHRC office. Exchange visits to different South Asian countries would also benefit them. Create expertise regionally and send them (experts) to other countries in the region. Each country experience can be very enriching. There can be regional/sub regional fact finding work done by the regional experts with the support of the ALRC.
- The Programme needs to expand to reach more HRDs on the ground and experts on human rights issues in Asia and beyond. Many human rights defenders can then keep working in comparative safety in their respective countries.
- To some extent the Programme has ensured safety and security of HRDs in Asia. The Asia-Europe Dialogue Programme is essential in Asia. It reached the HRDs security within a very short span of time.
- ALRC/AHRC's partners need to learn from other experiences. Security training for the HRDs is also important. Regional networks could be used to make communication easy. It could help ensure security for HRDs.
- Enhancing social media training and documentation should continue. Connection and networking with the UN is a major factor. That influences the whole work.
- Urgent appeals sometimes work. However, it is important to do follow-up work. The collaboration will have to continue.
- A network of Asian human rights defenders must be established. ALRC/AHRC's partners sought to visit other countries and partners who have faced security threats in similar issues. This sharing will be largely helpful to know the possible and apparent risks, and design security measures.

- Some digital training for the HRDs and some security devices could be implemented through the Programme in the future; to enhance the digital security of HRDs in Asia.
- ALRC/AHRC raises Asian human rights issues in the international level. Its regular interventions in the UN forums and submission on different issues are a major factor why HRDs in Asia can continue their activism. It is imperative that the AED Programme continue for the sake of HRDs and human rights.

## **Conclusion:**

The Asia-Europe Dialogue Programme conducted a wide range of activities as part of its role as a liaison, communicating human rights issues and situations in Asia to an international audience between May 01, 2011 to April 30, 2014. Its work through the international system, notably through the HRC-Net network, were at the core of its activities, but the work also included networking with other NGOs, States and other relevant factors including those in Asia concerning important opportunities that present themselves at the international level. In 2011, the Programme was hindered in its ability to deliver impact due to the lack of funds. Despite this, it was able to conduct many core strategic activities and even engaged in some of its most high-profile activities.

As part of the AHRC/ALRC's Programme monitoring and evaluation (PME) document produced in 2011, some criteria concerning the evaluation of outcomes regarding the organisations' international advocacy activities were outlined. The AED Programme formed a part of the Organisations' international advocacy activities, with country and thematic desks also contributing to this significantly.

As can be seen from the number of written statements and oral interventions, the ALRC is the foremost contributor of Asian issues to the Human Rights Council Members of the UN. Special Procedures with whom the AED Programme has met, have also re-iterated that the ALRC/AHRC are the greatest contributors of information in numerical terms concerning human rights violations in the region. In terms of qualitative impact, the Programme has received input from UN staff that its oral interventions are amongst the best produced by civil society groups within the Council. Furthermore, the written statements that the Programme coordinated, regularly received strong media coverage within concerned countries when they were issued.

Theo van Boven, former Special Rapporteur on Torture: "Over the years I have been impressed by the work of the Asian Human Rights Commission, its quality, the vigour and persistence of its actions and its attachment to international human rights standards. You are often challenged by authorities but this proves that your actions are effective and well focussed. I wish you and your colleagues all the best in the continuation of your important work for human rights."<sup>23</sup>

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<sup>23</sup> Extract from an e-mail sent to Mr. Basil Fernando, former Executive Director, ALRC/AHRC.

