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I. Introduction

For many decades, the voices of the people living under authoritarian and military dictatorships – and even those political systems with democratic façades – have been silenced and suppressed in Asia. Today, throughout the Asia region, calls for justice, peace, human rights, and development are finally being heard. However, despite past atrocities committed in the region, such as the genocide in Cambodia and crimes against humanity in East Timor, there still remain no provisions to respond to even the most heinous of crimes. Apart from ASEAN in Southeast Asia, there remains the question of whether there are any effective regional mechanisms in Asia where RtoP could be invoked and implemented at this stage.

II. Regional Bodies

Human rights are growing in importance within many Asian nations, and there is a need for regional mechanisms to reflect this evolution. Ensuring the capacity and will to implement RtoP should be part of a comprehensive strategy to promote human security through the advancement of democracy, the protection of human rights, good governance and economic stability. The following regional mechanisms are possible entry points for RtoP:

The Association of Southeast Asian Nations (ASEAN)

The Association of Southeast Asian Nations (ASEAN), established in 1967, consists of 10 members: Brunei, Cambodia, Indonesia, Laos, Malaysia, Myanmar, the Philippines, Singapore, Thailand and Vietnam. ASEAN has 7 main [aims](#) including (1) “to accelerate economic growth, social progress and cultural development in the region” and (2) “to promote regional peace and stability through abiding respect for justice and the rule of law in the relationship among countries in the region and adherence to the principles of the United Nations Charter.”

ASEAN Charter

ASEAN adopted its [Charter](#) in November 2007, which came into force on 15 December 2008. The drafting of the Charter initially was tasked to the Eminent Persons Group (EPG) in December 2005, who produced a report with recommendations in December 2006. In January 2007, however, a new High-Level Task Force was selected to draft the Charter. The new Charter was drafted within 10 months, and by October 2008, 10 member states of ASEAN had

signed the Charter. Some countries, like Indonesia, however, made reservations to the Charter.

While the new Charter provided for the establishment of a Human Rights Body for the organization's members, the Charter remains without provisions for enforcing compliance with human rights standards and does not remove the strict policy of non-interference in internal affairs. Despite

[lobbying efforts](#)

by civil society to ensure that the ASEAN Charter defines the responsibilities of the State to protect, promote and fulfill its obligations to respect the rights of its citizens, and to include RtoP concepts as suggested in the Eminent Persons Group Report, the final draft of the ASEAN Charter neglected to include either.

ASEAN Human Rights Body

Article 14 of the ASEAN Charter provides for the establishment of a human rights body. On 21 July 2009, the [Terms of Reference](#) (TOR) for the ASEAN Intergovernmental Commission on Human Rights (AICHR) were adopted during the 42nd

ASEAN Ministerial Meeting. The TOR mandate calls for the development of strategies to promote and protect human rights and fundamental freedoms; however, as the Asia Pacific Centre for the Responsibility to Protect

[notes](#)

, the fourteen articles of the mandate center more on promotion, resulting in a 'promotion first, protection later' approach. Furthermore, the AICHR is not equipped with any investigative, evaluative, or enforcement powers and does not include any early warning mechanisms. The Commission does not possess many communication functions, such as being able to hear cases from individuals, organizations, or groups of people. Although the establishment of the AICHR must be commended, it appears that the Commission was founded with a weak mandate that, as the Working Group for an ASEAN Human Rights Mechanism

[states](#)

, is primarily a "political document formed out of negotiations and compromises." Hence, civil society organizations continue to

[call](#)

for a comprehensive reform.

[FIDH](#)

, for instance, recently urged ASEAN States to support the 2014

[review](#)

process of AICHR's Terms of Reference and enable the Commission to investigate and effectively address Member States' human rights records and possible violations. Other existing ASEAN human rights mechanisms include the

[ASEAN Commission on the Promotion and Protection of the Rights of Women and Children \(ACWC\)](#).

ASEAN Regional Forum (ARF)

The ARF is the principal forum for security dialogue in Asia and complements the various bilateral alliances and dialogues in the region. Comprised of 27 participants, it provides a setting in which members can discuss current regional security issues and develop cooperative measures to enhance peace and security in the region. The ARF's agenda aims to evolve in three broad stages, namely the promotion of confidence building, development of preventive diplomacy and elaboration of approaches to conflicts. However, the ARF has been criticized for being unable to deal with hard questions related to preventive diplomacy and conflict resolution. Much of this stems from the fact that the Forum remains an ASEAN centered body, which is limited in resources needed to implement its projects. Decisions made in the ARF are not necessarily binding for states without the support of the national government. While the ARF has not yet opened space for the promotion of RtoP at the regional level, it is possible, however, that intercessional groups may be established where this idea, couched in with humanitarian law and humanitarian crisis prevention terms, may be discussed. ASEAN members that are reluctant to endorse Pillar III aspects of RtoP may not allow this to happen. The Council for Security Cooperation in the Asia Pacific established a [study group](#) on RtoP that produced a final [report](#) to the ARF in June 2011. The report called for the ARF to play a greater role in the implementation of RtoP and provided proposals related to the role of regional organizations in mainstreaming the norm.

