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The human rights protection system in Southeast Asia and ASEAN

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DOI:
[10.33612/diss.126344358](https://doi.org/10.33612/diss.126344358)

IMPORTANT NOTE: You are advised to consult the publisher's version (publisher's PDF) if you wish to cite from it. Please check the document version below.

Document Version
Publisher's PDF, also known as Version of record

Publication date:
2020

[Link to publication in University of Groningen/UMCG research database](#)

Citation for published version (APA):
Netipatalachoochote, S. (2020). *The human rights protection system in Southeast Asia and ASEAN: towards a regional human rights court*. University of Groningen. <https://doi.org/10.33612/diss.126344358>

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THE HUMAN RIGHTS PROTECTION SYSTEM IN SOUTHEAST ASIA AND ASEAN:

Towards a Regional Human Rights Court

Stanati Netipatalachoochote

**The Human Rights Protection System
in Southeast Asia and ASEAN:
Towards a Regional Human Rights Court**

Stanati Netipatalachoochote

*“Patience, persistence and perspiration
make an unbeatable combination for success.”*
-Napoleon Hill-



**The Human Rights Protection System
in Southeast Asia and ASEAN:
Towards a Regional Human Rights Court**

PhD thesis

to obtain the degree of PhD at the University of Groningen
on the authority of the Rector Magnificus Professor Cisca Wijmenga
and in accordance with the decision by the College of Deans.

This thesis will be defended in public on

8 June 2020 at 11.00 am

by

Stanati Netipatalachoochote

born on Tuesday 15 February 1983

in Thailand

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ISBN : 978-94-034-2721-8

ISBN : 978-94-034-2722-5

This PhD Thesis is conducted under the interdisciplinary research of the Faculty of Law and the SEA/ASEAN Research Center, the Faculty of Spatial Sciences, the University of Groningen, the Netherlands

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Cover Design : Stanati Netipatalachoochote

Acknowledgments

Supervisors

Prof. Dr. Aurelia Colombi Ciacchi

Prof. Dr. Ronald Holz hacker

Assessment Committee

Prof. Dr. Caroline Fournet

Prof. Dr. Prasit Piwa Watthanaphanit

Prof. Dr. Tjalling Halbertsma

Praise and gratitude to Buddha to whom I always pray for a miracle, luck, and strength in life during my PhD journey. Also, I conducted this thesis with the help and support of several individuals and organizations. I would like to extend my gratitude to those who have helped me in completing this degree.

This achievement would not have been possible without the two people, to whom I will use this place to dedicate my gratitude. Special mention goes to both of my supervisors.

First, Professor Ronald Holz hacker. We first met through a Skype interview at the beginning of December 2015. When the interview was finished, I really felt that you are a very friendly, supportive and encouraging person. This made me feel that your supervision would be the same, and that gave me the confidence to fly to the University of Groningen to join your SEA/ASEAN Research Center as a PhD researcher. Since the first day of my PhD contract (1 April 2016), your supervision had been very valuable for me. In terms of academics, you relayed your extensive knowledge on political sciences, you shared your books, journals, theories, cases, and experiences, all of which have proven to be vital jigsaw pieces in my PhD puzzle. I learned many new lessons on how a multi-faceted academician should be from accompanying you to the conferences in Europe, Asia, and Australia. Your dedication towards bringing institutions, nations, and regions together and forward by way of academic research amazes and inspires me. Thank you for always pushing me to become better. I am very proud of myself that I can say to everyone in the world that my supervisor is “Professor Ronald Holz hacker.” Thank you very much for all your guidance, especially out of the working hours such as on the train, the boat, the car, during breakfast, lunch, and dinner—every time and everywhere that we were together. Personally, you are my dad, mentor, and friend. I can talk to you even when I have a personal problem in my life. We played sports, hung out, and traveled together. Thank you very much “Professor”.

Second, Professor Aurelia Colombi Ciacchi. I wholeheartedly thank you for the tremendous amount of guidance in the process of writing all my papers and the thesis. From the early stages until the final round of the manuscript, you have provided insightful comments, continuous encouragement and constructive criticism on my dissertation. The meetings with you were always fruitful, productive and could spark new inspiration for me. I learned a lot from you on how to develop an academic paper. I feel very fortunate every time I sit with you in your office, and the café where you help edit my work. They are meaningful moments for learning how experts work. You have always taught me by example how a perfect paper should be. Thank you very much for scrutinizing every argument, every word, every letter, even the full stops, spaces, mistakes, lines, margins, citations.

