

**ASIAN REGIONAL ADVANCED LEARNING
PROGRAM ON HUMAN RIGHTS**

21ST – 29TH SEPTEMBER 2015

ORGANIZED BY

**INSTITUTE OF HUMAN RIGHTS AND
PEACE STUDIES, MAHIDOL UNIVERSITY
AND
ASIAN INSTITUTE FOR HUMAN RIGHTS**

NARRATIVE REPORT



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Narrative Report

Introduction

The Institute of Human Rights and Peace Studies (IHRP)¹ and the Asian Institute for Human Rights (AIHR)² organized the “Asia’ Regional Advanced Learning Program on Human Rights” at Mahidol University, Salaya Campus, from 21st – 29th September 2015. 27 participants from 13 different countries in South and South East Asia participated in the program. The present report gives a description of the learning program as well as some assessments which include the participants, overview of the program, its learning objectives and the resource persons, methods of learning, evaluation and the role of the organizers.

The Participants

74 applications from 14 different countries were received amongst which 27 persons from 13 countries in South and South East Asia were selected to participate in the program. Selection of participants was done based upon their working experience on and commitment to issues related to human rights as well as prospects for further contribution to human rights causes. 27 persons attended the program. The participants included civil society activists, academics, lawyers, government officers, officers working with national human rights institutions and those working with regional institutions such as the ASEAN Secretariat.

Objectives of the Program

The objective of the program was to facilitate a critical thinking and engagement with the evolving contexts and contemporary challenges in human rights practice and develop a better understanding of strategies of promotion and protection adopted by people working on human rights.

Overview of the Program

In order to meet the objectives set forth, the design of the program is important. The program was divided into the following four components: Fundamental Concepts and Principles, Examining the Core Norms, Contemporary Regional Issues and Strategies. A brief description of the sessions under each component is as follows: (Outline of the program is presented as Annexure 1)

¹ The Institute of Human Rights and Peace Studies (IHRP), Mahidol University, is committed to the advancement of human rights and peace by educating human rights and peace academics and practitioners, promoting outreach programs to community and international organizations, and conducting cutting edge research on important issues. (<http://www.ihrp.mahidol.ac.th/>)

² The Asian Institute for Human Rights (AIHR) strives to strengthen the theory and practice of human rights, facilitate systematic linkages between academics and activists and contribute to a continuous process of action and reflection. (<http://aihr.info>)

I. Fundamental Concepts and Principles

Perceptions on Human Rights and its Fundamental Concepts – A Dialogue

In this session, participant discussed about issues of human rights concern in their countries and shared their perceptions on human rights. There was also discussion on the fundamental concepts underlying human rights. Dr. Coeli Barry facilitated the dialogue.

Overview on the development of human rights norms and their relevance at the national level in promotion and protection of rights

In these lectures, the resource person Dr. Sriprapha Petcharamesree traced the development of human rights norms. Further, she had a discussion with the participants on the different ways in which these norms can be incorporated within national systems for the promotion and protection of rights and the challenges faced by practitioners in doing so.

Linking the Challenges to human rights norms: Examining the UDHR, ICCPR and ICESCR

Carrying forward from the previous sessions, the resource person Dr. Mike Hayes, clarified the meaning and content of the different rights enshrined in the international bill of rights. The participants also analyzed different case scenarios to identify rights violations and the nature of such violations.

Panel Discussion on Universality of Human Rights

The resource persons, Dr. Coeli Barry, Mr. Jerald Joseph and Mr. Wong Kai Shing shared their perspectives on the idea of universality of rights. They also highlighted the ways in which the idea of universality was being challenged in the present global context and nudged the participants to reflect on the possible consequences of such challenges.

Norms relating to Equality and Non-Discrimination: Applying the gender perspective into Human Rights

Resource person, Dr. Manisha Gupte, facilitated a reflection on the different forms of discrimination present in society and discussed the definition of discrimination as articulated in CEDAW (International Convention on the Elimination of All forms of Discrimination). She also clarified the different approaches to equality and their implications on protection and promotion of rights.

