

## CHAPTER I

### INTRODUCTION

#### A. Background

International Federation for Human Rights (*Fédération Internationale des ligues des droits de l'homme*; FIDH) is a non-governmental federation for human rights organizations. Its core mandate is to promote respect for all the rights set out in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the International Covenant on Economic, Social and Cultural Rights. FIDH was established in 1922 when it united ten national organizations. It is now a federation of 192 human rights organizations in nearly 100 countries. FIDH coordinates and supports its member organizations' activities at the local, regional, and international levels. FIDH is not linked to any party or religion and independent. FIDH has a consultative status before the *United Nations*, UNESCO and the Council of Europe, and observer status before the African Commission on Human and Peoples' Rights, the *Organisation Internationale de la Francophonie*, and the International Labour Organization.

Furthermore, global developments related to human rights in various countries in the world have yet to show a satisfying situation. Although the Universal Declaration of Human Rights of the United Nations and various other instruments and regulations such as conventions and declarations, including international and regional human rights institutions, have developed rapidly, cases of human rights violations can still be

witnessed in various parts of the world. The Southeast Asia region is one of the regions highlighted in relation to the issue of human rights violations, as evidenced by the number of cases of human rights violations in ASEAN member countries.

Kidnapping or enforced disappearance has long been happening in this world and is an action that is contrary to human dignity. This is a grave violation of human rights that results in double suffering: to victims, torture, fear of loss of life, and on the families of the victims: psychological pressure because they face the uncertainty of the existence and fate of their family members who are eliminated, and the waiting without hope can spend even years of waiting for news that did not come.

Forced disappearances carried out systematically and periodically by authoritarian regimes will undoubtedly have a severe and widespread psychological impact on political activists, human rights activists, and society. The number of victims of enforced disappearances that occur throughout the world is actually difficult to count with certainty. Most victims' families in very repressive countries are afraid to report these cases due to the victim's family's fear made this case not fully recorded. Numbers of countries have experienced cases of enforced disappearances. One of them is Laos.

With the official name Lao People Democratic Republic (Lao-PDR), Laos is a government that adopts a one-party system by The Lao People's Revolutionary Party (LPRP). LPRP is a party that has sole authority over the government and the people of Laos. This political system with single party authoritarianism causes no free space for all citizens to express public expressions without worrying about the authorities. As a result,

the issue of human rights is still a problem that keeps happening. Human rights that arise are mainly related to political freedom and the consequences caused by economic development efforts that cause displacement of people by capital interests. The dismissal of communist party members who were too critical to the disappearance of activists occurred at the end of 2012 shows that human rights violations continue to occur in Laos.<sup>1</sup>

The enforced disappearance of activists at the end of 2012 happened to activist Sombath Somphone. Sombath Somphone was born into a farming family in Khammouane Province, Laos, the eldest of eight brothers and sisters. Sombath Somphone is the best-known Laotian activist. In 1996, he established the Participatory Development Training Center, PADETC, to provide youth and local government officials training in community-based development. He has fought for education for teenagers and the rights of the poor for many years. Besides that, he also struggled for environmental protection in his country. He won several awards only in 2005, Sombath Somphone received the Ramon Magaysay award for its environmental protection activities.

Sombath Somphone was kidnapped on December 15<sup>th</sup> 2012, after being stopped before a police post in Vientiane, Laos. CCTV recorded the kidnapping, the footage showed that an unknown person forced Sombath into the vehicle another and drove away in police officers' presence.<sup>2</sup> Since then Sombath has never been seen again until

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<sup>1</sup> Lum, T. (n.d.). Laos: Background and U.S. Relations. Retrieved October 15, 2020, from <https://apps.dtic.mil/docs/citations/ADA513330>

<sup>2</sup> Somphone, S. (2018, December 17). Sombath's Work - Sombath Somphone: ສົມບັດ ສົມພອນ.. Retrieved October 15, 2020, from <https://www.sombath.org/en/who-is-sombath/sombaths-work/>

now. The Sombath Somphone abduction case worries many parties. In fact, many parties from international non-governmental organizations and governments participated in investigating the case. After he was declared missing, Hillary Clinton, who was then still serving as U.S Secretary of State, asked about his existence. Also, European Union foreign affairs official, Catherine Ashton. Nevertheless, there is no answer. Human Rights Watch calls on the ASEAN Human Rights Commission to investigate the case.

Phil Robertson from Human Rights Watch suspected that the kidnapping of Sombath Somphone was related to his activities as a human rights defender. He actively participated in organizing the Asia-Europe Forum ahead of the October 2012 ASEM summit in Vientiane.

The case of the disappearance of Sombath Somphone has made the situation of activists and workers of non-governmental organizations in Laos change. They are now afraid to speak openly. According to Robertson, here, the government wants to show its power. So that people are more afraid to talk.

