

**KEYNOTE ADDRESS BY THE REPRESENTATIVE OF SINGAPORE
TO THE ASEAN INTERGOVERNMENTAL COMMISSION ON
HUMAN RIGHTS MR RICHARD MAGNUS AT THE ANNUAL
SUMMER INSTITUTE IN INTERNATIONAL HUMANITARIAN
LAW AND HUMAN RIGHTS, 05 JUL 2011, SINGAPORE
MANAGEMENT UNIVERSITY SCHOOL OF LAW, SINGAPORE**

The Rights Of Women And Children In Armed Conflict And Peace

Introduction

Good morning, ladies and gentlemen. First, let me thank Dr Navin Rajagopal and the Centre for International Law of NUS and SMU for inviting me to be with you all at this important event. Dr Navin requested me to share and then to have a conversation with you on the subject of the Rights of Women and Children in Armed Conflict and Peace. I am happy to do so, and hope that I will be able to add meaningfully to your discussion on this subject.

I must first declare that I am speaking in my personal capacity, as someone interested in this subject. While I cannot speak on behalf of ASEAN as a whole for I have no mandate to do so, I offer you some of my personal thoughts on this important topic from my interactions with human rights advocates and policymakers as Singapore's Representative to the ASEAN Inter-governmental Commission on Human Rights, or AICHR as we call it.

Let me start by speaking a bit on AICHR for it is after all a regional body tasked to deepen our region's appreciation and promotion of human rights, including, of course, those of women and children. It is perhaps also opportune for me to refer it primarily because understanding its role and its Work Plan has relevance and will contribute to this discussion.

Overview of AICHR

Human rights are a universal and cross-cutting issue. Regional initiatives for a human rights body in Southeast Asia date back to the World Conference on Human Rights in Vienna in 1993. The Vienna Declaration and Programme of Action noted the needs for regional human rights bodies, and was supported by all 10 ASEAN Member States. But it wasn't until adoption of the ASEAN Charter in 2007 in Singapore did the movement for a regional human rights body start to gain impetus.

The ASEAN Intergovernmental Commission on Human Rights, or AICHR, was formally established on 23 October 2009, during the 15th ASEAN Summit held in Cha-am Hua Hin, Thailand.

AICHR was formed on the basis of Article 14 of the ASEAN Charter¹, which calls for the establishment of an ASEAN Human Rights Body to promote and protect human rights in ASEAN. Article 4 of AICHR's Terms of Reference (TOR) establishes its mandate and functions, which include, among other things:

- a) Developing strategies to promote and protect human rights;
- b) Developing the ASEAN Human Rights Declaration;
- c) Raising public awareness on human rights;
- d) Providing an advisory role and technical assistance to ASEAN sectoral bodies; and
- e) Preparing thematic studies on human rights.

Within these mandate and functions, the ASEAN Foreign Ministers have approved AICHR'S 2010/2011 Work Plan; one activity of which, relevant to this morning, is a thematic study of the Human Right to Peace in ASEAN. The Right to Peace concept sits within and is indeed often seen as a prerequisite for other human rights. I shall now speak briefly on the universal human rights framework of which any meaningful discussion of women's and children's rights must take cognizant.

United Nations (UN) Human Rights Framework

As enshrined in Article 3 of the Universal Declaration of Human Rights (UDHR) adopted by the United Nations General Assembly (UNGA) in 1948, an individual has the inalienable "right to life, liberty and security." Concepts such as the freedom of peaceful assembly and association, access to education, equal representation under the law, amongst others, have also become key components of the human rights lexicon.

¹ Article 14 of the ASEAN Charter States: 1. In conformity with the purposes and principles of the ASEAN Charter relating to the promotion and protection of human rights and fundamental freedoms, ASEAN shall establish an ASEAN human rights body. 2. This ASEAN human rights body shall operate in accordance with the terms of reference to be determined by the ASEAN Foreign Ministers Meeting.

Since the early 1990s, there has been a growing interest to broaden the understanding of both human rights and peace. This is best reflected in the United Nations Educational, Scientific and Cultural Organization's (UNESCO) Culture of Peace Programme in 1992. The "Culture of Peace" movement, more commonly referred to as Man's "Right to Peace", recognizes that the maintenance of a peaceful life for peoples is the sacred duty of each State. To that end, governments are exhorted to pursue policies directed at eliminating the threat of war, in particular nuclear war, and the settlement of disputes by peaceful means².

Beyond the elimination of wars, the drafters of the UN GA Resolution 39/11 titled "Right of peoples to peace" also recognized that a key ingredient of lasting peace is a respect for the racial, cultural, religious and other differences abundant in humanity. Two of which are of special relevance to today's topic: the difference between the two genders, as well as between adults and children. It is a well-accepted fact that different groups react to and suffer from armed conflicts in different ways.