Evaluation by Participants

To what extent the following specific objectives were met By the Learning Program	(0 = Not met at all; and 5 = Fully met)					
	0	1	2	3	4	5
Strengthening your understanding on the fundamental concepts in human rights				4	9	12
Strengthening knowledge about international human rights standards and their relevance in the promotion and protection of human rights			1	3	9	12
Strengthening your understanding about norms relating to equality and discrimination and enhancing the ability to apply gender perspectives on human rights.			2	3	10	10

In all, majority of participants, and to a large extent, found the sessions helped them to understand better about the human rights concepts and standards. Every session, time was allocated to critical discussions and sharing not only between participants and resource persons but also among participants.

II. Examining the Core Norms

Panel Discussion on Democracy, Freedoms and Entitlements and Group Work to Discuss Case Studies

The panelists Dr. Bencharat Sae Chua, Mr. Jerald Joseph and Dr. Giang Dang facilitated a discussion on the meaning of democracy and its linkages to rights and freedoms. Further, they facilitated reflection on the forms in which democracy is practiced in contemporary context and the threats posed by such practice to enjoyment of rights and freedoms. The participants had in-depth discussion on such challenges through case-study analysis work that followed the panel discussions.

ESC Rights, Perspectives and Challenges and Group Work on Case Studies

The resource person Dr. Manisha Gupte discussed the difference between needs based and rights based approaches, the components of rights based approach and the strengths and limitations of such approach. In addition she clarified the state obligations with respect to economic and social rights guaranteed in the ICESCR. She also facilitated a discussion on the different ways in which rights based approach is put into practice in order to strengthen promotion and protection of a right. At the end of the session, the participants worked together in groups to analyze given case studies and apply the rights framework to the context presented in the cases.

Evaluation by Participants

To what extent the following specific objectives were met By the Learning Program	(0 = Not met at all; and 5 = Fully met)					
	0	1	2	3	4	5
Strengthening your understanding about the linkages between democracy, freedoms and entitlements.			1	7	10	7
Strengthening your understanding about the economic, social and cultural rights framework.			1	7	8	9

When going to some things more specific, some participants found it less relevant and some might find difficult to relate to their specific respective works, admitting, though, that sessions provided them chances to look at those issues from a broader perspective and how it affected the promotion and protection of human rights.

III. Contemporary Regional Issues

Migrant workers, Trafficking, Refugees and Statelessness

In these sessions, resource persons Mr. Phil Robertson and Dr. Mike Hayes facilitated a discussion on issues concerning migrant workers, trafficking, refugees and statelessness. They also discussed the human rights framework that exists at present for addressing such issues.

Protection Beyond Borders: Introduction and Laying the Groundwork

In this session, the resource person Dr. Carl Middleton gave a lecture on the emerging concept of 'extra territorial obligations'. He discussed the challenges that led to the emergence of the concept, the implications of the term 'extra-territorial obligations (ETOs)' and the legal terrain of the concept. Finally, he used the case study of the Xayaburi Dam to discuss to potentialities of using the framework of ETOs for strengthening promotion and protection of rights of the people.

Evaluation by Participants

To what extent the following specific objectives were met By the Learning Program	(0 = Not met at all; and 5 = Fully met)					
	0	1	2	3	4	5
Strengthening your understanding of human rights issues relating to migrant workers and trafficking.			2	4	13	6
Strengthening your understanding about issues relating to refugees and statelessness.			2	4	14	5
Strengthening your understanding about the framework and mechanisms for addressing cross border issues that have an adverse impact on the enjoyment of human rights.			2	7	9	7

IV. Strategies

UN Human Rights Mechanisms

The resource person Mr. Ray Paulo Santiago gave a lecture on the UN human rights mechanisms, their mandates and powers. He also discussed the process of accessing such mechanisms.

National Institutions and Human Rights Protection

The resource person, Mr. Jose Luis Martin C. Gascon, Chair of the National Human Rights Commission of Philippines, discussed the principles relating to the status of national human rights institutions and the importance of such institutions in strengthening promotion and protection of rights.

Regional Mechanisms

The resource person Dr. Sriprapha Petcharamesree discussed the mandate and powers of the ASEAN Intergovernmental Commission on Human Rights (AICHR).

Discussion on human rights mechanisms; effectiveness and challenges

In this session Dr. Mike Hayes facilitated a critical reflection on effectiveness of human rights mechanisms existing at national, regional and international level in addressing issues of human rights concerns.

