

Yuyun Wahyuningrum: Indonesian human rights defender

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Yuyun Wahyuningrum is an Indonesian human rights defender who works closely with the ASEAN regional system and in particular the ASEAN Intergovernmental Commission on Human Rights (AICHR). She shares her thoughts on the challenges human rights defenders face in the ASEAN system.



When human rights were included in the [ASEAN Charter](#), which was adopted in 2008, Yuyun Wahyuningrum saw an opportunity to promote human rights discourse in the region through advocacy at ASEAN. Yuyun currently works as senior advisor on ASEAN and human rights for the Human Rights Working Group, a coalition of over 50 organisations working on human rights in Indonesia.

“Principles and values in human rights are something that we cannot negotiate”

While the inclusion of human rights in the ASEAN Charter, and the creation of the ASEAN Intergovernmental Commission on Human Rights (AICHR) in 2009 were concrete steps forwards in terms of promoting a human rights discourse, they also threw up challenges. One challenge has been the attempt by ASEAN States to impose their own interpretations of human rights standards that veer away from universality. It is imperative, says Yuyun, that AICHR should focus on complementing the global human rights system rather than breaking away from the principle of the universality of human rights.

“The role of civil society in influencing the debate is imperative”

In pushing to ensure that ASEAN does adopt the language and principles of universality of human rights, dialogue and engagement by civil society in ASEAN are crucial. Yuyun says that national level dialogue has proved particularly useful in influencing the regional sphere – and as a result she has chosen to work on establishing the capacity of national level groups to influence the internal discussion in relation to human rights and ASEAN. This includes providing trainings and workshops for civil society together with visits to ASEAN bodies to provide civil society with first-hand experience.

In another effort to deepen the capacity and ability of civil society to engage on human rights issues within ASEAN, Yuyun has also worked together with different stakeholders in the last six years to establish a series of dialogues. These include the annual ASEAN community Dialogue with Committee Permanent Representatives, the Dialogue between civil society groups and ASEAN Secretary-General on human rights, and the Civil Society Forum to the ASEAN Foreign Ministers’ Meeting on Human Rights.

Running through the benefits that these dialogues have had, Yuyun points to the increased space for debating human rights publicly in the region, increasing interest amongst civil society on ASEAN issues including human rights, and growing activism amongst civil society to contest some of ASEAN’s more controversial positions on human rights.

“AICHR will only gain legitimacy and authority on human rights if it develops a stronger partnership with civil society”

As an intergovernmental body AICHR struggles to balance its roles as a political body and as a human rights commission. The representatives of States on AICHR are nominated by governments and can be removed by them at any time. This has led to a lack of independence and a lack of political will to engage with its stakeholders, including the victims of human rights violations. Furthermore, ASEAN member States have been reticent in providing financial and technical support for the body which severely limits its capacity.

The lack of legitimacy and authority that the body struggles with is aggravated by the non-existence of an institutionalised dialogue with civil society. Over the course of the five years since it was created, AICHR has consulted civil society only twice, while the ASEAN Human Rights Declaration was being drafted.

Currently, AICHR is developing its ‘Guidelines on AICHR’s relations with civil society organisations’, which is

to set out the modalities by which civil society can engage with the Commission. However the drafting process has been completely non-transparent to the extent that not only is it unclear when the document will be finalised, but it also remains to be seen whether the guidelines will promote or close down engagement by civil society.

“There is no ASEAN community without protection of human rights, especially the rights of those who defend the human rights of others”

AICHR is not making any effort to interpret its mandate creatively so as to give itself the tools it needs to promote and protect human rights, including the ability to receive and investigate individual petitions, conduct country visits, issue precautionary measures to States, establish an effective early-warning system and response to emergency situations, and appoint independent experts.

One interesting initiative was in fact proposed by a State. Indonesia invited AICHR to hear its report on the human rights situation in the country. This was inspired by the practice of the Universal Periodic Review (UPR). Thailand has agreed to be the next State to report to AICHR in August 2014. The regularisation of this initiative would be one way for AICHR to gain information on the situation of human rights in ASEAN States, as it is mandated to do.

“After the first cycle of UPR the improvement of human rights in ASEAN countries still needs to be assessed in detail”

As far as the international human rights system is concerned, and in particular the UPR and its impact on ASEAN States, the same resistance to international standards can be seen. For example, many of the recommendations accepted by ASEAN States are in those areas where they are most comfortable and confident that they have made progress such as the rights of persons with disabilities, human rights education, right to housing, women’s rights and children’s rights, amongst others. The recommendations most commonly raised by the international community, however, include torture, the protection of human rights defenders, freedom of opinion and expression, and cooperation with civil society at the national level, areas ASEAN States are reluctant to tackle.

However, one improvement that has been seen in ASEAN countries through the UPR is a growing ratification rate of international instruments. While this may largely be because States see these as easy recommendations to satisfy, it does also provide tools for civil society in the struggle to ensure that universal human rights standards are not being diluted in the region.

For more information on the work of Yuyun and the Human Rights Working Group see <http://www.hrwg.org/>