Women's Rights in Armed Conflict

Before I jump into the loaded topic of women's and children's rights in armed conflict today, let me say that today's conflicts are increasingly characterized by its pervasive and destructive nature. A conflict fought in a strictly conventional battlefield has become a thing of the past. Consequently, today's armed conflict cause widespread damage to the lives of both military personnel's and civilians alike, including women and children. In addition, military codes of conduct are oftentimes ignored, resulting in extensive injuries and human rights abuses to be inflicted.

The question of why women and children require special protection in and after armed conflicts remains. These two groups of people, by virtue of social and systemic prejudice, still have relatively little ability to determine their own fates in times of war.

The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) is a landmark document, adopted in 1979 by the UN GA. Its content has often been described as an international bill of rights for women, premised on the equality between the genders. I would like to highlight some of the more common adverse impacts which armed conflicts have had and continue to have on women.

² Declaration on the Right of Peoples to Peace, GA Resolution 39/11.

1. The decline in male population leads to an increase in the number of female-headed households. These households are also more likely to have a high number of minor dependants as many orphans are adopted, if only temporarily, by their extended family. A 2001 study by the Infocus Program on Crisis Response and Reconstruction shows that a large proportion of families in extreme poverty in post-conflict Mozambique, Bosnia and Herzegovina, Guatemala and Lebanon are female-headed. The need for independent income source is crystal clear.
2. While hard data is not readily available, it is commonly assumed that men have greater mobility than women who tend to find their displacement a shameful and catastrophic event. Women also generally have a more difficult time integrating into their newfound locations after fleeing from the conflict zone.
3. Women are often victims of domestic violence. A study from Guatemala showed that in 1991, an estimated 75 per cent of women admitted to hospital were such victims while another report in 1992 found that 40 per cent of all murders of women there were committed by their husbands. Explanations for the rise include male unemployment and related frustration, pressures of poverty, and untreated psychological distress from prolonged exposure to and participation in generalized violence.
4. The transmission of Sexually Transmitted Diseases, especially HIV AIDS, was also seen to increase among women in and after armed conflicts. The prevalence of violence and sexual assault increased during periods of separation and migration, have contributed to the spread of STDs among women.

Of course, the above is not exhaustive. As a snapshot of the multifaceted challenges confronting women in armed conflict, it shows that the damage which armed conflicts wreak is not totally gender-neutral. A nuanced understanding of the different effects of armed conflicts is critical to developing effective enforcement measures to uphold these rights.

Children's Rights in Armed Conflict

Children, on the other hand, require special protection because they are simply unable to protect themselves. Back in the 1920s, social activists like Eglantyne Jebb and Janusz Korczak made important contributions to the work of defining and defending children's rights. In 1924, the League of Nations endorsed the Declaration of the Rights of the Child. Then nearly seven decades later on 20th November 1989, or what is now known as Universal Children's Day, the United Nations adopted the Convention on the Rights of the Child.

Earlier, I made the point that the effects of armed conflicts are not gender-neutral. Unfortunately, they are also not age-neutral. In armed conflicts, innumerable children become orphans. Their parents or adult caregivers are their only source of protection; robbed of them, these children are completely helpless in the onslaught of violence.

Other grave violations against children's rights include attacks against schools or hospitals, the denial of humanitarian access for them, killing or maiming of children, and abducting them for purposes of sex slavery and forced labour. These detestable acts shock many of us. Their continued existence is an abomination and a dark stain on our collective conscience. We must work to end them, and end them for good.

To conclude this point, I can do no better than to quote from the Office of the Special Representative of the UN Secretary-General for Children and Armed Conflict when it says:

“Children are innocent and especially vulnerable. Children are less equipped to adapt or respond to conflict. They are the least responsible for conflict, yet suffer disproportionately from its excesses. Children represent the hopes and future of every society; destroy them and you have destroyed a society.”³

Human Rights in ASEAN

I shall now briefly touch on Women's and Children's rights in the ASEAN context.

As host to the greatest diversity of cultures and races in any given sub-region worldwide, Southeast Asia, and by implication, ASEAN is not a monolithic

³ Paragraph 2 of the write-up from <http://www.un.org/children/conflict/english/issues.html>

entity. Hence, it is unrealistic to expect all 10 ASEAN Member States to always be on the same page with regards to the promotion and protection of these rights. Every one of us is a unique product of our history; the same can be said of societies and nations.

As a result, different societies have, at present, different social mores and priorities. In fact, it partly has to do with the residual effects of colonial history. While some countries will enthusiastically welcome and implement proposed recommendations on this front, others will require more time. It is foolhardy to ignore or deny this important, if unpalatable, fact of life.