Human Rights Based Analysis and Assessments

In this session, Dr. Mike Hayes reiterated the principles of rights based approach and enabled participants to clarify their understanding through application of the principles to given case studies.

Panel on Local Actions to Promote and Protect Human Rights

The panelists in this session included Mr. Tanvir Muntasim (Action Aid International), Ms. Pianporn Deetes (International Rivers), Ms. Debbie Stothard (FIDH), Dr. Nirun Phitakwatchara and Mr. Ekachai Pinkaew (National Human Rights Commission of Thailand). The panelists discussed the strategies adopted by their organizations in addressing human rights issues and the ways in which such strategies contributed to the empowerment of the people and transformation of power relations.

Applying the rights based approach

In this session Dr. Vachararutai Boontinand and Dr. Bencharat Sae Chua presented the framework for applying the rights based approach to program work. Following the presentation, the participants selected issues of human rights concern and developed a rights based strategy for addressing such issue. The participants presented these strategies on the last day of the learning program.

To what extent the following specific objectives were met By the Learning Program	(0 = Not met at all; and 5 = Fully met)					
	0	1	2	3	4	5
Strengthening your understanding about available human rights mechanisms at international, regional and national levels and how to use them strategically.				5	14	6
Enhancing your understanding about the strategies adopted by different groups for promoting and protecting rights.			1	2	15	7
Strengthening your knowledge and skills about undertaking human rights based analysis and assessments.				6	10	9

V. Field Visits

Field visits to three locations were organized. The three locations were: Office of Try Arm (a workers initiative established according to the principles of fair labor practices), Offices of groups providing aid and assistance to migrant workers and a regional consultation on ASEAN Vision Post 2015. Participants were given the opportunity to select the location of field visit according to their interest.

Methods of Learning

The learning program was planned and implemented according to the principles of participatory pedagogy. Participants were given preparatory work, which enabled the participants to identify human rights norms and mechanisms in their respective countries and reflect upon human rights concerns in their countries, the challenges in addressing such issues, and changes that they would like to bring about to further promotion and protection of human rights in their countries. The preparatory work also helped the organizers in designing the program outline and its content and the case studies for group discussions.

Different tools of learning were used during the learning program. They included lectures, group discussion, dialogues, panel discussions, field visits, etc.

Overall Evaluation

By Participants

On the whole the participants appreciated the learning program. The participants appreciated the exercises that involved analyzing a case study and application of human rights norms to the given context as it enabled them to reflect upon the complexities of the issue. The participants shared that the learning program enabled them to reflect upon the context in their own countries, the challenges experienced by them in their human rights work and steps that may be taken by them to strengthen their work and the work of their organization. A summary of evaluation responses by participants is presented as Annexure 3.

By Organizers

The active engagement of the participants in the learning program in terms of raising questions, sharing experiences and analyzing case studies demonstrated that the program had been successful in creating the space for critical reflection amongst the participants, which was one of the central objectives of the program.

The ***immediate outcomes*** as identified by the organizers are:

- Increased understanding of the participants regarding how rights framework may be applied to issues and the challenges that may arise in the course of application of such framework.
- Increased understanding of human rights issues that exist in different countries in the south and south East Asian region.
- Increased networking amongst activist and practitioners engaged in human rights work in the south and south East Asian region.

Outputs of the learning program as identified by the organizers are:

- A design of an advanced learning program on human rights that can facilitate critical reflection on the theory and practice of human rights.
- A network of practitioners and academics from the south and south East Asian region.

Challenges faced by Organizers

- Maintaining a balance between clarifying the basic principles and fundamental concepts of human rights and addressing the challenges in human rights practice: As an 'advanced learning program', the objective was to facilitate critical reflection on the challenges of human rights practice. However such objective could only be achieved if the participants had good knowledge and understanding about the fundamental concepts and principles of human rights. It has to note that the level of understanding of human rights among participants varied. The organizers addressed this challenge by designing the program in such way that it included sessions on basic principles as well as group work that involved application of rights framework to complex case studies. Since the case studies were developed based on experience shared by the participants in their preparatory learning work, the case studies were reflective of real life stories. The participants could identify with the case studies and the discussions during case study analysis enabled them to reflect upon their own work and country situations.
- Participants from government agencies and national human rights institutions: There were only two participants from government agencies and national human rights institutions. The organizers need to devise a strategy for addressing this challenge.