Other activities, notably side events, provided an effective vehicle for the Programme to communicate key issues to an audience of States, UN experts and NGOs during Council sessions. In 2011, the Programme conducted its two most visible, well-attended and appreciated side events, on disappearances and the need for effective implementation of the new Convention on disappearances at the national level; and on impunity and the role of the judiciary. These events allowed the Programme to communicate important information on the systemic hurdles and institutional weaknesses that operate in Asia and the need for a more in-depth approach to root causes and underlying rule of law lacuna; if the international system is to play a more effective role in Asian situations. Discussions on such issues included States such as France and Argentina on disappearances, and high-level UN officials, including the Chair of the Working Group on Enforced Disappearances, former Special Rapporteur on Torture Manfred Nowak. Concerning impunity, the side event that the ALRC co-organised included Spanish Judge Baltasar Garzon; and was an important component of discussions on impunity, notably in light of the on-going process of creating a new Special Procedures mandate on accountability, which was concluded in September 2011. As such, the ALRC has increasingly been at the heart of discussions that are both of significance concerning the situation in Asia and are also relevant to the processes under way within the Human Rights Council. For example, the Programme held discussions with diplomats from France and Argentina concerning the content of the Council's resolution on forced disappearances and with Argentina on the creation of the new accountability mandate in order to provide information on what was needed concerning Asia, which remains a region where disappearances and problems related to accountability are amongst the world's worst.

The AED Programme increased its work to involve the AHRC country desks and partner organisations to intervene more often and more effectively within the UN system. Examples include capacity-building material produced by the Programme, notably the article in *Ethics in Action* on how to make effective use of the UN, given the current geo-political realities; and the Human Rights Correspondence School lesson on making use of the UPR. Under the Programme in 2012, such activities were replicated in order to continue to increase Asian civil society involvement in the UPR in particular.

The Programme's activities had been designed to facilitate, consolidate and improve the communications of the reality of the human rights situation in Asia to the actors in Europe and elsewhere, which facilitated them to be aware regarding taking more effective and informed action to assist in halting the deterioration of the human rights situation in Asia's nations. In the first three years, the Programme established itself at the international level and began the development of communication of Asian human rights issues to a Western and international audience. In the second three year period, it became a member of the group of most prominent and effective NGOs working at the Human Rights Council. In the third three year period, it sought to make use of its established working methods and networks for greater implementation of its recommendations and greater impact of its work. The Programme also found many new opportunities to develop its work and bring back the results

of its work at the international level, to the national level, where ultimately the impact of such work is being felt.

The development of new strategies and a result-oriented approach should lead to increasing effectiveness of the Programme's future work in the coming periods. It has been clearly evident from the interviews, that the grass root level human rights defenders and the staff at the ALRC/AHRC were benefitted through this Programme. The grass root level human rights defenders have succeeded in raising their issues at the international level and the Staff at the ALRC/AHRC became more involved with the advocacy work and became more innovative in their approaches.

During the evaluation, after speaking with the grass root level human rights defenders, I found that the AED Programme has become a powerful vehicle for the victims of human rights violations in the Asian countries to highlight their issues and to search for redress.

**Recommendations:**

- ALRC/AHRC has to continue the AED Programme with more innovative plans, to keep up the momentum for bringing the issues of the grass root level to the international forum; as this is the only vehicle to bring the grass root level issues in Asia to the UN and other international platforms.
- A network of Asian human rights defenders must be established. ALRC/AHRC's partners should visit other countries and partners who have faced security threats in similar circumstances. This sharing will be largely helpful to know the possible and apparent risks, and design security measures.
- There is a strong need to expand the Programme to reach more HRDs on the ground and experts on human rights issues in Asia and elsewhere.
- A manual must be developed for the security and protection and in every Folk School session a slot must be kept for HRDs; and participants must be asked for suggestions on how to develop methods. A meeting of HRDs/victims could be held at AHRC Hong Kong every year; and an Asia-Europe Dialogue organised for the purpose of enhancing the activities of the Programme.
- The urgent appeals and online petitions also served the purpose of the AED Programme as ALRC/AHRC sends cases or raises the issues with concerned Special Rapporteurs, Working Groups and other officials which are the part of the objectives of the project. The continuation of the AED Programme is very relevant for the lobbying of human rights abuses back in the country and for the redress of victims. Thus, it must continue.
- Attention must be drawn to women who are victimised due to the disappearance of male family members. They are an extremely vulnerable group and the UN HRC needs to be made aware of this issue.