Some ASEAN Member States admittedly have more human rights issues to tackle than others. Countries like Cambodia and Vietnam which are emerging out of conflicts. Myanmar, for example, has much room for improving her track record on children's rights: the report of the Secretary-General to the Security Council issued on 23 April 2011 shows that many Myanmar children are still victims of child soldiering.⁴

Nevertheless, a reinvigorated and more rules-bound ASEAN recognizes that much more can be achieved in this aspect. Indeed, the ASEAN Socio-Cultural Community Blueprint's section on "Social Justice and Rights" has called for the protection of the interests and rights of all peoples, including the disadvantaged, vulnerable and marginalised groups such as women, children, the elderly, persons with disabilities and migrant workers. . In a similar vein, the ASEAN Political-Security Community Blueprint's section on "Promote peace and stability in the region" recognizes peace as a broad concept encompassing both the renouncement of war as a means to solving differences as well as "softer" aspects like interfaith and intra-faith respect.

It must be noted that a materially prosperous nation will have more resources to better protect and educate her women and children. They will also have greater access to employment opportunities created by economic growth and development. In other words, first, there must be jobs. Only then can there be equality with regards to how these jobs are filled or distributed. Legally, there should not be unfair distinction made between a man and a woman, and both should be accorded with the same legal rights and responsibilities.

In fact, recognizing that much more work needs to be done before there is gender equality, ASEAN has set up an ASEAN Commission on the Promotion and Protection of the Rights of Women and Children (ACWC) in April last year.

⁴ From <http://www.un.org/children/conflict/english/myanmar.html>

Each Member State is represented by two Representatives, one for women's rights and the other for children's rights, who serve four-and-a half-year or three-year terms and may be consecutively reappointed for an additional term. One of the mandates of the ACWC is to develop policies, programmes, and innovative strategies to promote and protect the rights of women and children to complement the building of the ASEAN Community. Of course, AICHR will also collaborate and work with ACWC to further the rights of women and children in ASEAN.

Singapore's experience⁵

Finally, a word on Singapore. Singapore recognizes the importance of gender equality. Nature has not endowed us with anything else besides our people. As such, only by developing each and every member of our society, men and women alike, to their maximum potential can Singapore thrive.

Singapore's efforts in advancing the status of women rest on a comprehensive legislative base with the Constitution guaranteeing the equality of all persons before the law. It forbids the discrimination against citizens on any grounds.

The Women's Charter, in place since 1961, provides the legal basis for the rights and duties of husband and wife and safeguards women's rights in matters relating to marriage and upon divorce. The Penal Code protects women and girls from sexual and physical abuses while the Employment Act stipulates the basic terms and conditions for the employment of workers, and protects them from non-payment of salary and other offences. In addition, the Employment Act and the Child Development Co-Savings Act provide for maternity benefits and make it an offence to dismiss their female employees without sufficient cause or retrench them; during the last few months of their pregnancy or during their maternity leave.

For children, Singapore has a Children and Young Persons Act. It was first enacted in 1949 to provide for care, protection and rehabilitation of children and young persons.. It has been amended many times since then to enhance the protection for our children and young persons, and ensure that the Act remains relevant in meeting the evolving needs of our children.

⁵ The ideas in this section are taken from the statement by Mr Ang Zhongren, Delegate to the 65th Session of United Nations General Assembly, available at http://app.mfa.gov.sg/pr/read_content.asp?View,15363,

Legislation is in turn complemented by Singapore's education policy, which provides for equal opportunity for both sexes in schools and tertiary institutions. Generous state subsidies are available for children from low-income families to pursue and complete their formal education.

That notwithstanding, there can always be more good work done to further entrench the principle of gender equality in any country. Hence, Singapore, and indeed ASEAN, must continue to strive for the protection of women's and children's rights, in both times of conflict and peace.

Conclusion

The world has never been as prosperous as it is today. However, it is also a fact that the majority of the citizens of our planet continue to be left by the wayside of good governance, economic development and a general improvements to their standards of living. Notably, the prospects of both inter- and intrastate armed conflicts have largely remained the same.

The international community has done much in the seemingly endless struggle for universal women's and children's rights. There is simply no other way. To turn a Nelsonian eye on these acts of atrocity committed against women and children is not only unconscionable but also detrimental to our developmental prospects in the long term. As former UN Secretary-General Kofi Annan said, "We will not enjoy security without development, we will not enjoy development without security, and we will not enjoy either without respect for human rights."

In other words, the effective empowerment of women on the basis on gender equality and protection of children's rights are not only abstract moral ideas. Any act which violates such rights diminishes our prospects of lasting peace and development. Each life destroyed is one too many. I know that all of you gathered here this morning are united in the noble cause to protect and enhance women's and children's rights for a better world. In that spirit, I wish you all a very fruitful discussion in the days ahead and may you enjoy your time in Singapore.

Thank you.

.