III. Country Crises in the Asia-Pacific Region

a. Burma/Myanmar

Since the [1962 military coup d'état](#), people in Burma have suffered from widespread human rights abuses. Namely, the overthrow led to an escalation of abuses, particularly against ethnic minorities and political dissidents. Human rights abuses by the military junta included the pervasive use of forced labor, forced recruitment of tens of thousands of child soldiers, rampant sexual violence, extrajudicial killings, torture, and mass displacement. After five decades of abuses, President Thein Sein announced a series of democratic reforms following his February 2011 appointment. Although President Sein has made a series of notable reforms, the government continues to perpetrate crimes against humanity, particularly against the Rohingya.

Civil Society organizations, including ICRtoP members, [Alternative ASEAN Network on Burma \(ALTSEAN-Burma\)](#),

[US Campaign for Burma](#), and

[United to End Genocide](#)

, continue to document ethnic and human rights issues, work to channel and mobilize political will, and pressure states to take action to stop the violence in Burma. Nevertheless, Burma rarely appears on the Security Council's agenda. Furthermore, ASEAN has neglected to take action to address the ethnic and human rights issues in Burma, particularly in regards to abuses against the Rohingya.

For more information from international and regional actors, as well as civil society organizations, please see our

[crisis page](#)

on Burma.

b. Sri Lanka

On 19 May 2009, the conflict in Sri Lanka ended after decades of clashes between the government and the Liberation Tigers of Tamil Eelam (LTTE). The final stage of the conflict resulted in approximately 40,000 deaths and over 280,000 internally displaced people. The March 2011 report of

[the Panel of Experts on accountability in Sri Lanka](#)

concluded that “a wide range of serious violations of international humanitarian and human rights law were committed by the government of Sri Lanka and the LTTE, some of which would amount to war crimes and crimes against humanity.”

Calls for an investigation into deadly clashes began after the end of the conflict. Nevertheless, according to UN officials, the Sri Lankan government has not established sufficient mechanisms to impartially investigate crimes committed by all parties during the conflict. Hence, in March 2014, the UN Human Rights Council adopted a

[resolution](#)

, which launched an international inquiry to investigate the crimes committed by all sides of the conflict.

For further information

from international and regional actors, as well as civil society organizations, please see our

[crisis page](#)

on Sri Lanka.

c. Democratic People's Republic of Korea (DPRK)

Since 1948, North Korea has been dominated by an “isolationist” attitude, which continues to flourish under current Leader Kim Jong-un. Access to outside information is extremely restricted, surveillance is widespread and pervasive, and religious individuals are persecuted. In March 2013, in response to years of reports of systematic human rights abuses from North Korean defectors and escapees, the UN Human Rights Council

[created](#)

an international inquiry on human rights in the country.

The February 2014 Commission of Inquiry

[report](#)

found that “systematic, widespread, and gross human rights violation have been and are being committed in the DPRK,” and in many instances amount to “crimes against humanity based on State policies.” The report further explains how perpetrators of these human rights violations continue to enjoy impunity because they act in accordance with government policy.

Furthermore, the report highlights the international community’s responsibility to protect the people of DPRK “because the Government of DPRK has manifestly failed to do so.”

For further information

from international and regional actors, as well as civil society organizations, please see our

[Q&A](#)

on RtoP and DPRK.

IV. Civil Society in Asia-Pacific

Garnering support for RtoP in Asia relies on a multilevel, multi-track approach to norm-building and policy development. For Northeast and South Asia, there are currently no regional commitments, agendas or institutions related to the protection of populations from large-scale human rights violations. In this regard, advocacy must focus on how to move individual states toward supporting RtoP and to ultimately build champions of RtoP within the region. Civil society is supportive of discussing and mainstreaming RtoP into relevant networks, including Solidarity for Asian People’s Advocacy, Asia-Pacific Solidarity Coalition, Asian Circle 1325, ASEAN People’s Assembly, Burma Partnership, World Forum for Democratization in Asia and others.

Below please find reports, statements, and articles by civil society, and information on forums, roundtables, and conferences held on RtoP, prevention, and operationalizing civilian components in the region.

- On 26-27 February 2015, the Asia Pacific Centre for the Responsibility to Protect, in partnership with the International Coalition for the Responsibility to Protect, Cambodian Institute for Cooperation and Peace, the Global Centre for the Responsibility to Protect, the United Nations, and the Stanley Foundation, hosted a [conference](#) entitled “The Responsibility to Protect at 10: Progress, Challenges, and Opportunities in the Asia Pacific” on 26-27 February 2015 in Phnom Penh, Cambodia to commemorate the 10th anniversary of the adoption of the Responsibility to Protect (RtoP) at the World Summit in 2005. For the Initial Outcomes from "The Responsibility to Protect at 10: Progress, Challenges, and Opportunities in the Asia-Pacific" click [here](#).

For civil society activity on RtoP and Asia–Pacific from 2009 to 2014 click

[here](#).