Follow-up initiatives

- The participants have opened a google group to facilitate their networking.
- During the learning program, the participant from Singapore shared about the legal cases filed against her by the Singapore State for exercising her right to freedom of speech and expression. The organizers and other participants put her in touch with organizations working to promote and protect the rights of human rights defenders such as Forum Asia, the Frontline Defender and the OHCHR office in Bangkok.

Costs of the Learning Program

The total costs of organizing the learning program were 758,430 Thai Baht. Grant was received from two sources; Norway (700,000 Thai Baht) and Mahidol University (190,000 Thai Baht).

The Organizers and their Roles

The Institute of Human Rights and Peace Studies (IHRP) and Asian Institute for Human Rights (AIHR) worked together in conceptualization, design and implementation of the program. 10

AIHR provided the initial framework for discussion and designing of the program and worked with Faculties of the IHRP at Mahidol University to finalize the course outline. In consultation with the IHRP it developed the questionnaire and exercises for the pre-course assignment to prepare the selected participants for the course. It identified background reading materials and prepared drafts of case studies for group discussion and analysis. It assisted in the communication with resource persons and provided them with the objective and scope of their respective sessions to enable them to prepare for the sessions. In addition to its substantive role, AIHR provided administrative support by summarizing applications received for facilitating selection by the organizing team and communicated with selected applicants regarding logistical arrangements and the preparatory work to be done by them. During the learning program, its staff helped in coordinating the administrative aspects of the course.

Institute of Human Rights and Peace Studies (IHRP) worked with AIHR in developing the design of the program, in circulating the announcement of the course to its network, in selection of participants and in planning the program contents. It helped in identification of resource persons and communicating with them. Faculty of IHRP were involved as resource persons in many of the sessions. The IHRP shouldered the responsibility of raising financial resources needed to organize the program. Staff of IHRP helped in making logistical arrangements during the program. IHRP was also responsible for the financial management of the program. Last but not the least, IHRP made available its well-equipped classroom for organizing the program, enabling the program to be held in the relaxing learning environment of Mahidol University, Salaya Campus.

Annexure 1: Program Outline

Arrival on 20th September, Sunday

4:30 p.m. Welcome
Registration
Logistic Information

21st September, Monday, Day 1

9:00 – 9:30 Opening Remarks
9:30 – 9:45 Introductions
9:45 – 10:00 Sharing of Expectations
10:00-10:30 Sharing the Program Outline
Developing Some Common Ground Rules
10:30 -10:45 Coffee Break
10:45 – 12:30 Participants Perceptions on Human Rights including
identification of major human rights concerns by the
participants, Discussion facilitated by Dr. Coeli Barry
12:30 – 13:30 Lunch

Part 1: Fundamental Concepts and Principles

13:30 – 15:00 Fundamental concepts in human rights- a dialogue
facilitated by Dr. Coeli Barry
15:00 – 15:15 Tea-break
15:15 – 17:00 Developments of Human Rights Norms, An Overview;
Lecture, Dr. Sriprapha Petcharamesree

22nd September, Tuesday, Day 2

9:00 – 9:30 Re-cap
9:30 – 10:30 International Human Rights Standards and their relevance
at the national level promotion and protection of human
rights; Lecture, Dr. Sriprapha Petcharamesree
10.30 -10.45 Tea-break
10.45 – 12.30 Linking the Challenges to human rights norms: Examining
the UDHR, ICCPR and ICESCR; Discussion facilitated by Dr.
Mike Hayes
12:30 – 13:30 Lunch
13:30 – 15:00 Panel Discussion on Universality of Human Rights
Panelists

- Dr. Coeli Barry, IHRP
- Mr. Jerald Joseph, Pusat Komnas
- Mr. Wong Kai Shing, Ph.D. Candidate, IHRP

15:00 – 15:15 Tea-break
15:15 – 17:00 Norms relating to Equality and Non-Discrimination:
Applying the gender perspective into Human Rights; Dr.
Manisha Gupte, Masum, India