The existence of the case of forced disappearance of Sombath Somphone shows that the Government of Laos has violated commitments to human rights, even though the Government of Laos has signed the International Convention on the Protection of enforced disappearances. The security department of Laos rejected the case of Sombath Somphone, which involved them in it. At a press conference held by The Sombath Initiative at the Foreign Correspondents Club, Bangkok, Thailand, the groups published a

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set of documents relating to the disappearance of civil society leaders, Sombath Somphone, restrictions on democracy and human rights by the Lao government, lack of freedom of opinion, failure the government in carrying out human rights obligations, and their impact on foreign aid and investment. The Laotian authorities have even failed to provide adequate information about the investigation's progress into the disappearance of Sombath.

The fact that police officers were present at and witnessed Sombath's abduction and failed to intervene forcefully indicates state agents' involvement in or acquiescence to human rights violations committed against Sombath, including the crime of enforced disappearance. Offers by other countries to help the investigation were also rejected, leading to the assumption that the Laos government was covering up the case. In this case, it can be said that Laos has violated human rights.

The Lao government also failed to provide information about its existence. It did not carry out the state's obligations in dealing with human rights violations in accordance with international human rights agreements where Laos is a Member State, including the International Convention on Civil and Political Rights and the Convention Against Torture. Sombath was forcibly removed shortly after he was elected as deputy chairman of the Lao National Organizing Committee, which helped the Lao government and civic groups organize the Asia-Europe People's forum Vientiane in October 2012. Sensitive issues related to land, human rights violations, and sticking in the forum were believed to be the trigger for dissatisfaction with the government.

As Kingsley Abbott, Senior International Legal Adviser of the International Commission of Jurist (ICJ), said, the Laos government did not conduct an effective investigation of this case as required under international law. Laos's government should not be enough just by continuing to state that it is investigating this case on the international stage.<sup>3</sup>

International law requires the Lao government to carry out reliable and effective investigations and provide periodic progress reports, including Sombath's wife, Shui Meng. He said in the same statement. At a press conference held by The Sombath Initiative at the Foreign Correspondents Club, Bangkok, Thailand, the groups published a set of documents relating to the disappearance of civil society leaders, Sombath Somphone, restrictions on democracy and human rights by the Lao government, lack of freedom of opinion, failure the government in carrying out human rights obligations, and their impact on foreign aid and investment.

In democratic countries, the concept of human rights is painstakingly implemented, and state forms regional and human rights institutions national and guarantees the principles of regulation that exists and can be fair to all person, as in European countries, with the European Commission on Human Rights and European Court of Human Rights. However, in Asian countries the principle of human rights is mostly only applied in documents and is challenging to implement. Since the disappearance of Sombath Somphone in Laos wife of Sombath, Shui Meng Ng, reports the case to the local

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<sup>3</sup> Rsbtws, Shaeffer, S., & Thomas, G. (2018, May 24). Latest Posts - Sombath Somphone: ສົມບັດ ສົມພອນ.

Retrieved October 15, 2020, from <https://www.sombath.org/en/page/3/>

authorities. However, the police parties' information is unsatisfactory. They just said that the Somphone case was still in the investigation process and did not explain in a detailed investigation. Then, Shui Meng staged a local campaign to find and get answers for what happened to her husband. Shui Advocate through an organization Local human rights namely Lao Movement for Human Rights (LMHR) who is members of an international non-state organization namely FIDH (International Federation for Human Rights). FIDH's mandate is to contribute to the respect of all the rights defined in the Universal Declaration of Human Rights. It aims to make significant improvements in the protection of victims, the prevention of Human Rights violations, and their perpetrators' sanction.<sup>4</sup> In this organization, there are also other international human rights organizations such as Amnesty International and Human Rights Watch, so that it can provide a positive impetus towards advocacy efforts and human rights campaigns conducted by Shui Meng. This research's focus is human rights advocacy Sombath Somphone is done by FIDH in a manner globally in transnational advocacy networks.

## **B. Research Question**

Based on a set of background above, the research question of this research is formulated as follows: *How is the advocate's strategy by International Federation for*

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<sup>4</sup> Monitor, N. (2020, September 14). FIDH: International Federation of Human Rights (Paris) " ngomonitor.

Retrieved October 15, 2020, from

[http://www.ngo-monitor.org/ngos/\\_fidh\\_international\\_federation\\_of\\_human\\_rights\\_paris/](http://www.ngo-monitor.org/ngos/_fidh_international_federation_of_human_rights_paris/)

*Human Rights (FIDH) in advocating Human Rights Violations in Sombath Somphone, Lao?*

### C. Theoretical Framework

To analyze deeply the role of FIDH to advocate Human Rights Violations towards Sombath Somphone case in Lao, we need concepts to analyze the case. The concepts that the writer used in this study are the concept of Human Rights and Transnational Advocacy Network (TAN).

- **Human Rights**

Basically, Human Rights are individual rights and the set of rights inherent in every human being so that they can live full of dignity.<sup>5</sup> Human rights become social security and politics to protect the dignity of individuals from threats that may arise from the state, as well as from various parties. Human rights as a global issue are at the same time viewed as a matter of controversial values by several international and transnational actors who believe that political action at the global level is needed to produce equitable solutions.

