Human Rights Monitoring in the Asia-Pacific Region

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In the Asia-Pacific region, as elsewhere, the national framework for the promotion and protection of human rights, and related monitoring, interrelate most directly with the lives of the population in each country. Today the system consists of a variety of mechanisms. The more formal machinery or mechanisms include the national courts system, national human rights commissions and/or ombudspersons. For instance, in recent decades, national human rights commissions have grown in numbers in East Asia and the Pacific, in countries such as Australia, New Zealand, Fiji, India, Sri Lanka, Thailand, Malaysia, Indonesia and the Republic of Korea. There is also a gradual spread of such commissions in West Asia, such as in Palestine, Jordan, Qatar and Afghanistan. The non-formal actors which offer human rights monitoring include members of civil society, such as non-governmental organisations (NGOs), media and concerned individuals. Generally, they act as checks and balances to ensure equilibrium in the use of State power and to advocate and/or provide redress where there are grievances in relation to the implementation of human rights. Their roles as guardians of human rights vary in scope and content – and the quality of their impact varies according to the context in which they operate.

Yet, at times, the national systems are inadequate – especially if they are unable or unwilling to act to monitor potential or actual transgressions and to offer redress in the case of violations. There is thus a need for a regional/sub-regional level system or mechanism to overcome or prevent lacunae, while not neglecting the need to adhere to the multilateral/international system of human rights treaties and related monitoring.

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It should be noted, however, that the only human rights treaty to which all Asian and Pacific countries are Parties to is the Convention on the Rights of the Child.1

Since the end of the Second World War, that national protection system has been accompanied by the rise of various inter-governmental regional systems to promote and protect human rights. These regional systems are now found in Europe, the Americas and Africa. They are established by regional treaties stipulating key norms and setting up machinery or mechanisms which range from regional human rights commissions to regional human rights courts. The common feature enjoyed by these regional mechanisms is that they help to review the human rights situation and fill in gaps – in the absence of national remedies or where the national mechanisms are inadequate. In effect, they offer access to justice through pressure for accountability where the national system does not provide the necessary redress.

Asia and the Pacific do not yet have an inter-governmental regional human rights machinery parallel to those of the other regions mentioned. This region is perhaps too large and heterogeneous to have such a system in a broad and comprehensive sense. The vastness of the terrain, the diversity of the political systems ranging from democracies to absolutist regimes, the socio-economic and cultural divergences and the lack of political will may explain the absence of such a system. Yet, various entry points can be identified for human rights monitoring in the region.

For several decades, there have been initiatives on the part of the United Nations (UN) to promote regional arrangements and cooperation to protect human rights in the region. The UN General Assembly (UNGA) and the Commission on Human Rights (until its recent demise under UN reform) have passed various resolutions to invite the region to look to the possibility of such arrangements and cooperation.2 In this regard, to what extent has there been progress?

To date, there have been step-by-step developments in terms of cooperation in the Asia-Pacific region, although not to the extent of witnessing the setting up of a regional machinery in the form of an Asia-Pacific Commission (or Court) on human rights to review the human rights situation and to provide redress where the national setting is

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