Part 2: Examining the Core Norms and Mechanisms

23rd September, Wednesday, Day 3

9:00 – 9:30	Re-cap
9:30 – 11:00	Panel Discussion on Democracy, Freedoms and Entitlements Discussion moderated by Dr. Matthew Mullen <i>Panelists</i> <ul style="list-style-type: none">• Dr. Bencharat Sae Chua, IHRP• Mr. Jerald Joseph, Pusat Komnas• Dr. Giang Dang – Vietnam
11:00 – 11:15	Tea-Break
11:15 – 13:00	Group Work on Case Study Analysis: Group Discussions Facilitated by: <ul style="list-style-type: none">• Dr. Bencharat Sae Chua• Mr. Jerald Joseph, Pusat Komnas• Dr. Giang Dang
13:00 – 14:00	Lunch
14:00 – 15:30	ESC Rights: Perspectives and Challenges, Dr. Manisha Gupte
15:30 – 15:45	Tea-Break
15:45 – 17:00	Group Work on ESC Rights, Facilitated by Dr. Manisha Gupte

24th September, Thursday, Day 4

Visits to National Groups and Initiatives

- Regional Consultation on ASEAN Visions Post 2015, Sheraton Hotel, Bangkok – Dr. Sriprapha Petcharamesree
- Try Arm (initiative of workers), Facilitated by Dr. Bencharat Sae Chua
- Migrant Workers initiatives in Mahachia, Facilitated by Dr. Naparat Kranrattanasuit and HRDF office

25th September, Friday, Day 5

9:00 – 10:30	UN Mechanisms <ul style="list-style-type: none">• Ray Paulo Santiago, Human Rights Centre, Ateneo de Manila
10.30 – 10.45	Tea Break
10:45 – 12:30	National Institutions and Human Rights Protection <ul style="list-style-type: none">• Mr. Jose Luis Martin C. Gascon, Chair, National Human Rights Commission of the Philippines
12:30 – 13:30	Lunch
13:30 – 15:00	Protection Beyond Borders: Introduction and laying the groundwork <ul style="list-style-type: none">• Dr. Carl Middleton, Chulalongkorn University
15.00- 15.15	Tea-Break
15.15-17.00	Regional Mechanisms <ul style="list-style-type: none">• Dr. Sriprapha Petcharamesree

Part 3: Contemporary Regional Issues

26th September, Saturday, Day 6

- 9:00 – 9:30 Re-cap
- 9:30 – 10:30 Migrant workers and trafficking
- By Phil Robertson, Human Rights Watch
- 10:30 – 10:45 Tea-Break
- 10:45 – 12:30 Refugees and statelessness
- Dr. Mike Hayes
- 12.30-13.30 Lunch
- 13:30 – 14:30 Roundtable on human rights mechanisms; effectiveness and challenges – facilitated by Dr. Mike Hayes
- 14.30 – 17.00 Human Rights Based Analysis and Assessments
- Dr. Mike Hayes

27th September, Sunday, Day 7

Free day

Part 4: Strategies

28th September, Monday, Day 8

- 9:00 – 9:30 Re-cap
- 9:30 – 13:30 Panel on Local Actions to Promote and Protect Human Rights
- Discussion moderated by Dr. Matthew Mullen
- Panelists*
- Tanvir Muntasim, ActionAid International
 - Pianporn Deetes, International Rivers
 - Debbie Stothard, FIDH
 - Dr. Nirun Phitakwatchara and Ekachai Pinkaew, National Human Rights Commission of Thailand
- 13:30 – 17:00 Preparing Strategies and Plans for national actions by the participants
- *Laying down the framework*, Dr. Vachararutai Boontinand and Dr. Bencharat Sae Chua
 - Participants working on their action plans

29th September, Tuesday, Day 9

- 9:00 – 11:00 Presentation of Strategies and Plans by Participants
- Moderated by Kalpalata Dutta, AIHR
- 11:00 – 12:00 Evaluation and Feedback
- 12.00-13.00 Human Rights :Inspiration and Aspiration
- Prof. Vitit Muntarbhorn, Chulalongkorn University
- 13:00 – 13:15 Closing, Presentation of Certificates
- Assoc. Prof. Pradit Somprakit, M.D, Vice President for Finance and Informatics, Mahidol University.

Ms. Kalpalata Dutta facilitated the discussions and the recaps through out the learning program.