Although, enforced disappearances is contrary with the human dignity. According to Article 1, paragraph 2 of the UN Declaration, forced disappearance constitutes a violation

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<sup>5</sup> Definitions and Classifications. (n.d.). Retrieved November 18, 2020, from

<https://www.humanrights.is/en/human-rights-education-project/human-rights-concepts-ideas-and-fora/part-i-the-concept-of-human-rights/definitions-and-classifications>



of the rules of international law guaranteeing, the right to recognition as a person before the law, the right to liberty and security of the person, and the right not to be subjected to torture and other cruel, inhuman or degrading treatment or punishment. It also violates or constitutes a grave threat to the right to life.<sup>6</sup>

There are three categories of victims of enforced disappearances<sup>7</sup> Firstly, political opposition and non-Government Organization (NGO) activists constitute the majority of the target of disappearances. Usually, victims are held in prisons, where they are tortured, victims' families and friends do not know where they are, or victims are killed, and families are not told of their bodies' whereabouts. Secondly, family and friends of victims of disappearances. They suffer psychologically, not knowing where the victims of enforced disappearance are. They are waiting in uncertainty about the victim's fate, not knowing the victim is still alive or dead. Thirdly, NGO activists involved in sedition and campaigning on the issue of victims of enforced disappearances. They often become victims of threats and even experience forced disappearances.

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<sup>6</sup> Declaration on the Protection of all Persons from Enforced Disappearance. (1992, December 18). Retrieved November 19, 2020, from <https://www.ohchr.org/EN/ProfessionalInterest/Pages/EnforcedDisappearance.aspx>

<sup>7</sup> Gonzales, Reed Brody and Felipe. (1997). Nunca Mas: An Analysis of International Instrumen on "Disappearance". Human Rights Quaterly. vol. 19

- **Transnational Advocacy Network (TAN)**

Transnational Advocacy Network is an advocacy group that works voluntarily and crosses national borders to achieve interests that are considered to represent the broader public interest.

The concept of Transnational Advocacy Networks is a network of advocacy activities involving actors from two or more countries who work together to achieve a goal or actors in a country.

The main actors of TAN are international non-government organizations (INGOs), local social movements, foundations, media, and government organizations. However, not all actors have a vital role.

One of Keck and Sikkink's techniques or strategies in the Transnational Advocacy Network is the boomerang technique, a technique that describes how NGOs and INGO cope with human rights abuses in the country concerned. This occurs when the State ignores or refuses to accept the interests of people and communities who can not express themselves in the political sphere. They are also finding foreign ties to share their interests and gain shelter.

Keck & Sikkink uses its own approach to apply this concept by splitting it into four, namely:

(1) *Information politics*, or the capacity to rapidly and credibly produce strategically useful information and shift it where it has the greatest impact.

(2) *Symbolic politics*, or the opportunity to obtain on symbols, actions, or stories that can be preceded as an attempt to combat, by using objects, actions, and situation stories that

can gain interest and provide justification to persuade individuals to continue to support and to pay attention to the issues.

(3) *Leverage Politics*, a tactic of cooperating with stronger powers and applying different pressures by altering a number of parties perceived to be prominent in resolving humanitarian problems.

(4) *Accountability Politics*, Established networks have a role to play in making attempts to persuade governments and other parties to change their views on one issue. If the target is committed to modifying its actions on a problem, the network must execute this type of strategy so that there is no divergence from the targeted actor's commitment.

#### **D. Hypothesis**

Based on the theoretical framework above, the Advocacy Strategies used by FIDH in advocating are;

- FIDH carries out *information Politics* strategy by providing information in the form of reports and disseminating the reports' results through the media.
- FIDH carries out *leverage Politics* strategy by collaborating with international organizations, i.e., the United Nations, European Union, and other Human Rights Organization that have a strong influence in resolving cases of human rights violations in Laos.
- *The Accountability Politics* strategy carried out by FIDH is utilizing how FIDH reminds the Lao government of the events that occurred by conducting advocacy to the Lao

government about the policy which Lao has despite article 44 of the amended Constitution of 2003, stated "*Lao citizens have the rights and freedom of speech and assembly; and have the rights to set up associations and to stage demonstration*" and also trying to pressure other international governments of the human rights issues that occurred in Lao.

## **E. Research Methodology**

The authors' research method in this research uses the study data collection techniques. This thesis data was compiled through a qualitative method by gathering various sources of literature. The data obtained came from library sources such as related books and scientific journals as well as mass media reports and news such as newspapers, magazines, online media, and articles. Due to the case that has not been finalized, the author limits the time-line between 2012-2020.

## **F. Outline**

The researcher divided this thesis into five chapters. It is intended that issues can be more systematic and coherent. Thus, the outlines are as follows:

The first chapter is an introductory chapter aimed to provide the background of the case, the research question, and the theoretical framework used to analyze the case and the research argument.

The second chapter explains the actor which advocates the issue, notably, International Federation for Human Rights (FIDH), work mechanism, and strategy.

The third chapter discusses Human Rights Violations, the urgency of why this issue matters, and the policy response.

The fourth chapter analyzes the issue using the Transnational Advocacy Network concept as a strategy used by NGOs, namely FIDH, to advocate for the Lao government in human rights policies for the Sombath Somphone case and its outcome advocacy.

The fifth chapter discusses about the conclusion, criticism, or recommendations derived from this research.