I am really proud of myself when people ask me who is your supervisor, and the answer is “Professor Aurelia”. This is a guarantee that every piece of work under your supervision will be of the highest quality, as colleagues always say. Thank you for your dedication in editing my work even out of working hours and during your holiday. Personally, you are my mom as well. You always talk to me about my daily life, health and my family. Thank you very much for my birthday party at your beautiful place with the warm welcome, and super nice food. Thank you very much “Professor”.

I extend my sincere gratitude to the members of the reading committee: Prof. Dr. Caroline Fournet, Prof. Dr. Prasit Piwa Watthanaphanit, and Prof. Dr. Tjalling Halbertsma. Thank you very much for sparing your time reading and approving my thesis. Thank you for extending your expertise and taking the time to show me ways to improve my thesis.

Thank you very much Judge Raul Pangalangan of the International Criminal Court for providing me encouragement and academic guidance. You inspire me as you are my idol. Thank you for also giving me an opportunity to work with you, and for coming to our SEA/ASEAN Research Center for many events.

My project will never be completed without the support from the Graduate School of Spatial Sciences, and the Graduate School of Law. Thank you Dr. Sanne Ponsioen, and Dr. Anita Kram who always help, and reply very quickly with answers to my questions.

I also thank Tim Zwaagstra who brought me to the University of Groningen. Thank all SEA/ASEAN colleagues, and my football teammates. We had parties, hung out, and traveled together. I really appreciate all those moments.

Thank you my Thai friends who always took me out to relax every time I come back home. Thank you so much Mc Boon for sparking the idea of studying abroad for me, and really appreciate all the ways you have supported me in Glasgow.

This PhD degree will never be achieved without the scholarship of the Royal Thai Government, and Siam University.

Special thanks also goes to my Dad, Mom, and elder sister. Dad, your bravery of character reminds me every time to fight with all obstacles. Mom, I love you so much. Without you, I could not have been successful in my life. This degree is for you. Sis, thank you for helping me every time I needed help in many situations. Also, thank my mother and father in law for all your support, especially financially, and for taking me travelling to many places around Europe every year.

Last but not least, I wholeheartedly thank my wife (Mo), and son (Aelper). Honey, I know you missed many good opportunities in your life to come to live with me during my PhD time. Thank you very much for everything you have done for me. I would love to say that if I want to write down my thanks to you,

it would probably be as tough as writing my PhD thesis. Thank you for being beside me in every heat, cold, and rain. Thank you for every meal that you cooked good food. Thank you for taking care of our son, picking him up from school, staying with him when I work in my office, and in the library even until midnight and on weekends. Also, thank you very much for giving me academic suggestions and for being a proofreader. “Without you, I could not have accomplished this degree.” Aelper, thank you for being a good boy. Your smile and laughter always give me strength and help me get through all obstacles. Thank you for the morning kisses every day before I leave home. Thank you for telling people that “my dad is clever because he is doing a PhD in Law” even though sometimes the person you were speaking to were Professors of law or judges themselves that you met on the train or plane.

I also thank all whom I have not been able to name here.

Finally, thank you Stanati for working hard during the four years. Thank you for sitting in the library until midnight almost every day. Thanks for struggling, enduring all sufferings, obstacles, heat, cold, rain, hunger, pressure. Today, you WIN man!!!

Overview of Presentations and Publications of Each Chapter

Chapter 2

- was presented at the Annual LDRN Conference, Humboldt University Law Faculty, Berlin, Germany, 25-27 September 2019.
- will be published in the European Journal of Comparative Law and Governance.

Chapter 3

- was presented at the Fall Conference: Challenges of Governance in Southeast Asia and ASEAN, the University of Groningen, the Netherlands, 12-13 September 2017.
- will be published as a chapter of the book “Challenges of Governance: Development of Regional Integration in Southeast Asia and ASEAN”, Springer (2020), New York, edited by Ronald Holzhaecker & Wendy Tan.

Chapter 4

- was presented at the 14th ASLI “Uniting Force? ‘Asian Values’ & the Laws” Conference, Quezon City, Philippines, 18-19 May 2017.
- is published in the Journal of Southeast Asian Human Rights, Vol.2, No. 1, June 2018. pp. 248-285.

Chapter 5

- was presented at the IPSA World Congress of Political Science Conference 2018, Brisbane, Australia, 21-25 July 2018.
- is accepted for publication to the Asian Journal of Political Science.

