

The unveiled power of human rights institutions



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Singapore went through its Universal Periodic Review (UPR) process in Geneva on January 27. During the session, one key suggestion made was that Singapore is to establish its own national human rights institution (NHRI), a body similar to our own Human Rights Commission of Malaysia (Suhakam).



Currently, Singapore only has an Inter-Ministerial Committee on Human Rights. It is not the first time Singapore is pushed to establish its own NHRI. The decision to establish or not to establish an NHRI is very often political in nature, at least in the context of Southeast Asia.

Also, there are a lot of debates on the role of NHRI, mainly because although NHRIs are established by the government, they also have the role to keep an eye on their governments' human rights commitment. At the same time, they also serve as the bridge between the non-governmental organisations (NGOs) and the government.

In the Southeast Asia region today, a total of six NHRIs have been established.

They are the Commission on Human Rights in the Philippines (CHRP) in 1987, Indonesia National Commission on Human Rights (Komnas HAM) in 1993,

Suhakam in 2000, National Human Rights Commission of Thailand (NHRCT) in 2001, the Provedor for Human Rights and Justice of Timor Leste (PDHJ) in 2004, and the latest being the Myanmar National Human Rights Commission (MNHRC) in 2011.

But if we look from the lens of the Association of Southeast Asian Nations (Asean), the number of NHRIs is only five, as the PDHJ cannot be included with Timor-Leste not being a member of Asean as yet.

Whichever way it is, whenever we speak about human rights in Southeast Asia, the first thing that always come to mind is the contrasting political regimes and linking with this is its complex human rights record.

The adoption of the Asean Charter in 2008 and subsequently the establishment of the Asean Intergovernmental Human Rights Commission (AICHR) in 2010 alter the tone and approach of the people in Southeast Asia in the subject of human rights.

These developments are considered milestones for an association that is rooted in the principle of non-interference and sovereignty in domestic affairs of neighbouring states.

I recently had opportunity to speak to a few staff of Komnas HAM, as well as NGO leaders, about the potential role of these Southeast Asia NHRIs in transboundary human rights issues that are now gradually developed into a more concrete entity under the umbrella of the Southeast Asia NHRI Forum (SEANF).

It is to some extent true that the empirical evidence proposes that countries that are subject to human rights pressures or having a poor human rights record created NHRIs largely to pacify critics. This is particularly relevant to NHRIs across the Asia Pacific, apart from Africa and the Middle East.

Hence, the question is always on how could these Southeast Asia NHRIs flex its muscle then?

As rightly pointed out by Yuyun Wahyuningrum, senior adviser on Human Rights and Asean from Indonesia's NGO Coalition for International Human Rights Advocacy, in our conversation, the Southeast Asia NHRIs have more "opportunities" compared with the AICHR.

Related to that, one important role that I can put forward is the investigative powers of the NHRIs

because AICHR has no investigation powers compared with the NHRIs. That directly highlights the crucial complementary role that the Southeast Asia NHRIs can play in promoting and protecting human rights in the region.

Traditionally, Asean leaders have preferred to respond to human rights concerns domestically. However, with the introduction of the Asean Charter and AICHR, at the very least, the motivation for and contexts in which NHRIs in the region have been established vary significantly.

Having said this, the next crucial step should be the advocacy for the other Southeast Asian countries that do not have an NHRI to also establish their own. – February 8, 2016.

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