Annexure 2: Evaluation by Participants

Summary of Evaluation Form Responses of Participants

At the end of the program participants filled up an evaluation form. Responses of 25 participants have been summarized as below.

1. Your **Expectations** of the Study Session

To what extent the following specific objectives were met By the Learning Program	(0 = Not met at all; and 5 = Fully met)					
	0	1	2	3	4	5
a. Strengthening your understanding on the fundamental concepts in human rights				4	9	12
b. Strengthening knowledge about international human rights standards and their relevance in the promotion and protection of human rights			1	3	9	12
c. Strengthening your understanding about norms relating to equality and discrimination and enhancing the ability to apply gender perspectives on human rights.			2	3	10	10
d. Strengthening your understanding about the linkages between democracy, freedoms and entitlements.			1	7	10	7
e. Strengthening your understanding about the economic, social and cultural rights framework.			1	7	8	9
f. Strengthening your understanding about available human rights mechanisms at international, regional and national levels and how to use them strategically.				5	14	6
g. Strengthening your understanding about the framework and mechanisms for addressing cross border issues that have an adverse impact on the enjoyment of human rights.			2	7	9	7
h. Strengthening your understanding of human rights issues relating to migrant workers and trafficking.			2	4	13	6
i. Strengthening your understanding about issues relating to refugees and statelessness.			2	4	14	5
j. Enhancing your understanding about the strategies adopted by different groups for promoting and protecting rights.			1	2	15	7
k. Strengthening your knowledge and skills about undertaking human rights based analysis and assessments.				6	10	9

2. Were the field trips that were arranged useful? If not, do mention why and how it could have been better arranged?

Useful - All

- We could meet with activists who are struggling for their rights
- The regional consultation on post 2015 was informative, however it would have been better if participants were provided with material to read before the consultation for better participation
- It would be good if all participants could go to each of the organizations such as Mahachai and Try Arm.

3. Mention two topics in the learning program that you think were most useful?

- Protection Beyond Borders (6)
- Norms relating to equality and non-discrimination (7)
- Panel on Local Actions to promote and Protect Rights (5)
- Regional Mechanisms (6)
- International Mechanisms (8)
- Fundamental Concepts in Human Rights Linking the challenges with UDHR, ICCPR, ICESCR (5)
- ICESCR 3
- Rights of refugees
- Migrant workers and trafficking (5)
- Development of HR norms (2)
- International human rights standards and their relevance (3)
- Human Rights Based Approach (3)

4. Mention two topics that you think were least useful?

- None (5)
- Refugees and Statelessness (2)
- UN Human Rights Mechanisms (2)
- National Human Rights Mechanism (2)
- Protection beyond borders
- Round table on human rights mechanisms (2)
- Democracy, Freedom and Entitlements, as there was not enough time to go into the topics in detail.
- Gender perspective

5. Do you think the learning methods used and the design of the program was participatory enough? How would you suggest improving it?

All said it was very participatory

- Could have more ice breaking and interactive teaching (2)
- Have more group work and debates
- Give some time to each participant to make a presentation about his or her countries.
- Need more time to discuss the case studies
- The case analysis and group works was very enlightening, but power point presentations could have been provided to the participants in advance.

- The program could be improved by asking the participants to do “advanced study” before coming to the program.
- The process was participatory enough. Participants could also be given role-plays such as doing dialogues
- The program should provide 3 days space to participants to dialogue on the issue of human rights in ASEAN
- If the duration of the program is increased, participants could learn and practice more about human rights implementation 2
- Some sessions were less relevant to participants from south Asia

6. Any other **general comments** on the program?

- Please continue with these kinds of sessions (2)
- Should continue to network with the participants through other means
- The program is a process of understanding human rights discourse in details and a big platform of sharing views from different countries of the world/ Asia.
- Wi-Fi at accommodation needs to be improved
- Should have such course for ordinary people and teachers, students in other faculties

7. In general, how do you rate the **administrative and other arrangements** for the program?

Administrative and other arrangements	Excellent	Good	Adequate	Could have been better	Not good at all
Training room facilities	14	9	2		
Accommodation	12	11	2		
Lunch and Coffee breaks	11	10	4		
Pre-program communication	15	8	1	1	

Annexure 3: Contact List of Participants, Resource Persons and Organizers

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