List of Abbreviations

ACC	ASEAN Coordinating Council
ACSC/APF	ASEAN Civil Society Conference/ASEAN Peoples’ Forum
ACTIP	ASEAN Convention against Trafficking in Persons, Especially Women and Children
AHRD	ASEAN Human Rights Declaration
AHRN	Asian Harm Reduction Network
AICHR	ASEAN Intergovernmental Commission on Human Rights
AIPP	Asia Indigenous Peoples Pact
ALAWMM	ASEAN Law Ministers Meeting
AMM	ASEAN Ministerial Meeting
AMS	ASEAN Member State
ANPUD	Asian Network of People Who Use Drugs
APHR	ASEAN Parliamentarians for Human Rights
ASC	ASEAN Standing Committee
ASEAN	Association of Southeast Asian Nations
ASEAN ISIS	ASEAN-Institute of Strategic and International Studies
ASLOM	ASEAN Senior Law Officials Meeting
CAT	Convention against Torture and Other Cruel, Inhumane or Degrading Treatment or Punishment
CATCee	Rules of Procedure of the Committee Against Torture
CCA	Computer-Related Crime Act
CDDH	Committee of Ministers as observers to the Steering Committee for Human Rights
CEDAWCee	Rules of Procedure of the Committee on the Elimination of Discrimination against Women
CESCR Cee	Committee on Economic, Social and Cultural Rights
CHRP	Commission on Human Rights of the Philippines
CICC	NGOs Coalition for the International Criminal Court
CMWCee	Rules of Procedure of the Committee on the Protection of the Rights of All Migrant Workers and Members of their Families

CODE-NGO	Caucus of Development NGO Networks	LGBTI	Lesbian, gay, bisexual, transgender, and intersex
CoE	Council of Europe	MCC	Millennium Challenge Corporation USA
CPIB	Corrupt Practices Investigation Bureau Vietnam	MARUAH	Working Group for ASEAN Human Rights Mechanism, Singapore
CPP	Cambodian People's Party	MNHRC	Myanmar National Human Rights Commission
CPR	Committee of Permanent Representatives	NACHR	National Assembly Commission on Human Rights Cambodia
CSO	Civil Society Organization	NCPO	National Council for Peace and Order, Thailand
DAWN	Development Action for Women Network, Global Alliance Against Traffic in Women	NHRCT	National Human Rights Commission of Thailand
ECHR	European Convention for the Protection of Human Rights and Fundamental Freedoms, also known as the European Convention on Human Rights	NHRI	National Human Rights Institution
ECtHR	European Court of Human Rights	OAS	Organization of American States
EJKs	Extrajudicial killing	OAU	Organisation of African Unity
EPG	Eminent Persons Group	OHCHR	Office of the United Nations High Commissioner for Human Rights
FIDH	International Federation of Human Rights	PAHRA	Philippine Alliance of Human Rights Advocates
FORUM-ASIA	Asian Forum for Human Rights and Development	PCHR	Presidential Committee on Human Rights Philippines
FAHRA	Filipino American Human Rights Alliance	PDEA	Philippine Drug Enforcement Agency
GANHRI	Global Alliance of National Human Rights Institutions	PMRW	Philippines Migrants Rights Watch
GSP	Generalized Scheme of Preferences plus	PNP	Philippine National Police
HLP	High Level Panel	PROHAM	Society for the Promotion of Human Rights Indonesia
HRRC	Indonesia Human Rights Resource Center	PUSAT KOMAS	Pusat Komunikasi Masyarakat Malaysia
IACHR	Inter-American Commission on Human Rights	SCHR	Senate Commission on Human Rights Cambodia
IACtHR	Inter-American Court of Human Rights	SUARAM	Suara Rakyat Malaysia
ICC	International Criminal Court	SUHAKAM	Human Rights Commission of Malaysia
ICDPR	Indonesian Coalition for Drug Policy Reform	ToR	Terms of Reference
ICERD	International Convention on the Elimination of All Forms of Racial Discrimination	UDHR	Universal Declaration of Human Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights	UNHCR	United Nations High Commissioner for Refugees
ICJ	International Commission of Jurists	UNODC	United Nations Office on Drugs and Crime
IDPC	International Drug Policy Consortium	UPR	Universal Periodic Review
INCB	International Narcotics Control Board	USAID	U.S. Agency for International Development
KOMNAS HAM	National Commission on Human Rights of Indonesia	WOLA	Washington Office on Latin America

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